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1934-35

THE
PUBLIC GENERAL ACTS

Passed in
The Twenty-fifth and Twenty-sixth Years of the
Reign of His Majesty

King George the Fifth

Being the Fourth Session of the Thirty-sixth
Parliament of the United Kingdom of
Great Britain and Northern Ireland

And the

Church Assembly Measures

Which received the Royal Assent during that Session
with

110328

Tables of the Titles
The Effect of Legislation
and an Index

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TABLE I.

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS

PASSED in the FOURTH SESSION of the THIRTY-SIXTH
PARLIAMENT of the UNITED KINGDOM of GREAT
BRITAIN AND NORTHERN IRELAND.

(NOVEMBER 20, 1934—OCTOBER 25, 1935.)

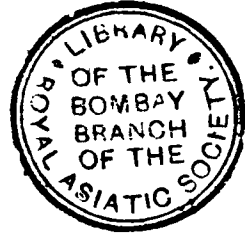
25 & 26 GEORGE 5.—A.D. 1934-35.

ROYAL ASSENT, 21ST DECEMBER, 1934.

1. An Act to provide for the initiation, organisation, prosecution and assistance of measures designed to facilitate the economic development and social improvement of certain areas which have been specially affected by industrial depression; for the appointment of Commissioners for those purposes; and for purposes connected with the matters aforesaid. (*Special Areas (Development and Improvement).*)

ROYAL ASSENT, 12TH FEBRUARY, 1935.

2. An Act to amend the Supreme Court of Judicature (Consolidation) Act, 1925, by increasing to nineteen the number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court, by making provision for the appointment and precedence of a Vice-President of the Court of Appeal, by permitting certain orders of court in matrimonial proceedings to be made before decree absolute, and by providing for the hearing in camera of certain evidence in nullity proceedings; and for purposes connected with the matters aforesaid. (*Supreme Court of Judicature (Amendment).*)



3. An Act to authorise the Central Electricity Board to make certain arrangements with authorised undertakers who are the owners of, or control, generating stations which are not selected stations; to authorise the Central Electricity Board to supply electricity directly to railway companies for certain purposes; to amend sections eleven and twelve of the Electricity (Supply) Act, 1926; and for purposes connected with the matters aforesaid. (*Electricity (Supply).*)

ROYAL ASSENT, 15TH FEBRUARY, 1935.

4. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-five. (*Consolidated Fund (No. 1).*)
5. An Act to extend by a further period of two years the period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, as amended by the Educational Endowments (Scotland) Act, 1931, may be exercised, and to empower the Scottish Education Department to disapprove schemes submitted to them under the said Acts and to frame amended schemes, and for purposes connected therewith. (*Educational Endowments (Scotland).*)
6. An Act to make temporary provision for securing as nearly as may be that the allowances payable under Part II of the Unemployment Act, 1934, to persons who but for the operation of subsection (2) of section fifty-nine of that Act would at any time since the sixth day of January nineteen hundred and thirty-five have been entitled to transitional payments, shall not be less than the transitional payments that would have been payable to them but for the operation of the said subsection; to postpone the second appointed day for the purposes of the said Act; and for purposes connected with the matters aforesaid. (*Unemployment Assistance (Temporary Provisions).*)

ROYAL ASSENT, 26TH FEBRUARY, 1935.

7. An Act to make provision for the granting of financial assistance to the owners of ships registered in the United Kingdom in respect of tramp voyages carried out during the year nineteen hundred and thirty-five, and to persons qualified to be owners of British ships in respect of proposals for the improvement of merchant shipping fleets; to provide for the repeal of section eighteen of the Economy (Miscellaneous Provisions) Act, 1926; and for purposes connected with the matters aforesaid. (*British Shipping (Assistance).*)

8. An Act to consolidate the Unemployment Insurance Acts, 1920 to 1934, and certain other enactments relating to those Acts. (*Unemployment Insurance.*)

ROYAL ASSENT, 14TH MARCH, 1935.

9. An Act to provide for the establishment of a Board with power to make, in consultation with the herring industry, a scheme with respect to the reorganisation, development and regulation of the industry, for the variation or revocation of the scheme, for authorising the giving of financial assistance to, and borrowing by, the Board, and to make other provision in connection with the matters aforesaid. (*Herring Industry.*)

ROYAL ASSENT, 28TH MARCH, 1935.

10. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six. (*Consolidated Fund (No. 2).*)
11. An Act to make provision as to the disposition of certain regimental charitable funds. (*Regimental Charitable Funds.*)
12. An Act to provide for extending by not more than six months the period during which cattle or carcasses of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund; for the making of further advances to the said fund out of the Consolidated Fund of the United Kingdom; and for purposes connected with the matters aforesaid. (*Cattle Industry (Emergency Provisions).*)
13. An Act to amend the interpretation of "tenant" in paragraph (g) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the provisions of section thirteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. (*Increase of Rent and Mortgage Interest (Restrictions).*)
14. An Act to provide for raising further money for the development of the postal, telegraphic, and telephonic systems. (*Post Office and Telegraph (Money).*)
15. An Act to amend the Post Office Act, 1908, and other enactments relating to the Post Office. (*Post Office (Amendment).*)

ROYAL ASSENT, 11TH APRIL, 1935.

16. An Act to extend the powers of the Receiver for the Metropolitan Police District with respect to the borrowing of money for the provision of better accommodation required for the purposes of the Metropolitan Police Force; and to enable the Public Works Loan Commissioners to lend money for such purposes. (*Metropolitan Police (Borrowing Powers)*.)
17. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force (Annual)*.)
18. An Act to authorise the lending overseas of pictures comprised in the collections of the National Gallery which are by British artists. (*National Gallery (Overseas Loans)*.)
19. An Act to extend by a further period of two years the period during which the powers of the Department of Agriculture for Scotland to prepare and settle schemes under the Land Drainage (Scotland) Act, 1930, may be exercised. (*Land Drainage (Scotland)*.)

ROYAL ASSENT, 6TH JUNE, 1935.

20. An Act to amend section four of the Vagrancy Act, 1824, so far as it relates to persons wandering abroad and lodging in barns or other places. (*Vagrancy*.)
21. An Act to make provision for the winding up of the system of land purchase in Northern Ireland established by the Land Purchase Acts and other enactments in that behalf, for the abolition of the Land Purchase Commission, Northern Ireland, and the transfer of functions exercisable under the said Acts and other enactments, and for purposes incidental to the purposes aforesaid and consequential thereon. (*Northern Ireland Land Purchase (Winding-Up)*.)
22. An Act to make temporary provision for the financial adjustments necessary by reason of the second appointed day for the purposes of the Unemployment Act, 1934, having been postponed from the first day of March, nineteen hundred and thirty-five; and to authorise the borrowing by public assistance authorities of sums required for the purpose of meeting expenditure incurred by them for the year ended on the thirty-first day of March, nineteen hundred and thirty-five, in excess of their estimates for that year. (*Unemployment Assistance (Temporary Provisions)* (No. 2).)

ROYAL ASSENT, 27TH JUNE, 1935.

23. An Act to amend the law with respect to the superannuation benefits of persons who have served in the permanent Civil Service of the State; to provide for the amendment of section one of the Superannuation Act, 1887, and for the modification or revocation of the rules made under section six of that Act; and for purposes connected with the matters aforesaid. (*Superannuation.*)

ROYAL ASSENT, 10TH JULY, 1935.

24. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. (*Finance.*)
25. An Act to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His Majesty at Geneva on the twentieth day of April, nineteen hundred and twenty-nine, to apply to foreign coin certain enactments relating to British coin, and to assimilate the penalties for importing and exporting counterfeit coin. (*Counterfeit Currency (Convention).*)
26. An Act to repeal the proviso to section nineteen of the Defence Act, 1842. (*Defence (Barracks).*)
27. An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the twentieth day of June, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty. (*London Passenger Transport (Agreement).*)

ROYAL ASSENT, 2ND AUGUST, 1935.

28. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)
29. An Act to make further provision with respect to the University of Durham and its constituent divisions and colleges. (*University of Durham.*)
30. An Act to amend the law relating to the capacity, property, and liabilities of married women, and the liabilities of husbands; and to amend the law relating to proceedings against, and contribution between, tort-feasors. (*Law Reform (Married Women and Tortfeasors).*)

31. An Act to make provision for the application of the enactments relating to diseases of animals as respects poultry, to amend those enactments, to provide for the regulation of the manufacture, sale and importation of certain therapeutic substances capable of being used for veterinary purposes, to extend Part I of the Ministry of Agriculture and Fisheries Act, 1919, to Scotland; and for purposes connected with the matters aforesaid. (*Diseases of Animals.*)
32. An Act to make provision for the establishment of a criminal lunatic asylum in Scotland, and for purposes connected therewith. (*Criminal Lunatics (Scotland).*)
33. An Act to provide that regulations made under section seventy-five of the Unemployment Insurance Act, 1935, shall apply to persons otherwise qualified under that section who, at any time during the period of four months ending with the third day of September nineteen hundred and thirty-five, were continuing to receive whole-time education. (*Unemployment Insurance (Crediting of Contributions).*)
34. An Act to amend the law with respect to customs in the Isle of Man. (*Isle of Man (Customs).*)
35. An Act to provide that the annual allowances which, under the enactments relating to the superannuation of teachers, accrue, after the thirtieth day of June nineteen hundred and thirty-five, to persons whose service included service during the period beginning on the first day of October nineteen hundred and thirty-one and ending with the said thirtieth day of June, shall not be less than ninety-eight per cent. of the annual allowances which would have so accrued if, during that period, no reduction had been made in their salaries on account of national economic conditions. (*Teachers (Superannuation).*)
36. An Act to make provision for the extension of the period within which money borrowed by a local authority under the Public Health (Scotland) Act, 1897, for the purpose of sewers or water supply requires to be repaid, and of the period for which the Public Works Loan Commissioners may lend money to local authorities for the said purposes. (*Public Health (Water and Sewerage) (Scotland).*)
37. An Act to extend by twelve months the period in respect of which subsidy in respect of sugar is payable under the British Sugar (Subsidy) Act, 1925, and to make further provision as to the rate of such subsidy payable under the said Act as so amended. (*British Sugar (Subsidy).*)

38. An Act to declare that there may be two Parliamentary Under Secretaries to the Secretary of State for Foreign Affairs and that in that case neither Under Secretary is disqualified for membership of the House of Commons; and to declare the effect of section two of the Re-election of Ministers Act, 1919, in relation to certain Ministers who have not the charge of any public department. (*House of Commons Disqualification (Declaration of Law).*)
39. An Act to provide for the further extension, by not more than thirteen months, of the period during which cattle or carcasses of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund; and for purposes connected with the matter aforesaid. (*Cattle Industry (Emergency Provisions) (No. 2).*)
40. An Act to make further and better provision for the abatement and prevention of overcrowding, the re-development of urban areas in connection with the provision of housing accommodation therein, and the reconditioning of buildings, to make provision for the establishment of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts, to amend the enactments relating to housing; and for purposes connected with the matters aforesaid. (*Housing.*)
41. An Act to make further and better provision for the prevention of overcrowding in Scotland, the re-development of areas in connection with the provision of housing accommodation, and the re-conditioning of buildings, to make provision for the establishment in Scotland of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts and subsidies, and to amend the enactments relating to housing in Scotland; and for purposes connected with the matters aforesaid. (*Housing (Scotland).*)
42. An Act to make further provision for the government of India. (*Government of India.*)
43. An Act to amend sections thirty-seven and thirty-eight of the Salmon and Freshwater Fisheries Act, 1923, and for purposes incidental thereto. (*Salmon and Freshwater Fisheries.*)

44. An Act to amend the enactments relating to National Health Insurance; to amend the enactments relating to Widows', Orphans' and Old Age Contributory Pensions, with respect to the allowances or pensions payable in respect of children under full-time instruction, to the date on which pensions cease to be payable, to reciprocal arrangements with other parts of His Majesty's dominions, to the incidence of the increase of contributions during the decennial period commencing the first day of January, nineteen hundred and thirty-six, and subsequent decennial periods, and to the payment of pensions in respect of the insurance of persons ceasing to be insured within twelve months before death or before attaining the age of sixty-five; and for purposes connected therewith. (*National Health Insurance and Contributory Pensions.*)
45. An Act to amend the Assurance Companies (Winding up) Act, 1933. (*Assurance Companies (Winding up).*)
46. An Act to amend the law with respect to the enforcement by justices of the peace of the payment of money due by virtue of convictions of courts of summary jurisdiction or of orders in matters of bastardy or enforceable as affiliation orders, or due in respect of rates; and to make provision with respect to the mode of proof in certain proceedings before justices of the payment of wages. (*Money Payments (Justices Procedure).*)
47. An Act to provide for the imposition of restrictions upon development along the frontages of roads; to enable highway authorities to acquire land for the construction or improvement of roads or for preserving amenities or controlling development in the neighbourhood of roads; to extend the powers of local authorities as to the provision of accommodation for the parking of vehicles and as to the prevention of interference with traffic; and for purposes connected with the matters aforesaid. (*Restriction of Ribbon Development.*)

T H E
PUBLIC GENERAL STATUTES.

[25 GEO. 5.]

CHAPTER 1.

An Act to provide for the initiation, organisation, prosecution and assistance of measures designed to facilitate the economic development and social improvement of certain areas which have been specially affected by industrial depression; for the appointment of Commissioners for those purposes; and for purposes connected with the matters aforesaid. [21st December 1934.]

BE it enacted by the King'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 two Commissioners (hereinafter referred to as “the Commissioners”) whose functions shall be the initiation, organisation, prosecution and assistance of measures designed to facilitate the economic development and social improvement of the areas specified in the First Schedule to this Act, being areas which have been specially affected by industrial depression, and the provisions of the Second Schedule to this Act shall have effect with respect to the Commissioners and to their proceedings.

Appoint-
ment and
functions of
Commis-
sioners.

(2) The Commissioners shall be appointed with the consent of the Treasury one, the Commissioner for England and Wales, by the Minister of Labour, and the other, the Commissioner for Scotland, by the Secretary of State, and in this Act the expression “appropriate Minister” means in relation to the Commissioner appointed for England and Wales and to his functions, the Minister of Labour, and in relation to the Commissioner appointed for Scotland and to his functions, the Secretary of State.

(3) The Commissioners shall act under the general control of the appropriate Minister, and it shall be the duty of the Commissioners to make suggestions to, and co-operate with, Government Departments, local authorities, voluntary organisations and other bodies concerned with matters within the functions of the Commissioners, and in particular—

(a) to act in association with the Unemployment Assistance Board in matters relating to the promotion of the welfare of persons to whom the Unemployment Assistance Act, 1934, applies; and

(b) to make recommendations to Government Departments and local authorities as to the removal of difficulties which appear to the Commissioners to prevent or hinder measures which might be carried out under statutory powers vested in any such department or local authority and ought in the opinion of the Commissioners to be so carried out.

(4) Before doing or undertaking to do anything which any other Government Department is required or authorised by any Act to do, the Commissioners shall obtain the consent of the department.

(5) Subject to the provisions of this subsection, the functions of the Commissioners shall not include—

(a) the carrying on of any undertaking for the purpose of gain, or the provision of financial assistance to any undertaking carried on for that purpose; or

(b) the provision of financial assistance by way of grant or loan to any local authority:

Provided that the foregoing provisions of this subsection shall not prevent the provision of financial assistance—

(i) to any undertaking carried on with the primary object of providing means of livelihood for the persons engaged in the undertaking with a view to their establishment in a position of independence or partial independence of assistance under the Unemployment Assistance Act, 1934, or under the enactments relating to the relief of the poor; or

- (ii) by way of grant or loan to a local authority for the purpose of contributing towards the cost of any works for which no specific grant is payable by any Government Department, or towards the provision of small holdings or allotments, so however that no such assistance shall be provided without the consent of the appropriate Minister given after consultation with any Government Department concerned.

(6) The functions of the Commissioners shall extend to the initiation, organisation, prosecution and assistance of measures outside the areas specified in the First Schedule to this Act in so far as they are satisfied that such measures will afford employment or occupation for substantial numbers of persons from those areas.

2.—(1) If upon representations being made to him at any time by the Commissioner for the Special Areas in England and Wales the Minister of Labour is satisfied that experience has shown that any of the functions of that Commissioner could more conveniently be exercised by a Deputy Commissioner, the Minister may, with the consent of the Treasury, by order provide for the appointment of one of the officers of the Commissioner to be such a Deputy Commissioner and for the delegation to him, either generally or as respects any area or group of areas, of such of the functions of the said Commissioner, other than the powers of acquiring and holding land, as may be provided by the order.

Power to
appoint
Deputy
Com-
missioner.

(2) Any order made under this section may contain such supplementary and consequential provisions as the Minister may consider necessary for giving effect to the delegation thereby provided for, and any such order may be varied or revoked by a subsequent order made in like manner.

(3) Every order made under this section shall be laid before Parliament as soon as may be after it is made.

3.—(1) There shall, in accordance with directions given by the Treasury, be established a fund which shall be called "the Special Areas Fund," and shall be under the control and management of the Treasury.

Financial
provisions.

(2) There shall be paid out of moneys provided by Parliament into the Special Areas Fund in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, the sum of two million pounds, and thereafter such sums as Parliament may determine.

(3) All sums received by either of the Commissioners in the exercise of his functions under this Act except sums received by way of gift or bequest shall be paid by him to the appropriate Minister for payment into the Special Areas Fund.

(4) The Treasury may from time to time, on the application of the appropriate Minister, issue from the Special Areas Fund such sums as may be required in each financial year to meet the expenses of each of the Commissioners under this Act, other than expenses incurred on behalf of the Commissioners by any other Government Department, so, however, that in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, and in any subsequent financial year the sums so issued shall not exceed the amounts authorised by Parliament to be appropriated in aid of any moneys provided by Parliament to meet the expenses of the Commissioners in that year.

(5) Each of the Commissioners shall comply with such directions as may be given by the appropriate Minister, with the approval of the Treasury, with respect to the accounts which are to be kept by him, and in particular shall prepare with respect to each financial year in such form and manner, and at such time as may be so directed, an account of the moneys received and expended by him under this Act, and shall transmit the said account to the appropriate Minister.

(6) The Treasury shall prepare an account of the sums received into and paid out of the Special Areas Fund in each financial year.

(7) On or before the thirtieth day of November in each year the said accounts shall be transmitted to the Comptroller and Auditor-General who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

Powers
of Commis-
sioners as to
acquisition
of land.

4.—(1) Each of the Commissioners shall have power to acquire land for the purposes of his functions under this Act, and, with the consent of the Treasury, to dispose of any land held by him which is no longer required for

those purposes, and to transfer to any local authority or other body any land held by him for the purpose of its being utilised by that authority or body in the economic development or social improvement of the areas specified in the First Schedule to this Act.

(2) Each of the Commissioners may be authorised to purchase land compulsorily for the purposes of his functions under this Act by means of an order (in this Act referred to as a "compulsory purchase order") made by him and submitted to the appropriate Minister, in accordance with the provisions of Part I of the Third Schedule to this Act, and the provisions of Part II of that Schedule shall have effect with respect to the validity and date of operation of any such order :

Provided that sections one hundred and three to one hundred and five of the Housing Act, 1925 (which impose restrictions on the acquisition of commons, open spaces and certain other lands) shall apply with respect to any order made under this section as if those sections were herein re-enacted with the necessary adaptations and in terms made applicable thereto, but subject to the modification that references in the said sections to "the Minister" shall be construed as references to the appropriate Minister except the reference in subsection (2) of the said section one hundred and four which shall be construed as a reference to the Minister of Health.

15 & 16
Geo. 5. c. 14.

(3) Where either of the Commissioners is by any such order as aforesaid authorised to purchase land compulsorily, then, at any time after notice to treat has been served, the Commissioner may, after giving to the owner and occupier of the land not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

8 & 9 Vict.
c. 18.

(4) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired by any statutory undertakers for the purposes of their undertaking.

Supplementary provisions as to small holdings and allotments. 16 & 17 Geo. 5. c. 52.

5.—(1) A county council in determining for the purposes of sections one and two of the Small Holdings and Allotments Act, 1926, whether the provision of any small holdings would entail a loss, and the Minister of Agriculture and Fisheries, in determining the amount of any contribution out of moneys provided by Parliament towards the losses likely to be incurred in carrying out any proposals submitted to him under the said section two, may disregard the whole or any part of any contributions made or to be made under this Act towards the provision of small holdings.

(2) Every local authority having powers under the Small Holdings and Allotments Acts, 1908 to 1931, shall have power to act as agents for the Commissioner for the Special Areas in England and Wales or for any Deputy Commissioner appointed under this Act in such matters relating to small holdings and allotments as may be agreed between him and the authority.

Application to Scotland.

6. In the application of this Act to Scotland—

(a) The Department of Health for Scotland shall be substituted for the Minister of Health;

(b) Sections eighty-six, eighty-seven, eighty-eight, and ninety-six of the Housing (Scotland) Act, 1925, and references therein to “the Board” shall be respectively substituted for sections one hundred and three, one hundred and four, one hundred and five, and one hundred and sixteen of the Housing Act, 1925, and references therein to “the Minister”;

(c) Sections eighty-three to eighty-eight, section ninety, and sections one hundred and twenty to one hundred and twenty-seven of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be respectively substituted for sections eighty-four to ninety, section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845;

(d) Section seventy and sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, shall be respectively substituted for section seventy-seven and sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845;

15 & 16 Geo. 5. c. 15.

8 & 9 Vict. c. 19.

8 & 9 Vict. c. 33.

8 & 9 Vict. c. 20.

- (e) Section five shall not apply, provided that every local authority having powers under the Allotments (Scotland) Acts, 1892 to 1926, shall have power to act as agents for the Commissioner for the Special Areas in Scotland in such matters relating to allotments as may be agreed between him and the authority;
- (f) The Court of Session shall be substituted for the High Court and the Court of Appeal and reduction or interdict shall be substituted for prohibition or certiorari;
- (g) Sub-paragraph (b) of paragraph 2 of Part I and paragraph 6 of Part II of the Third Schedule shall not apply.

7.—(1) His Majesty may by Order in Council make provision for transferring to the Unemployment Assistance Board upon the expiry of this Act any of the functions of the Commissioners relating to the promotion of the welfare of persons to whom the Unemployment Assistance Act, 1934, applies, and for enabling any measures undertaken by the Commissioners in relation to other matters to be carried on after the expiry of this Act by such Government Departments as may be specified in the Order, and any such Order may incorporate with the necessary adaptations such of the provisions of this Act as are necessary for those purposes and may also contain such provisions as may be necessary or expedient for winding up the affairs of the Commissioners, and for vesting any property of the Commissioners in any Government Department, and for enabling any such property to be held and disposed of by any such department.

Power to transfer powers to Unemployment Assistance Board and other Government departments upon expiry of Act.

(2) Any Order in Council made under this section may be varied or revoked by any subsequent Order in Council so made.

8.—(1) This Act may be cited as the Special Areas (Development and Improvement) Act, 1934.

Short title, extent and duration.

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

(3) This Act shall continue in force until the thirty-first day of March, nineteen hundred and thirty-seven, and no longer, unless Parliament otherwise determines :

Provided that the expiry of this Act shall not affect—

- (a) the previous duration thereof, or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
- (c) the operation of any Order in Council made under the last foregoing section or the power to revoke or vary any such Order; or
- (d) any legal proceeding, arbitration, remedy or investigation in respect of such right, privilege, obligation or liability as aforesaid;

and any such legal proceeding, arbitration, remedy or investigation may be instituted, enforced or continued as if this Act had not expired.

Sections 1
and 44

SCHEDULES.

FIRST SCHEDULE.

PART I.

AREAS IN ENGLAND AND WALES WHICH HAVE BEEN SPECIALLY AFFECTED BY INDUSTRIAL DEPRESSION.

- The County Borough of Gateshead.
- The County Borough of Merthyr Tydfil.
- The County Borough of Newcastle-upon-Tyne.
- The County Borough of South Shields.
- The County Borough of Sunderland.
- The County Borough of Tynemouth.
- The County Borough of West Hartlepool.
- In the Administrative County of Durham—
 - The Boroughs of Durham, Hartlepool, and Jarrow.
 - The Urban Districts of Annfield Plain, Barnard Castle, Benfieldside, Bishop Auckland, Blaydon, Brandon and Byshottles, Chester le Street, Consett, Crook, Felling, Hebburn, Hetton, Houghton le Spring, Leadgate, Ryton,

Seaham Harbour, Shildon, Spennymoor, Stanhope, Stanley, Tanfield, Tow Law, Washington, Whickham, and Willington.

1st Sch.
—cont.

The Rural Districts of Auckland, Barnard Castle, Chester le Street, Durham, Easington, Hartlepool, Houghton le Spring, Lanchester, Sedgfield, South Shields, Sunderland, and Weardale.

In the Administrative County of Northumberland—

The Borough of Wallsend.

The Urban Districts of Longbenton and Newburn.

The Rural District of Haltwhistle.

In the Administrative County of Cumberland—

The Boroughs of Whitehaven and Workington.

The Urban Districts of Cockermouth and Maryport.

The Rural Districts of Alston with Garrigill, Cockermouth, Ennerdale, Miliom, and Wigton.

In the Administrative County of Monmouth—

The Urban Districts of Abercarn, Abersychan, Abertillery, Bedwas and Machen, Bedwellty, Blaenavon, Ebbw Vale, Llantarnam, Llanfrechfa Upper, Mynyddislwyn, Nantyglo and Blaina, Panteg, Pontypool, Rhymney, Risca, and Tredegar.

The Rural Districts of Pontypool and Saint Mellons.

In the Administrative County of Glamorgan—

The Borough of Port Talbot.

The Urban Districts of Aberdare, Bridgend, Caerphilly, Gelligaer, Glyncoerrwg, Maesteg, Mountain Ash, Ogmere and Garw, Pontypridd, and Rhondda.

The Rural Districts of Cardiff, Cowbridge, Llantrisant and Llantwit Fardre, Neath and Penybont.

In the Administrative County of Brecknock—

The Urban District of Brynmawr.

The Rural Districts of Crickhowell and Vaynor and Penderyn.

In the Administrative County of Pembroke—

The Borough of Pembroke.

PART II.

AREAS IN SCOTLAND WHICH HAVE BEEN SPECIALLY AFFECTED BY INDUSTRIAL DEPRESSION.

The counties of Dumbarton, Lanark (excluding the City of Glasgow) and Renfrew.

1ST SCH.
—cont.

The parishes of Ardrossan, Beith, Dalry, Dreghorn, Dunlop, Fenwick, Galston, Irvine, Kilbirnie, Kilmarnock, Kilmaurs, Kilwinning, Loudoun, Riccarton, Stevenston and Stewarton within the county of Ayr.

The parishes of Falkirk, Grangemouth, Muiravonside, and Slamannan within the county of Stirling so far as situated south of the London and North Eastern Railway line from Castlecary to Linlithgow.

The parishes of Bathgate, Ecclesmachan, Kirkliston, Livingston, Linlithgow, Torphichen, Uphall and Whitburn within the county of West Lothian so far as situated south of the London and North Eastern Railway line from Linlithgow to Ratho.

The parishes of Kirknewton, Mid Calder and West Calder within the county of Midlothian.

Section 1.

SECOND SCHEDULE.

PROVISIONS AS TO COMMISSIONERS AND THEIR PROCEEDINGS.

1. Each of the persons for the time being holding the office of Commissioner under this Act shall be a corporation sole by the name of "the Commissioner for the Special Areas in England and Wales" and "the Commissioner for the Special Areas in Scotland," as the case may be, and may in that name hold any real or personal property acquired by him for the purposes of his functions under this Act.

2. A person shall be disqualified for being appointed or being a Commissioner so long as he is a member of the Commons House of Parliament.

3. Each of the Commissioners may appoint such officers and servants as he may, with the consent of the appropriate Minister and of the Treasury, determine.

4. There may be paid as part of the expenses of the Commissioners such salaries and allowances to the Commissioners and to any officers or servants appointed by them as may be determined, with the consent of the Treasury, by the appropriate Minister.

5. The functions of each of the Commissioners and of any officers and servants appointed by the Commissioners shall be exercised on behalf of the Crown.

6. The Commissioners may, with the consent of the Treasury, accept any gift or bequest, and may apply any such gift or bequest, or the proceeds thereof, for the purposes for which it was given or bequeathed, being purposes within the functions of the Commissioners.

2ND SCH.
—cont.

7. Every document purporting to be an instrument issued by either of the Commissioners and to be sealed with his official seal or to be signed by any officer or other person authorised by him to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

THIRD SCHEDULE.

Sections 4
and 6.

COMPULSORY PURCHASE ORDERS.

PART I.

PROCEDURE WITH RESPECT TO THE MAKING, SUBMISSION AND CONFIRMATION OF COMPULSORY PURCHASE ORDERS.

1. A compulsory purchase order shall be in such form as may be directed by the appropriate Minister and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

- (a) the Lands Clauses Acts (except section ninety-two of the Lands Clauses Consolidation Act, 1845);
- (b) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act:

Provided that the appropriate Minister may direct with respect to any such order that the order shall not incorporate sections one hundred and twenty-seven to one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845, or any of those sections.

2. The modifications subject to which the Lands Clauses Acts shall be incorporated in the order are as follows:—

- (a) In lieu of section ninety-two of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:

No person shall be required to sell a part only of any house, building, or manufactory or of any land

3RD SCH.
—cont.

- which forms part 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 arbitrator determines that in the case of a house, building, or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Commissioners that part of the house, building, manufactory, park or garden; and
- (b) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon 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 the Lands Clauses Acts, but shall be paid to the Ecclesiastical 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.
3. Before submitting the order to the appropriate Minister the Commissioners shall—
- (a) publish in one or more newspapers circulating within the district in which the land to which the order relates is situated a notice in such form as may be directed by the appropriate Minister stating the fact of such an order having been made and describing the area comprised therein, and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and
- (b) serve in such manner as may be directed by the appropriate Minister on every owner, lessee and occupier (except tenants for a month or less period than a month) of any land included in the area to which the order relates a notice in such form as may be so directed as aforesaid stating the effect of the order and that it is about to be submitted to the appropriate Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the appropriate Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification :

3RD SCH.
—cont.

Provided that—

- (a) the appropriate Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed ;
- (b) the order as confirmed by the appropriate Minister shall not authorise the Commissioner to purchase compulsorily any land which the order would not have authorised him so to purchase if it had been confirmed without modification.

Section one hundred and sixteen of the Housing Act, 1925, shall apply with respect to any public local inquiry held under this Part of this Schedule as if for references therein to the "Minister" and to that Act there were therein substituted respectively references to the appropriate Minister and to this Part of this Schedule.

5. In construing for the purpose of this Part of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the Commissioner shall be deemed to be the promoters of the undertaking.

PART II.

PROVISIONS WITH RESPECT TO THE VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

1. As soon as may be after the compulsory purchase order has been confirmed by the appropriate Minister, the Commissioner shall publish in a newspaper circulating in the district to which the order relates a notice in such form as may be directed by the appropriate Minister stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the

3RD SCHEDULE
--cont.

map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the appropriate Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

2. If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within twenty-one days after the publication of the notice of confirmation, make an application for the purpose to the High Court, and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, an order shall not, either before or after its confirmation, be questioned, by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the date on which notice of its confirmation is published in accordance with the provisions of paragraph 1 of this Part of this Schedule.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Part of this Schedule.

5. As soon as may be after an order has become operative, the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the appropriate Minister for confirmation.

6. Until rules of court are made regulating the procedure on applications to the High Court under this Part of this Schedule, the following temporary rules shall have effect with respect thereto—

- (i) The application shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor :
- (ii) The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than eight days after the service of the notice :
- (iii) The notice of motion shall be served before the expiration of twenty-one days after the publication of the notice of confirmation of the order to which the application relates on the Commissioner by whom the order

was made and on the Minister or Secretary of State by whom it was confirmed and shall be entered at the Crown Office within the same period :

3RD SCH.
—*cont.*

- (iv) The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given :
- (v) The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

CHAPTER 2.

An Act to amend the Supreme Court of Judicature (Consolidation) Act, 1925, by increasing to nineteen the number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court, by making provision for the appointment and precedence of a Vice-President of the Court of Appeal, by permitting certain orders of court in matrimonial proceedings to be made before decree absolute, and by providing for the hearing in camera of certain evidence in nullity proceedings; and for purposes connected with the matters aforesaid.

[12th February 1935.]

BE it enacted by the King'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 number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court shall be increased to nineteen; and accordingly paragraph (ii) of subsection (1) of section four of the Supreme Court of Judicature (Consolidation) Act, 1925, (hereinafter referred to as "the principal Act") (which determines the constitution of that Division)

Amend-
ment of
15 & 16
Geo. 5. c. 49
ss. 4 and 11.

shall have effect as if for the word "seventeen" there were therein substituted the word "nineteen."

(2) Proviso (a) to subsection (1) of section eleven of the principal Act (which provides that, whenever the whole number of puisne judges attached to the King's Bench Division amounts to fifteen or upwards, a vacancy occurring among them shall not be filled except after presentation to His Majesty of an address from both Houses of Parliament) shall have effect as if for the words "Whenever the whole number of the puisne judges attached to the King's Bench Division amounts to fifteen or upwards, a vacancy occurring among those judges" there were therein substituted the words "If after the occurrence at any time of a vacancy among the puisne judges attached to the King's Bench Division, the number of those judges amounts to seventeen or more, the vacancy".

(3) The said proviso (a) shall not apply to any appointment made by virtue of the provisions of subsection (1) of this section within a period of one year from the passing of this Act, but for the purposes of the application of the said proviso to any such appointment made after the expiration of that period, the appointment shall be deemed to be the filling of a vacancy which has occurred among the puisne judges attached to the King's Bench Division, notwithstanding that the office to which a judge is thereby appointed may not have been vacated by any other judge.

Vice-Presi-
dent of
Court of
Appeal.

2.—(1) Subsection (4) of section six of the principal Act shall have effect as if at the end thereof there were inserted the words following, that is to say—

"and may appoint to be Vice-President of that court one of the Lords Justices of Appeal, who shall preside when sitting and acting in any division of the Court of Appeal if no ex officio judge of that court is sitting in that division."

(2) For the purposes of giving effect to the provisions of the last foregoing subsection, the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the principal Act specified in the first column of that Schedule.

(3) The provisions of this section shall not affect the persons holding office as Lords Justices of Appeal at the date of the passing of this Act and accordingly those persons shall have rank and precedence in all respects as if this Act had not been passed.

3.—(1) Section one hundred and ninety-two of the principal Act shall have effect as if at the end thereof there were inserted the following subsection:—

Amend-
ment of
15 & 16
Geo. 5. c. 49,
ss. 191 and
192.

“(2) The powers of the court under this section may be exercised at any time after a decree nisi has been pronounced, but no order made under this section shall take effect unless and until the decree is made absolute.”

(2) For the avoidance of doubts it is hereby declared that the powers of the court to make orders under subsection (1) or subsection (2) of section one hundred and ninety of the principal Act or under subsection (1) of section one hundred and ninety-one of that Act may, in any case in which the court pronounces a decree for divorce or, as respects the said section one hundred and ninety for nullity of marriage, be exercised at any time after the decree nisi has been pronounced so, however, that no such order, save in so far as it relates to the preparation, execution or approval of a deed or instrument, and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

4. The principal Act shall have effect as if the following section were inserted after section one hundred and ninety-eight thereof:—

Certain
evidence in
nullity pro-
ceedings
to be in
camera.

“198A. 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.”

5. This Act may be cited as the Supreme Court of Short title.
Judicature (Amendment) Act, 1935.

Section 2.

SCHEDULE.

CONSEQUENTIAL AMENDMENTS TO 15 & 16 GEO. V. c. 49.

Section to be amended.	Amendment.
Section six - - -	In subsection (3) after the words "Court of Appeal" there shall be inserted the words " (including the " judge appointed under this section " to be Vice-President of that " court)."
Section sixteen - - -	After subsection (2) there shall be inserted the following subsection :— <div style="margin-left: 40px;">“(2a) The Vice-President of the Court of Appeal shall have rank and precedence next after the President of the Probate Division ”</div> and in subsection (3) after the word “and ” there shall be inserted the words “ except the Vice-President of the Court of Appeal shall rank.”

CHAPTER 3.

An Act to authorise the Central Electricity Board to make certain arrangements with authorised undertakers who are the owners of, or control, generating stations which are not selected stations; to authorise the Central Electricity Board to supply electricity directly to railway companies for certain purposes; to amend sections eleven and twelve of the Electricity (Supply) Act, 1926; and for purposes connected with the matters aforesaid.

[12th February 1935.]

BE it enacted by the King'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) Notwithstanding anything in the Electricity (Supply) Act, 1926, the Central Electricity Board shall have power and shall be deemed always to have had power under that Act by agreement with any authorised undertakers who are the owners of or control a generating station which is not a selected station to enter into arrangements with them for regulating the manner in which and the purposes for which the station is to be operated and maintained or for securing that the station shall cease to be used as a generating station, and where arrangements are so entered into as aforesaid, the arrangements may provide—

Arrange-
ments
between
Central
Electricity
Board and
authorised
undertakers.
16 & 17
Geo. 5. c. 51.

- (a) for the supply of electricity—
 - (i) to the Board by the undertakers;
 - (ii) to the undertakers by the Board;
- (b) for the making of payments, of such amounts as may be agreed, to the Board by the undertakers, and to the undertakers by the Board, in respect of the matters provided for by the arrangements;
- (c) for any purposes incidental to the purposes aforesaid:

Provided that after the passing of this Act the Board shall not enter into any such arrangements except with the consent of the Electricity Commissioners, and the Commissioners shall not give their consent unless—

- (a) they are satisfied that the arrangements will not result in a financial loss to the Board; and
- (b) after giving to any authorised undertakers who are under contract to supply electricity to, or to take a supply of electricity from, the owners of the generating station in question, an opportunity of making representations with respect to the matter, they are satisfied that the arrangements will not result in any substantial prejudice to any such authorised undertakers.

(2) So soon as may be after the passing of this Act the Electricity Commissioners shall inquire into the

working of any arrangements made before the passing of this Act to which subsection (1) of this section applies, and unless—

- (a) they are satisfied that the continuance of the arrangements will not result in a financial loss to the Board; and
- (b) after giving to any authorised undertakers who are or were when the arrangements were made under contract to supply electricity to or to take a supply of electricity from the owners of the generating station in question an opportunity of making representations with respect to the matter, they are satisfied that the continuance of the arrangements will not result in any substantial prejudice to any such authorised undertakers;

they shall direct that as from such date as may be specified in the direction the arrangements shall cease to operate and the said arrangements shall cease to operate accordingly, except as respects things done or omitted to be done before the said date.

(3) For the purposes of this section authorised undertakers shall be deemed to control a generating station if, and only if, they have, by agreement with the owners of that station or otherwise, power to regulate the manner in which and the purposes for which the station is to be operated and maintained, or, as the case may be, power to secure that the station shall cease to be used as a generating station.

(4) The provisions set out in the Fourth Schedule to the Electricity (Supply) Act, 1926 (which relates to compensation for deprivation of employment), shall apply and shall be deemed always to have applied in relation to every officer or servant of any authorised undertakers affected by the closing (permanent or temporary), or the imposition of restrictions on the working or use, of a generating station by or under any arrangements to which subsection (1) of this section applies.

(5) A generating station shall not be deemed to be a selected station by reason only that, by virtue of any arrangements to which subsection (1) of this section applies, electricity is generated thereat for the purposes of the Board.

(6) Nothing in this section shall empower the Board to supply electricity directly to any undertakers to whom they would not otherwise be entitled to supply electricity directly.

2.—(1) Notwithstanding anything in section eleven of the Electricity (Supply) Act, 1926, the Central Electricity Board shall have power and shall be deemed always to have had power to supply electricity to authorised undertakers at prices and on conditions other than those specified in the appropriate tariff fixed under that section, in cases where they are satisfied that special circumstances exist and that those undertakers, or other authorised undertakers who are supplied with electricity by those undertakers, will thereby be enabled to supply, to persons whose needs for electricity are of an exceptional nature (not being authorised undertakers), an amount of electricity corresponding to the amount of the electricity so supplied by the Board :

Amendment
of s. 11 of
Electricity
(Supply)
Act, 1926.

Provided that after the passing of this Act the Board shall not enter into any agreement for the supply as aforesaid of electricity to authorised undertakers at prices or on conditions other than those specified in the appropriate tariff, unless and until the Board have satisfied the Electricity Commissioners that the agreement will not result in a financial loss to the Board :

Provided also that any such agreements which have already been entered into by the Board shall not be extended beyond the original period for which these were made, unless the Electricity Commissioners are satisfied by the Board in accordance with the provisions of this subsection.

(2) So much of any tariff fixed under the said section eleven before the commencement of this Act as purports to reserve to the Board power in special circumstances to supply electricity at prices other than those specified in the tariff shall cease to have effect, but no such tariff shall be deemed to be invalid by reason only that it purported to reserve such a power.

(3) Nothing in this section shall empower the Board to supply electricity directly to any undertakers to whom they would not otherwise be entitled to supply electricity directly.

Amendment
of s. 12 of
Electricity
(Supply)
Act, 1926.

3.—(1) The price to be charged under section twelve of the Electricity (Supply) Act, 1926, by authorised undertakers for electricity supplied to a railway company for haulage or traction purposes shall include—

- (a) an amount equal to such proportion of the contributions payable by the undertakers in respect of the expenses of the Electricity Commissioners as is properly attributable to the supply of that electricity to the railway company ; and
- (b) such charges and allowances in respect of any transmission line or part thereof used by the undertakers for the purpose of that supply as would be included if the supply were a supply in bulk to authorised undertakers.

(2) If it is made to appear to the Electricity Commissioners by any authorised undertakers or railway company that it is in the general interest so to do, the Commissioners may direct that the charges and allowances to be included in the price to be charged for electricity under the said section twelve by the undertakers to whom the direction relates shall be computed—

- (a) as if all such electric lines used by the undertakers (for whatever purpose) as are specified in that behalf in the direction were transmission lines ; and
- (b) except in so far as may be otherwise provided by the direction, as if all those lines were used for all the purposes for which any of them were used ;

and, unless and until the direction is revoked by the Commissioners, the said charges and allowances shall be computed accordingly :

Provided that the Commissioners shall not give any such direction as aforesaid without giving to all authorised undertakers and railway companies affected by the direction an opportunity of making representations with respect to the matter.

Supply of
electricity
by Central
Electricity
Board to
railway
companies.

4.—(1) Subject to the provisions of this section, the Central Electricity Board may supply electricity directly to any railway company upon such terms and at such prices as may be agreed :

Provided that the Central Electricity Board shall not enter into any agreement with a railway company

for a supply of electricity to that company under this section, unless and until the Board have satisfied the Electricity Commissioners that the supply of electricity to the company upon the terms and at the prices proposed to be provided for by the agreement will not result in a financial loss to the Board.

(2) Electricity supplied to a railway company under this section may be used for the haulage or traction of vehicles used on the railway on any part of the system of the company and for the lighting of the vehicles for the haulage or traction of which electricity so supplied is used, and, subject to the provisions of this section, shall not be used for any other purpose :

Provided that, with the consent of the Minister of Transport and subject to such limitations and conditions, if any, as he may prescribe either generally or in any particular case, the electricity supplied under this section to a railway company at any point may be used partly for such purposes as aforesaid and partly for other purposes of the company's undertaking, being purposes for which the company are entitled to use electricity, but the Minister shall not in any case give any such consent until notice of the application for the consent has been given by advertisement or otherwise in such manner as the Minister may direct, and an opportunity has been given to any person who appears to the Minister to be affected of making representations thereon.

(3) Notwithstanding anything in this section, no electricity supplied thereunder to a railway company by the Central Electricity Board shall, within the area of supply of any authorised undertakers who own a selected station, be used without the consent of those undertakers for the haulage or traction of vehicles used on the railway or the lighting of the vehicles for the haulage or traction of which electricity so supplied is used, so, however, that such consent shall be deemed to have been given if, on the application of the Board, the Electricity Commissioners determine that the withholding thereof is unreasonable.

(4) Notwithstanding anything in this section, no electricity supplied thereunder to a railway company by the Central Electricity Board shall, within the area of supply of any authorised undertakers, be used without

the consent of those undertakers otherwise than for purposes of the company's railway undertaking.

(5) Any electricity supplied under this section by the Central Electricity Board to any railway company shall be used in such manner as not to cause, or be likely to cause, any interference (whether by induction or otherwise) with any telegraphic line belonging to or used by the Postmaster-General, or with telegraphic communication by means of any such line:

Provided that this subsection shall not apply in relation to any undertaking or part of an undertaking in respect of which the railway company is authorised to use electricity by Act of Parliament, or by an order confirmed by, or having the effect of, an Act of Parliament, containing provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity.

In this subsection the expression "telegraphic line" has the same meaning as in the Telegraph Act, 1878.

41 & 42 Vict.
c. 76.

(6) Where the Central Electricity Board give a direct supply of electricity to a railway company under this section, the provisions set out in the Fourth Schedule to the Electricity (Supply) Act, 1926 (which relates to compensation for deprivation of employment), shall, with the adaptations hereinafter mentioned, apply in relation to officers and servants of the railway company as they apply in relation to officers and servants of authorised undertakers.

The said adaptations are as follows, that is to say:—

- (a) for any reference to authorised undertakers there shall be substituted a reference to the railway company or, where the context so requires, to any railway company;
- (b) for any reference to the closing, or the imposition of restrictions on the working or use, of a generating station, there shall be substituted a reference to a generating station which belongs or belonged to the railway company ceasing to be used to generate electricity for the railway company, or to be so used to the same extent, and any references to the

acquisition of a generating station or the whole or part of a main transmission line shall be omitted;

- (c) for the words "under or in consequence of this Act," wherever they occur, there shall be substituted the words "by reason of the giving of the direct supply of electricity by the Central Electricity Board to the railway company."

5.—(1) This Act may be cited as the Electricity (Supply) Act, 1935, and shall be construed as one with the Electricity (Supply) Acts, 1882 to 1933, and those Acts and this Act may be cited together as the Electricity (Supply) Acts, 1882 to 1935.

Short title,
citation,
interpreta-
tion and
extent.

(2) Unless the context otherwise requires, expressions to which a meaning is assigned for the purposes of the Electricity (Supply) Act, 1926, have the same meaning for the purposes of this Act.

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

CHAPTER 4.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-five. [15th February 1935.]

Most Gracious Sovereign,

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

this present Parliament assembled, and by the authority of the same, as follows :—

Issue of
3,669,450*l.*
out of the
Consolidated
Fund for the
service of the
year ending
31st March,
1935.

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

Power for
the Treasury
to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole eight million, six hundred and fifty-nine thousand, four hundred and fifty pounds.

40 & 41 Vict.
c. 2.

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

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1935.



CHAPTER 5.

An Act to extend by a further period of two years the period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, as amended by the Educational Endowments (Scotland) Act, 1931, may be exercised, and to empower the Scottish Education Department to disapprove schemes submitted to them under the said Acts and to frame amended schemes, and for purposes connected therewith.

[15th February 1935.]

BE it enacted by the King'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 period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928 (hereinafter referred to as the Act of 1928), may be exercised by them shall be extended by two years and accordingly in section forty of the Act of 1928, as amended by the Educational Endowments (Scotland) Act, 1931, for the words “nineteen hundred and thirty-four” there shall be substituted the words “nineteen hundred and thirty-six.”

Extension
of duration
of powers of
Commis-
sioners
under 18 &
19 Geo. 5.
c. 30.
22 & 23
Geo. 5. c. 5.

(2) The provisions of subsection (2) of section one of the Act of 1928 with respect to the remuneration of the assistant commissioners and the secretary and other officers of the Commissioners, and with respect to expenses incurred by the Commissioners, shall apply in relation to such extended period as aforesaid as they apply in relation to the period originally limited by the said section forty.

2. Section three of the Act of 1928 (which relates to directions as to schemes for reorganisation) shall be

Amendment
of s. 3 of 18
& 19 Geo. 5.
c. 30.

amended by the addition at the end of subsection (1) thereof of the following paragraph:—

“(d) to the need for continuing the provision from endowments of competitive bursaries at universities, central institutions, training colleges or other educational institutions of a similar character.”

Amendment
of s. 4 of
18 & 19
Geo. 5. c. 30.

3.—(1) Section four of the Act of 1928 shall be amended by the substitution for paragraph (a) of subsection (1) of the said section of the following paragraph:—

“(a) to any educational endowment until the expiry of twenty years from the date when the deed creating the endowment comes into operation.”

(2) The provisions of the foregoing subsection shall not apply as regards any endowment for which a draft scheme has, prior to the passing of this Act, been published in accordance with section eighteen of the Act of 1928.

Memoran-
dum to be
prefixed to
scheme.

4.—(1) Where, with a view to the re-organisation of any endowment, the Commissioners, in pursuance of section eighteen of the Act of 1928, cause to be printed the draft of a scheme, or, in pursuance of section twenty or section twenty-two of the said Act, submit for the approval of the Department a scheme, or amended scheme, they shall prefix to such draft or scheme or amended scheme a memorandum setting forth—

- (i) the reasons for which, in the view of the Commissioners, reorganisation of the endowment is necessary;
- (ii) the respects in which the draft or scheme or amended scheme involves any substantial alteration of the purposes to which the endowment is applied or applicable (including any alteration of an existing provision for competitive bursaries); and
- (iii) the reasons for any such alteration.

(2) For the purposes of the provisions of sections eighteen and twenty-one of the Act of 1928 relating to publication, a memorandum prefixed to the draft of a scheme or to a scheme or to an amended scheme in pursuance of the foregoing subsection shall be deemed to be part thereof.

5.—(1) Section twenty-one of the Act of 1928 (which relates to consideration of schemes by the Department) shall be amended by the insertion after the words “if they think fit, approve” of the words “or, after consultation with the Commissioners, disapprove”.

Power of
Department
to dis-
approve
schemes.

(2) Where the Department, in pursuance of section twenty-one of the Act of 1928 as amended by the foregoing subsection, disapprove a scheme they shall send intimation of such disapproval to the Commissioners, and thereupon the powers of the Commissioners shall cease to extend to the endowment or endowments dealt with in the scheme.

(3) Nothing in this section shall affect the powers exercisable by the Department under section forty-one of the Act of 1928, after the expiry of the powers of the Commissioners.

6. Where a scheme has after the passing of this Act been remitted with a declaration to the Commissioners and they do not within six months after the date of such remit submit an amended scheme giving effect to the declaration, the Department may themselves prepare an amended scheme to which the provisions of the Act of 1928 shall apply in like manner as if it had been submitted to the Department by the Commissioners in pursuance of section twenty of the said Act: Provided that—

Power of
Department
to amend
schemes.

- (i) where the amended scheme prepared by the Department either does not give effect to the declaration with which the original scheme was remitted or contains any material alteration of the provisions of the original scheme not required to give effect to the declaration, the Department shall not approve the amended scheme so prepared by them but shall remit it to the Commissioners with such declaration as the nature of the case seems to the Department to require; and
- (ii) where a case is submitted to the Court of Session in pursuance of section twenty-five of the said Act with regard to the amended scheme prepared by the Department, the Department shall, and the Commissioners and any others directly interested may, be parties to such case.

Citation,
construction
and com-
mencement.

7.—(1) This Act may be cited as the Educational Endowments (Scotland) Act, 1935, and the Educational Endowments (Scotland) Acts, 1928 and 1931, and this Act shall be construed as one, and may be cited together as the Educational Endowments (Scotland) Acts, 1928 to 1935.

(2) This Act shall be deemed to have had effect as from the first day of January, nineteen hundred and thirty-five.

CHAPTER 6.

An Act to make temporary provision for securing as nearly as may be that the allowances payable under Part II of the Unemployment Act, 1934, to persons who but for the operation of subsection (2) of section fifty-nine of that Act would at any time since the sixth day of January nineteen hundred and thirty-five have been entitled to transitional payments, shall not be less than the transitional payments that would have been payable to them but for the operation of the said subsection; to postpone the second appointed day for the purposes of the said Act; and for purposes connected with the matters aforesaid. [15th February 1935.]

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

Provision of
supple-
mentary
allowances.
24 & 25
Geo. 5. c. 29.

1.—(1) Upon any application for an allowance under Part II of the Unemployment Act, 1934 (hereinafter referred to as "the principal Act"), made in respect of the period for which this section is or is deemed to have been in operation by an applicant to whom this section applies, there shall be ascertained the amount which

would, in the opinion of the officer, or on an appeal the appeal tribunal, by whom the application is determined, have been payable to him by way of transitional payments under subsection (1) of section fifty-nine of the principal Act but for the operation of subsection (2) of that section, and there shall be paid to him a sum (in this Act referred to as "a supplementary allowance") equal to the amount, if any, by which the amount so ascertained exceeds the allowance payable to him under the said Part II, or if by reason only of his inability to prove that he is in need of such an allowance no such allowance is payable in his case, equal to the amount so ascertained; and any such supplementary allowance shall be in addition to any other sum payable to him by way of allowance under the said Part II :

Provided that, where a determination made under paragraph (3) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, in the case of any such applicant was in force immediately before the first appointed day, the amount to be ascertained for the purposes of this section shall be taken to be the amount which would have been payable under that determination, unless in the opinion of the officer, or on an appeal the appeal tribunal, by whom the application for an allowance is determined, the circumstances affecting the application known to him or them are substantially different from those which appear to him or them to have been known to the council, committee, or sub-committee by whom the determination under the said paragraph (3) was made.

(2) This section applies to any applicant who would at any time since the sixth day of January, nineteen hundred and thirty-five, be, or have been, entitled to transitional payments but for the operation of subsection (2) of section fifty-nine of the principal Act.

(3) For the purposes of all the provisions of the principal Act, except those as to the amount of allowances payable under Part II thereof, a supplementary allowance payable under this section shall be deemed to be, or to form part of, as the case may be, an allowance payable under that Part of that Act, and those provisions (including provisions as to determinations and appeals) shall have effect accordingly so, however, that in relation

to supplementary allowances leave to appeal shall not be withheld under the provisions of subsection (5) of section thirty-nine of the principal Act.

(4) Where under arrangements made by the Unemployment Assistance Board with the consent of the Minister of Labour and of the Treasury for the purpose of enabling allowances under Part II of the principal Act to be supplemented so that the sums payable shall be of amounts as nearly as may be equal to those payable by reason of the provision for supplementary allowances made by this Act, payments have been made (whether before or after the passing of this Act) in respect of the period between the sixth day of January and the twenty-eighth day of February, nineteen hundred and thirty-five, those payments shall, if made in accordance with such arrangements, be deemed to have been duly made in accordance with the provisions of the principal Act and this Act.

(5) This section shall be deemed to have been in operation since the sixth day of January, nineteen hundred and thirty-five, and any determination made under the principal Act before the passing of this Act shall be revised accordingly; and this Act shall continue in operation until such date as may be determined by an order made by the Minister of Labour:

Provided that no such order shall have effect until it has been confirmed by a resolution passed by each House of Parliament.

(6) Any sums required to defray any supplementary allowances or other payments payable under this Act shall be defrayed out of moneys provided by Parliament and any such sum payable in the first instance out of the Unemployment Fund shall be repaid to that fund out of such moneys.

Postpone-
ment of
second
appointed
day.

2. Such of the provisions of the Unemployment Act, 1934 (Appointed Days) Order, 1934, made under section sixty-three of the principal Act, as relate to the appointment of the second appointed day shall cease to have effect, and the provisions of that section empowering the Minister to appoint a day as the second appointed day shall have effect as if that order had not been made.

3. This Act may be cited as the Unemployment Assistance (Temporary Provisions) Act, 1935, and the Unemployment Assistance Act, 1934, and this Act may be cited together as the Unemployment Assistance Acts, 1934 and 1935. Short title
and con-
struction.

CHAPTER 7.

An Act to make provision for the granting of financial assistance to the owners of ships registered in the United Kingdom in respect of tramp voyages carried out during the year nineteen hundred and thirty-five, and to persons qualified to be owners of British ships in respect of proposals for the improvement of merchant shipping fleets; to provide for the repeal of section eighteen of the Economy (Miscellaneous Provisions) Act, 1926; and for purposes connected with the matters aforesaid.

[26th February 1935.]

BE it enacted by the King'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.

SUBSIDY IN RESPECT OF TRAMP VOYAGES.

1.—(1) For the purpose of helping the owners of vessels registered at ports in the United Kingdom to compete with foreign shipping in receipt of subsidies from foreign Governments, the Board of Trade may, subject to such directions as may be given by the Treasury, and upon recommendations made by an advisory committee (hereinafter referred to as the "Tramp Shipping Subsidy Committee") appointed for

Payment
of subsidy.

PART I.
—*cont.*

the purposes of this Part of this Act by the Board with the concurrence of the Treasury, pay to the owners of vessels eligible for subsidy under this Part of this Act subsidies in respect of tramp voyages or parts of tramp voyages carried out by such vessels in the year nineteen hundred and thirty-five :

Provided that no such subsidies shall be paid in respect of any voyage wholly between ports within the United Kingdom, Irish Free State, Isle of Man and Channel Islands.

(2) The vessels eligible for subsidy under this Part of this Act are vessels to which this Act applies, being vessels registered at ports in the United Kingdom, which have been British ships since the first day of January, nineteen hundred and thirty-four or, in the case of vessels completed after that date, since they were completed, so, however, that vessels completed after that date shall not be eligible for subsidy unless they were built in the United Kingdom.

(3) It shall be the duty of the Tramp Shipping Subsidy Committee to advise the Board generally as to the operation of this Part of this Act, and in particular as to the making of payments by way of subsidies under this Part of this Act and the terms and conditions upon which such payments should be made, and in considering any recommendations to be made to the Board of Trade under this Part of this Act the Committee shall have regard to the purpose for which the Board are empowered to grant subsidies under this Part of this Act and shall not recommend payment of a subsidy in respect of any tramp voyage if, in the opinion of the Committee, the voyage was undertaken without due regard to the necessity for co-operation between owners of British vessels in furthering that purpose.

(4) The Board of Trade may appoint secretaries to the Tramp Shipping Subsidy Committee, and the Committee may employ such officers and servants as the Committee may, with the consent of the Board and of the Treasury, determine ; and there shall be paid as part of the expenses incurred by or on behalf of the Board of Trade under this Part of this Act to the secretaries and

to any officers and servants so appointed such salaries and allowances as may be determined by the Board with the approval of the Treasury.

PART I.
—cont.

(5) The sums necessary for the payment of subsidies under this section and for the payment of any expenses incurred by or on behalf of the Board of Trade under this Part of this Act shall be defrayed out of moneys provided by Parliament and shall not exceed in the aggregate two million pounds.

PART II.

ASSISTANCE TO SHIPOWNERS PROPOSING TO IMPROVE MERCHANT SHIPPING FLEETS.

2. If the Board of Trade, after consultation with an advisory committee (hereinafter referred to as the "Ships Replacement Committee") appointed for the purposes of this Part of this Act by the Board with the concurrence of the Treasury, are satisfied that the carrying out of any proposals for the demolition and for the building or modernization of vessels submitted to the Board by any person qualified under the Merchant Shipping Act, 1894, to own a British ship will promote the general interests of British shipping, and that the proposals comply with the requirements of this Part of this Act, the Board may approve the proposals and upon any such proposals being so approved the Board may, with the consent of the Treasury, and upon a recommendation made by the Ships Replacement Committee, make an advance to that person for the purpose of enabling him to build or modernize the vessels provided for by the proposals.

Power to make advances in respect of approved proposals.

57 & 58 Vict.
c. 60.

3.—(1) No proposals submitted under this Part of this Act shall be approved by the Board of Trade unless the Board are satisfied, in particular, that all vessels to be demolished, built or modernized in pursuance of the proposals are vessels in respect of which assistance may be given under this Part of this Act and that the proposals contain provisions securing—

Requirements as to proposals in respect of which advances may be made.

(a) that the demolition of vessels will be in the proportions of two gross tons to be demolished for every gross ton of the vessels to be built

PART II.
—cont.

and of one gross ton to be demolished for every gross ton of the vessels to be modernized;

(b) that the vessels to be demolished in pursuance of the proposals—

(i) will be demolished within the United Kingdom, or with the consent of the Board of Trade outside the United Kingdom in accordance with such conditions as may be imposed by the Board;

(ii) will not, after the date upon which any advance is made under this Part of this Act or such later date as the Board may allow, be used for any trading voyage;

(c) that the vessels to be built or modernized in pursuance of the proposals—

(i) will be built or modernized in Great Britain and registered at a port in the United Kingdom; and

(ii) will, while any part of the principal of, or interest on, any advance made under this Part of this Act remains outstanding, neither be sold without the consent of the Board nor cease to be registered at a port within the United Kingdom.

(2) The vessels in respect of which assistance may be given under this Part of this Act are vessels to which this Act applies (not being vessels constructed or adapted for the carriage of more than twelve passengers) which are, were, or will be, as the case may be, employed in the carriage of commercial cargoes and not employed mainly in voyages between ports within the United Kingdom, Irish Free State, Isle of Man and Channel Islands, or in maintaining regular services between such ports and ports in the Continent of Europe between the River Elbe and Brest inclusive.

Provisions
as to
advances.

4.—(1) The advances made under this Part of this Act shall not exceed in the aggregate ten million pounds, and no such advance shall be made after the expiration of two years from the date of the passing of this Act.

(2) Any advance made under this Part of this Act shall be made upon such terms as may be determined

by the Treasury, and without prejudice to the generality of this provision such terms shall include the following terms, that is to say :—

PART II.
—cont.

(a) that the advance shall be secured by a first mortgage on any vessels in respect of the building or modernization of which the advance is made;

(b) that the rate of interest on any advance made shall not exceed three per cent. per annum;

(c) that any advance made shall be repayable within a period not exceeding twelve years.

(3) Such sums as may from time to time be required for the purposes of making any advances under this Part of this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(4) For the purpose of providing for the issue of such sums out of the Consolidated Fund or of any part of any such sum so issued, the Treasury may raise money in any manner in which they are authorised to raise money under and for the purpose of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

9 & 10 Geo. 5.
c. 37.

(5) All sums received by way of interest on, or in repayment of, advances made under this Part of this Act shall be applied in such manner as the Treasury may direct to the redemption of debt.

(6) The Board of Trade shall, before the first day of October in every year, prepare an account in such form and in such manner as the Treasury may direct of the advances made under this Part of this Act, and the sums received by way of interest on, or in repayment of, such advances during the last preceding financial year and the Comptroller and Auditor General shall examine and certify the account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

5. This Part of this Act shall come into operation upon such date as may be appointed by order of the Board of Trade with the consent of the Treasury.

Commence-
ment of
Part II.

PART III.

MISCELLANEOUS.

Supple-
mentary
provisions.

6.—(1) The vessels to which this Act applies are all ships which are neither fishing vessels nor constructed or adapted for the carriage of liquid cargoes in bulk, nor so constructed or adapted that the space insulated for the carriage of special cargoes is in excess either of fifty thousand cubic feet or of ten per cent. of the total space available for cargo.

(2) In this Act the expression “tramp voyage” means a voyage in the course of which all the cargo carried is carried under charter party, but does not include any voyage during any part of which more than twelve passengers are carried.

(3) If, in connection with the operation of this Act, any question arises—

- (a) whether a vessel is a vessel to which this Act applies; or
- (b) whether a vessel is eligible for subsidy under Part I of this Act; or
- (c) whether any voyage was a tramp voyage, or as to the extent of any such voyage, or whether any such voyage or part of such a voyage was carried out in the year nineteen hundred and thirty-five, or was a voyage wholly between ports within the United Kingdom, Irish Free State, Isle of Man, and Channel Islands; or
- (d) whether any vessel is a vessel in respect of which assistance may be given under Part II of this Act,

the question shall be decided by the Board of Trade after consultation with the appropriate advisory committee, and the decision of the Board shall be final.

(4) 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 or any Secretary, Under Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President of the Board.

7. Section eighteen of the Economy (Miscellaneous Provisions) Act, 1926 (which gives directions to the Board of Trade as to fixing the amount of the fees to be charged under the Merchant Shipping Acts, 1894 to 1923) is hereby repealed.

PART III.—*cont.*

Repeal of
16 & 17
Geo. 5. c. 9.
s. 18.

8. This Act may be cited as the British Shipping (Assistance) Act, 1935.

Short title.

CHAPTER 8.

An Act to consolidate the Unemployment Insurance Acts, 1920 to 1934, and certain other enactments relating to those Acts.

[26th February 1935.]

BE it enacted by the King'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.

INSURED PERSONS.

1. Subject to the provisions of this Act, all persons of either sex, whether British subjects or not, being persons who have attained the minimum age for entry into insurance under this Act and are employed in insurable employment, shall be insured against unemployment in manner provided by this Act.

Persons to
be insured
against un-
employ-
ment.

2. The minimum age for entry into insurance under this Act shall be the age (not being less than fourteen years) when a person attains the age at which, under the law for the time being in force, his parents cease to be under an obligation to cause him to attend school, or, in Scotland, to receive efficient education, unless there is some reasonable excuse.

Minimum
age for
entry into
insurance.

3.—(1) For the purposes of this Act every employment specified in Part I of the First Schedule to this Act

Insurable
employ-
ment.

PART I. is an insurable employment, unless it is an excepted employment, that is to say, either—
—cont.

- (a) an employment specified in Part II of that Schedule; or
- (b) an employment to which Part III of that Schedule applies and which is certified by the Minister under that Part of that Schedule; or
- (c) an employment included among or added to the excepted employments by regulations made under this section.

(2) Where it appears to the Minister that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Minister may, by regulations made with the consent of the Treasury, either unconditionally or subject to such conditions as may be specified in the regulations, either—

- (a) provide for including the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or
- (b) provide for including the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

(3) The Minister may by regulations provide—

- (a) for adding, subject to such exceptions and conditions as he thinks fit, any class of employment to the excepted employments only as respects persons who are in any week employed in that class of employment to such extent (being in the opinion of the Minister inconsiderable) as may be specified in the regulations; and
- (b) for permitting persons who are employed under the same employer partly in insurable employment and partly in some other employment, to be treated for the purposes of this Act with the consent of the employer as if they

were wholly employed in insurable employment; and

PART I.
—cont.

- (c) that, subject to any prescribed conditions, where persons in the employment of a person resident or having his principal place of business in Great Britain are employed outside the United Kingdom, for the purpose of the execution of some particular work, in employment which, if it were employment in Great Britain would be insurable employment, they shall, if they were immediately before leaving Great Britain insured contributors, be deemed for the purposes of this Act to be, subject to any prescribed modifications or exceptions, employed in insurable employment.

(4) Where in consequence of an arrangement made by a poor law authority a person is engaged in work provided by a local authority, he shall not, if a contribution towards his remuneration is made by the poor law authority, be deemed to be employed in insurable employment :

Provided that this subsection shall not apply in the case of any person who has previously been in receipt of benefit and is employed in full-time work provided by the local authority, but, for the purpose of this proviso, a person shall not be deemed to have been employed in full-time work unless he has worked for such number of hours in each week as would normally have been worked by him if he had been employed on the same work otherwise than under such an arrangement as aforesaid.

4.—(1) If any question arises—

- (a) as to whether any employment or any class of employment is or will be insurable employment; or
(b) as to whether a person is or was an employed person;

Determina-
tion of
questions as
to insur-
ability.

that question shall be decided by the Minister subject to the provisions of section eighty-four of this Act.

(2) In determining any question as to whether any occupation in which a person is or has been employed is or was insurable employment, regard shall be had to the

PART I. nature of the work on which he is or was employed rather
—*cont.* than to the business of the person by whom he is or was
employed.

Excluded
persons.

5.—(1) Where any employed person proves that he is either—

- (a) in receipt of any pension or income of the annual value of twenty-six pounds or upwards which does not depend on his personal exertions; or
- (b) ordinarily and mainly dependent for his livelihood upon some other person; or
- (c) ordinarily and mainly dependent for his livelihood on the earnings derived by him from an occupation which is not insurable employment; or
- (d) a person employed in an occupation which is of a seasonal nature and does not ordinarily extend over more than eighteen weeks in any year and who is not ordinarily employed in any other occupation which is insurable employment;

he shall be entitled to a certificate exempting him from liability to become or to continue to be insured under this Act and while holding such a certificate shall not be insured under this Act.

(2) All claims for certificates under this section shall be made to, and all such certificates shall be granted by, the Minister in the prescribed manner and subject to the prescribed conditions:

14 & 15
Geo. 5. c. 38.

Provided that the Minister may by regulations provide that any certificates of exemption granted under section two of the National Health Insurance Act, 1924, or any class of such certificates shall have effect as if they had been granted under this section as well as under that section.

(3) The following persons shall not be insured under this Act, that is to say,—

- (a) persons who have attained the age of sixty-five years;
- (b) persons under the age of sixty-five years to whom the Second Schedule to this Act applies;
- (c) blind persons in receipt of a pension under the Old Age Pensions Acts, 1908 to 1924, as extended by section one of the Blind Persons Act, 1920.

10 & 11
Geo. 5. c. 49.

(4) Section eighty-nine of the National Health Insurance Act, 1924 (which provides for the determination by the Minister of Health of questions relating to employment) shall apply for the purposes of this Act to any question—

- (a) whether any employment or class of employment was such an employment as is mentioned in sub-paragraph (a) of paragraph 1 or sub-paragraph (a) of paragraph 2 of the said Second Schedule or any particular class of such an employment; and
- (b) whether a person has been a person employed in such an employment; and
- (c) as to who was the employer of a person employed in such an employment,

in like manner as if the question related to an employment within the meaning of that Act.

PART II.

CONTRIBUTIONS.

Preliminary.

6. Subject to the provisions of this Act, the funds required for providing benefit, and for making any other payments which under this Act are to be made out of the Unemployment Fund established under this Act, shall be derived partly from contributions by employed persons, partly from contributions by the employers of those persons, and partly from moneys provided by Parliament.

Source of contributions.

7. The provisions of this Act relating to the payment of contributions shall, in the case of contributions payable in respect of persons who have attained the age of sixty-five years or to whom the Second Schedule to this Act applies, have effect subject to such modifications and adaptations as may be prescribed by the Minister after consultation as respects England with the Minister of Health and as respects Scotland with the Department of Health for Scotland, so however that all sums collected on account of contributions so payable shall be paid into the Unemployment Fund.

Modification of provisions as to contributions in case of certain excluded persons.

PART II.

—cont.

Liability of
employers
and em-
ployed
persons for
contribu-
tions.

Contributions of Employers and Employed Persons.

8.—(1) Subject to the provisions of this Act, every employed person (other than an excluded person) of the classes set out in the first column of the Third Schedule to this Act, and every employer of any such person, shall be liable to pay weekly contributions at the respective rates set out in the second and third columns of that Schedule.

(2) Except where regulations under this Act otherwise prescribe, the employer shall, in the first instance, be liable to pay both the contribution payable by himself and also, on behalf of and to the exclusion of the employed person, the contribution payable by that person, and for the purposes of this Act contributions paid by an employer on behalf of an employed person shall be deemed to be contributions by the employed person.

(3) The employer of an excluded person shall be liable to pay the like contributions as would have been payable by him as employer's contributions if that person had not been excluded :

Provided that no contributions shall be payable in respect of a blind person in receipt of a pension under the Old Age Pensions Acts, 1908 to 1924, as extended by section one of the Blind Persons Act, 1920.

(4) A weekly contribution shall be payable for each calendar week during the whole or any part of which an employed person has been employed :

Provided that—

- (a) where one weekly contribution has been paid in respect of an employed person for any week, no further contribution shall be payable in respect of him for the same week; and
- (b) where no services have been rendered by an employed person during any week and no remuneration is paid in respect of that week, the employer shall not be liable to pay any contribution either on his own behalf, or on behalf of the employed person in respect of that week.

(5) If any employer or employed person fails or neglects to pay any contribution which he is liable under this Act to pay, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds.

9.—(1) Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from, the employed person the employer's contribution.

(2) If an employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds.

10.—(1) Subject to the provisions of this section, and subject to any regulations made by the Minister under this Act, the employer shall be entitled to recover from the employed person in accordance with the provisions of this section the amount of any contributions paid by him on behalf of that person.

(2) Where the employed person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid by the employer on behalf of the employed person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise:

Provided that no such deduction may be made—

- (a) from any wages or remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable; or
- (b) in excess of the sum which represents the amount of the contributions for the period (if that period is longer than a week) in respect of which the wages or other remuneration are paid.

(3) Where the employed person does not receive any wages or other pecuniary remuneration from the employer, but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person shall (without prejudice to any other means of recovery) be recoverable summarily as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

(4) Where the employed person does not receive wages or other pecuniary remuneration either from his

PART II.
—cont.
Employer's contribution irrecoverable from employed person.

Recovery by employer of contributions paid on behalf of employed person.

PART II.
—cont.

employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

(5) Any sum deducted by an employer from wages or other remuneration under this section shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

Persons to
be treated
as em-
ployers in
certain
cases.

11.—(1) Where the employed person is employed by more than one person in any calendar week, the first person employing him in that week or such other employer or employers as may be prescribed shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions.

(2) The Minister may by regulations provide—

- (a) that in any cases or any classes of cases where employed persons work under the general control and management of some person other than their immediate employer, such as the owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, that other person shall, for the purposes of the provisions of this Act relating to the payment of contributions, be treated as the employer; and
- (b) for allowing that other person to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer, and for enabling the immediate employer to recover from the employed persons the like sums and in the like manner as if he were liable to pay the contributions.

Decision of
questions
as to con-
tributions.

12.—(1) If any question arises—

- (a) as to who is or was the employer of any employed person; or
- (b) as to the rate of contribution payable under or in pursuance of this Act by or in respect of any person or class of persons; or
- (c) as to the rates of contribution payable in respect of any employed person by the employer and that person respectively;

that question shall be decided by the Minister subject to the provisions of section eighty-four of this Act.

PART II.
—cont.

(2) Where it has been decided by the Minister that contributions under this Act are not payable in respect of any person or any class of persons, and that decision is subsequently revised or reversed on appeal so as to make contributions payable in respect of that person or that class of persons, contributions shall be so payable only as from the date on which the decision was so revised or reversed.

(3) Subject to the provisions of the last foregoing subsection, the Minister may make regulations with respect to the payment of contributions during any period intervening between any application for the determination of any question, and the final determination of the question.

13.—(1) The Minister may, in such cases and on such conditions as he may prescribe, make an arrangement with any employer liable to pay contributions under this Act or under the National Health and Contributory Pensions Acts, whereby, in respect of persons engaged by that employer through an employment exchange or in the employ of that employer at the date of the arrangement, the performance of all or any of the duties required under this Act or those Acts to be performed by the employer in respect of those persons, whether on his own behalf or on behalf of the employed persons, shall be undertaken on behalf of the employer by the employment exchange.

Arrange-
ments with
respect to
persons
engaged
through
employ-
ment
exchanges.

(2) In this section the expression “National Health and Contributory Pensions Acts” means the National Health Insurance Acts, 1924 to 1932, and the Widows’, Orphans’ and Old Age Contributory Pensions Acts, 1925 to 1932.

14. Regulations made by the Minister under this Act—

(a) shall provide for the return to a person and to his employer of any contributions paid by them respectively within the prescribed period under the erroneous belief that the contributions were payable in respect of that person under the general provisions of this Act, subject, in the case of that person’s

Return of
contribu-
tions paid
erroneously.

PART II.
—cont.

contributions, to the deduction of an amount not exceeding the aggregate sum received by him by way of benefit since the date on which the first contribution paid in error within the prescribed period was paid; and

- (b) may provide, in the case of contributions paid by an employer on behalf of any person employed by him and not recovered from that person, for the return under this section being made to the employer instead of to that person :

Provided that no return of contributions shall be made under this section except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid.

Unemployment Insurance Stamps, Books and Cards.

Regulations
as to pay-
ment of
contribu-
tions by
stamps, &c.

15.—(1) Subject to the provisions of this Act, the Minister may make regulations providing for any matters incidental to the payment and collection of contributions under this Act, and in particular providing—

- (a) for payment of contributions by means of adhesive or other stamps (in this Act referred to as “unemployment insurance stamps”) affixed to or impressed upon books or cards (in this Act respectively referred to as “unemployment books” and “unemployment cards”) or otherwise, and for regulating the manner, times, and conditions in, at and under which unemployment insurance stamps are to be affixed or impressed or payments are otherwise to be made;
- (b) for the entry in or upon unemployment books or cards of particulars of contributions and benefit paid in the case of the persons to whom the unemployment books or cards relate;
- (c) for the issue, sale, custody, production and delivery up of unemployment books or cards and the replacement of unemployment books or cards which have been lost, destroyed or defaced.

(2) If provision is made by the regulations aforesaid for the payment of contributions, at the option of the persons liable to pay, either—

PART II.
—cont.

(a) by means of adhesive stamps; or

(b) by some alternative method, the use of which involves greater expense in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps;

a provision may be included in the regulations for requiring any person who adopts the alternative method to pay to the Minister such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the fact that the alternative method has been adopted and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

(3) Where under regulations made by the Minister any sum has been paid out of the Unemployment Fund by way of reward for the return of an unemployment book or card which has been lost, the person responsible for the custody of the book or card at the time of its loss shall be liable to repay the sum so paid, not exceeding one shilling in respect of any one occasion.

16.—(1) Unemployment insurance stamps shall be prepared and issued in such manner as the Postmaster-General, with the consent of the Treasury, may direct.

Issue of
unemploy-
ment
insurance
stamps.

(2) The Postmaster-General may by regulations provide for applying with the necessary adaptations, as respects unemployment insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, as amended by any subsequent enactment, and section nine of the Stamp Act, 1891, as so amended, and section sixty-five of the Post Office Act, 1908.

54 & 55 Vict.
cc. 38 & 39.

8 Edw. 7.
c. 48.

(3) The Postmaster-General may provide for the sale of unemployment insurance stamps through the Post Office.

17.—(1) If any person buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any unemployment card, unemployment book, or used

Offences in
relation to
unemploy-
ment cards,

PART II.
—cont.
books and
stamps.

unemployment insurance stamp, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) In any proceedings under the last foregoing subsection with respect to used stamps, a stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatsoever, and whether it has actually been used for the purpose of payment of a contribution or not.

(3) If any person for any purpose whatsoever knowingly makes a false representation that he or any other person is the person specified in an unemployment book or card as being the person to whom the book or card was issued, he shall be liable on summary conviction to a fine not exceeding ten pounds :

Provided that nothing in this subsection shall be taken to prejudice the provisions of subsection (1) of section eighty-six of this Act.

Enforcement of Payment of Contributions.

Recovery of
contribu-
tions on
prosecutions
under Act.

7 Edw. 7.
c. 17.

18.—(1) In any case where an employer has been convicted of the offence under subsection (5) of section eight of this Act of failing or neglecting to pay a contribution, or has been charged with such an offence and an order has been made under subsection (1) of section one of the Probation of Offenders Act, 1907, he shall be liable to pay to the Unemployment Fund a sum equal to the amount which he has failed or neglected to pay.

(2) In any case where—

(a) an employer is convicted of an offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by regulations made under section sixteen of this Act, or of the offence under subsection (2) of section eighty-six of this Act of contravening or not complying with the requirements of the regulations made under this Act, or is charged with any such offence and an order is made under subsection (1) of section one of the Probation of Offenders Act, 1907; and

- (b) the evidence on which he is convicted, or on which the order is made shows that the employer, for the purpose of paying any contribution which he was liable to pay, has affixed to any unemployment book or card any stamp which had been cancelled or defaced in any way whatever, whether it had actually been used for the purpose of payment of a contribution or not;

PART II.
—cont.

the employer shall be liable to pay to the Unemployment Fund a sum equal to the amount of the contribution in respect of which the stamp was affixed.

(3) On any such conviction, or on the making of any such order, as is mentioned in either of the last two foregoing subsections, if notice of intention to do so has been served with the summons or warrant, or, in Scotland, with the complaint, evidence may be given of the failure or neglect on the part of the employer to pay other contributions in respect of the same person during the two years preceding the date of the offence, and on proof of such failure or neglect the employer shall be liable to pay to the Unemployment Fund a sum equal to the total of all the contributions which he is so proved to have failed or neglected to pay.

(4) Any sum ordered by a court in England to be paid to the Unemployment Fund under this section shall be recoverable as a penalty.

(5) Any sum paid by an employer under the foregoing provisions of this section shall be treated as a payment in satisfaction of the unpaid contributions, and the employed person's portion of those contributions shall not be recoverable by the employer from the employed person.

(6) If the employer, being a company, fails to pay to the Unemployment Fund any sum which the company has been ordered to pay under this section, that sum, or such part thereof as remains unpaid, shall be a debt due to the Unemployment Fund jointly and severally from any directors of the company who knew, or could reasonably be expected to have known, of the failure or neglect to pay the contribution or contributions in question.

PART II.
—cont.

(7) Nothing in this section shall be construed as preventing the Minister from recovering any sums due to the Unemployment Fund by means of civil proceedings.

Civil proceedings by employees against employers for neglect to comply with provisions as to contributions.

19.—(1) Where an employer has failed or neglected—

- (a) to pay any contributions which under this Act he is liable to pay in respect of any employed person in his employment; or
- (b) to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions;

and by reason thereof that person has lost, in whole or in part, the benefit to which he would have been entitled under this Act, that person shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of the benefit so lost.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.

(3) Proceedings under this section may, notwithstanding any enactment to the contrary, be brought at any time within one year after the date on which the employed person, but for the failure or neglect of the employer, would have been entitled to receive the benefit which he has lost.

Priority of contributions in cases of winding up and bankruptcy.
19 & 20
Geo. 5. c. 23.

20.—(1) Amounts due from a company in respect of contributions under this Act shall be paid, subject to and in accordance with the provisions of sections seventy-eight, two hundred and sixty-four and two hundred and ninety-eight of the Companies Act, 1929, in priority to other debts of the company.

(2) The following enactments (which relate to priority of debts in bankruptcy), namely,—

- (a) paragraph (e) of subsection (1) of section thirty-three of the Bankruptcy Act, 1914; and
- (b) paragraph (e) of subsection (1) of section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913;

4 & 5 Geo. 5.
c. 59.

3 & 4 Geo. 5.
c. 20.

shall have effect as though, for the references therein to contributions payable under the National Insurance Act, 1911, in respect of workmen in insured trades, there were substituted references to contributions payable under this Act in respect of employed persons, and as though in each of the said paragraphs (e) twelve months were substituted for four months.

PART II.
—cont.
1 & 2 Geo. 5.
c. 55.

Contributions out of Moneys provided by Parliament.

21.—(1) There shall, subject to the provisions of this section, be paid out of moneys provided by Parliament, in respect of each weekly contribution paid by an employer in respect of an employed person, a contribution at a rate equal to one-half of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or, in the case of an excluded person, paid by his employer.

Contribu-
tions out
of moneys
provided by
Parliament.

(2) For the purpose of calculating the sums to be contributed under this section, while and in so far as contributions are paid by means of unemployment insurance stamps, the number of contributions paid in any year in respect of employed persons of each class mentioned in the first column of the Third Schedule to this Act shall be deemed to be represented by the number of stamps appropriate to contributions in respect of employed persons of that class sold in that year, after deducting—

- (a) the number (calculated in the prescribed manner) of stamps which have been used for the purpose of paying contributions otherwise than under the general provisions of this Act; and
- (b) the number of stamps in respect of which a refund has been made; and
- (c) such contributions as have been returned in respect of persons in respect of whom contributions were paid under the erroneous belief that they were payable in respect of those persons under the general provisions of this Act.

(3) The sums to be contributed under this section in any year shall be paid in such manner and at such times as the Treasury may determine.

PART III.

BENEFIT.

Statutory Conditions for Receipt of Benefit.

First statutory condition for receipt of benefit.

22.—(1) The first statutory condition for the receipt of benefit by an insured contributor is that he proves that not less than thirty contributions have been paid in respect of him as an insured contributor in respect of the two years immediately preceding the date on which a claim for benefit is made.

(2) In determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not bona fide employed.

(3) If an insured contributor proves in the prescribed manner that he was, during any periods falling within the said period of two years—

(a) rendered incapable of work by reason of some specific disease or by bodily or mental disablement; or

(b) employed in any excepted employment;

subsection (1) of this section shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity or of such employment as aforesaid, but so as not to exceed in any case four years.

(4) If an insured contributor who is, or who has at any time during the two years immediately preceding the date of a claim for benefit been, in receipt of a pension paid out of moneys provided by Parliament in respect of a disability contracted by him during the late war, proves that the non-fulfilment in his case of the first statutory condition is due to that disability, he shall, if he proves that not less than ten contributions were paid in respect of him as an insured contributor during the said period of two years, be treated for the purposes of this Act as if he had proved that that condition was fulfilled in his case.

(5) After an insured contributor has at the beginning of his benefit year proved that the first statutory condition is fulfilled in his case, then, subject to and in

accordance with regulations made by the Minister, he shall be treated throughout the remainder of that benefit year as if that condition continued to be so fulfilled.

PART III.
—cont.

23. The second statutory condition for the receipt of benefit by an insured contributor is that he proves that he has made application for benefit in the prescribed manner and that since the date of the application he has been continuously unemployed.

Second
statutory
condition
for receipt
of benefit.

24.—(1) The third statutory condition for the receipt of benefit by an insured contributor is that he proves that he is capable of and available for work.

Third
statutory
condition
for receipt
of benefit.

(2) An insured contributor shall not be deemed to have failed to fulfil the third statutory condition by reason only that he is attending at an authorised course, or at a training course or course of instruction approved by the Minister in his case.

25.—(1) The fourth statutory condition for the receipt of benefit by an insured contributor is that, if the Minister has, for the purpose of giving him an opportunity of becoming or keeping fit for entry into or return to regular employment, required him to attend at an authorised course, he proves either that he duly attended in accordance with the requirement or that he had good cause for not so attending.

Fourth
statutory
condition
for receipt
of benefit.

(2) For the purposes of the fourth statutory condition, an insured contributor who by reason of his misbehaviour while attending at an authorised course has been required to discontinue his attendance thereat during any period, shall not be deemed to have duly attended at the course or to have had good cause for not so attending during that period, or during such part thereof as may be determined on any subsequent claim to benefit.

Disqualifications for Benefit.

26.—(1) An insured contributor who has lost employment by reason of a stoppage of work which was due to a trade dispute at the factory, workshop or other premises at which he was employed shall be disqualified for receiving benefit so long as the stoppage of work continues, except in a case where he has, during the stoppage of work, become bona fide

Disqualifi-
cation
where em-
ployment
lost through
trade dis-
pute.

PART III.
—cont.

employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation :

Provided that this subsection shall not apply in a case where the insured contributor proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage is taking place, any of whom are participating in or financing or directly interested in the dispute.

(2) Where separate branches of work which are commonly carried on as separate businesses in separate premises are in any case carried on in separate departments on the same premises, each of those departments shall for the purposes of this section be deemed to be a separate factory or workshop or separate premises, as the case may be.

Disquali-
fication
where em-
ployment
lost through
misconduct
or volun-
tarily.

27. An insured contributor who loses his employment through his misconduct, or who voluntarily leaves his employment without just cause, shall be disqualified for receiving benefit for a period of six weeks or such shorter period as may be determined by the court of referees or the umpire, as the case may be, being a period beginning as from such date as may be so determined.

Disquali-
fication for
refusing or
failing to
apply for
work.

28.—(1) If, on a claim for benefit, it is proved by an officer of the Ministry of Labour—

- (a) that the claimant, after a situation in any employment which is suitable in his case has been notified to him by an employment exchange or other recognised agency, or by or on behalf of an employer, as vacant or about to become vacant, has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him; or
- (b) that the claimant has neglected to avail himself of a reasonable opportunity of suitable employment; or

- (c) that the claimant has without good cause refused or failed to carry out any written directions given to him by an officer of an employment exchange with a view to assisting him to find suitable employment, being directions which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides;

PART III.
—cont.

the claimant shall be disqualified for receiving benefit for a period of six weeks or such shorter period as may be determined by the court of referees or the umpire, as the case may be, being a period beginning as from such date as may be so determined.

(2) For the purposes of this section employment shall not be deemed to be suitable employment in relation to any claimant if it is either—

- (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or
- (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of wage lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or
- (c) employment in his usual occupation in any other district at a rate of wage lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised in that district by good employers.

(3) After the lapse of such an interval from the date on which an insured contributor becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured contributor, if it is employment at a rate of wage not lower, and on

PART III.
—*cont.*

conditions not less favourable, than those generally observed by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised by good employers.

Disquali-
fication
while in
prison or
workhouse.

29. An insured contributor shall be disqualified for receiving benefit while he is an inmate of any prison or any workhouse or other institution supported wholly or partly out of public funds :

Provided that this section shall not apply in the case of an insured contributor who is an inmate of an institution used as a place of residence for workers if he proves that he was an inmate of the institution immediately before he became unemployed and that during the time when he was employed he paid the whole or a substantial part of the cost of his maintenance as such an inmate.

Miscel-
laneous dis-
qualifica-
tions.

30.—(1) An insured contributor shall be disqualified for receiving benefit while he is in receipt of any sickness or disablement benefit under the National Health Insurance Acts, 1924 to 1932.

(2) Subject to the provisions of this Act relating to Northern Ireland, the Isle of Man and the Channel Islands, an insured contributor shall be disqualified for receiving benefit while he is resident, whether temporarily or permanently, outside Great Britain.

*Right to Benefit and Supplementary Provisions
relating thereto.*

Right to
benefit,
and periods
in respect
of which it
is payable.

31.—(1) An insured contributor who has attained the age of sixteen years and is unemployed shall, if he proves that the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act for the receipt of benefit, be entitled, subject to the provisions of this Act, to receive in a benefit year benefit—

- (a) in respect of periods not exceeding in the aggregate one hundred and fifty-six days; and
- (b) if qualified for additional days under the provisions of the next following subsection, in respect of additional days of which the maximum number shall be computed in manner provided by that subsection.

(2) The following provisions shall have effect with respect to additional days—

(a) an insured contributor shall be qualified for additional days if at the beginning of the benefit year five insurance years have elapsed since the beginning of the insurance year in which he first became such a contributor, so, however, that a person shall cease to be so qualified if at the beginning of any benefit year five consecutive insurance years have elapsed without contributions being paid in respect of him as an insured contributor, but, upon contributions being again so paid, shall be treated for the purposes of this paragraph as if he had then first become an insured contributor;

(b) the maximum number of additional days in any benefit year shall be computed, in the case of an insured contributor qualified for such days, by allowing to him days at the rate of three for every five contributions paid in respect of him as an insured contributor in respect of the last five years, less one day for every five days in respect of which benefit has been paid to him in respect of the benefit years which ended in the last five years.

(3) For the purposes of paragraph (b) of the last foregoing subsection—

(a) the expression “the last five years” means the period of five complete insurance years last preceding the beginning of the benefit year in respect of which the computation of additional days is made;

(b) every two contributions paid in respect of a person as an insured contributor under the age of eighteen years shall be reckoned as one contribution;

(c) fractions of a day shall be disregarded.

(4) An insured contributor who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit in respect of any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before the Monday next after the end of the calendar week for which there is paid the last of the ten

PART III. contributions mentioned in paragraph (b) of subsection (1)
—cont. of the next following section of this Act.

(5) In calculating contributions for the purposes of the last three foregoing subsections, no account shall be taken of any contributions paid in respect of an insured contributor for any period during which he was not bona fide employed.

(6) Benefit shall be payable in respect of each week after the first week of a continuous period of unemployment.

(7) No person shall receive benefit in respect of any period of less than one day.

Reckoning
of benefit
years.

32.—(1) For the purposes of this Act, the expression “benefit year” means, in relation to an insured contributor, the period of twelve months beginning on the date on which, on a claim for benefit, he proves for the first time after the commencement of this Act—

(a) that the first statutory condition is fulfilled in his case; and

(b) in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, also that contributions have been paid in respect of him for ten weeks since the Sunday last before the last day in that benefit year in respect of which he received benefit;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year:

Provided that—

(i) where before the commencement of this Act and after the twenty-fifth day of July, nineteen hundred and thirty-four, an insured contributor proved the matters aforesaid, the expression “benefit year” in relation to him means the period of twelve months beginning on the date on which he proved those matters for the first time after the said twenty-fifth day of July and every

such subsequent period of twelve months as aforesaid; and

PART III.
—cont.

- (ii) this subsection shall have effect subject to the provisions of section one hundred and eleven of this Act.

(2) If, in the case of any insured contributor, it is found that he has been treated in error as having begun his benefit year on any date by reason of his having been wrongly treated as having proved any of the matters aforesaid on that date, his benefit year shall nevertheless be deemed to have begun on that date, but he shall not be entitled to benefit during the remainder of that year until he proves those matters.

(3) For the purposes of determining whether an insured contributor has exhausted his benefit rights in his last preceding benefit year, if it is proved by an officer of the Ministry of Labour—

- (a) that he has not made a claim for benefit in respect of any days in that year in respect of which he would have been entitled thereto if he had made a claim therefor; and
- (b) that there is reasonable cause to believe that his omission to make the claim was with intent to avoid the necessity of proving the matters set out in paragraph (b) of subsection (1) of this section;

the insured contributor shall be deemed to have received benefit in respect of those days unless he proves that the omission was not with the intent aforesaid.

33. The Minister may by regulations make provision as to the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of the last two foregoing sections of this Act.

Reckoning of contributions and benefit paid in error.

34. Where, owing to the fact that the wages or other remuneration of an insured contributor are paid at intervals greater than a week, or for any other like reason, contributions are paid in respect of him at intervals greater than a week, he shall be entitled, for the purpose of determining the number of contributions which are to be taken as standing at any time to his

Reckoning of contributions paid at intervals greater than a week.

PART III. credit, to treat each of those contributions as being such
—*cont.* number of contributions as there are weeks in the period
for which the contribution was paid.

Reckoning
of periods
of unem-
ployment.

35.—(1) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of not more than ten weeks shall be treated as one continuous period of unemployment, and in this Act the expression “continuously unemployed” shall be construed accordingly.

(2) The Minister may by regulations prescribe that a period of consecutive days shall, for the purposes of the last foregoing subsection, begin or end on such day as may be prescribed and that such a period may be inclusive or exclusive of Sundays.

(3) Any time during which an insured contributor fails to fulfil the second, third or fourth statutory condition or is, under the provisions of this Act, disqualified for receiving benefit or to be deemed not to be unemployed, shall be excluded in the computation of continuous periods of unemployment, unless he proves that the failure to fulfil the condition, or the disqualification, was due to incapacity for work arising from some specific disease or bodily or mental disablement.

(4) Save as otherwise provided by regulations made in accordance with the provisions of this subsection, a continuous period of unemployment shall be deemed to begin on the date on which the insured contributor makes application for benefit in the prescribed manner, but regulations may be made by the Minister for authorising some earlier date to be substituted for the date of the application :

Provided that, except in cases where good cause is shown for delay in making the application, such regulations shall not authorise the substitution of an earlier date for any purpose other than that of computing the first week of a continuous period of unemployment in a case in which the applicant, upon an application for benefit which begins his benefit year, proves in the prescribed manner that a continuous period of unemployment was in fact current at the date of that application.

(5) For the purposes of this Act an insured contributor shall not be deemed to be unemployed on any day on which he is following any occupation from which he derives any remuneration or profit, unless—

- (a) that occupation could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment; and
- (b) the remuneration or profit received therefrom in respect of that day does not exceed three shillings and fourpence, or where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount.

(6) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed for the purposes of this Act during a period in respect of which he continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received if the employment had not terminated.

Rates of Benefit.

36. Subject to the provisions of the three next following sections, benefit in the case of insured contributors of the classes set out in the first column of the Fourth Schedule to this Act shall be at the respective weekly rates set out in the second column of that Schedule :

Ordinary
rates of
benefit.

Provided that young men and young women who are between the ages of eighteen and twenty-one years and are in receipt of an increase of benefit under either of the two next following sections shall be entitled to benefit at the same rate as men and women respectively who have attained the age of twenty-one years.

37.—(1) Where an insured contributor who is entitled to benefit has a dependent child or dependent children, the weekly rate of benefit shall be increased by two shillings in respect of each such child.

Increase of
benefit in
respect of
dependent
children.

PART III.
—cont.

(2) For the purposes of this Act, the expression “dependent child” means, in relation to an insured contributor, any child, younger brother, or younger sister, of his who—

(a) is under the age of fourteen years and is maintained wholly or mainly by him; or

(b) is between the ages of fourteen and sixteen years and is maintained wholly or mainly by him and is either—

(i) a person under full time instruction at a day school; or

(ii) a person who is unable to receive such instruction by reason of physical or mental infirmity; or

(c) is between the ages of fourteen and sixteen years and is while unemployed maintained wholly or mainly by him, and is a person in whose case the statutory conditions, as hereinafter adapted for the purposes of this paragraph, are fulfilled (or would be fulfilled, if he were an insured contributor) and who is not disqualified (or would not be disqualified if he were an insured contributor) under this Act for the receipt of benefit.

(3) For the purpose of determining whether a person is a dependent child by virtue of paragraph (c) of the last foregoing subsection, the statutory conditions shall be construed subject to the following adaptations, that is to say, the first statutory condition shall be deemed to be omitted, and in the second statutory condition the words “has made application for benefit in the prescribed manner and” and the words “since the date of the application” shall be deemed to be omitted.

(4) In this section—

(a) the expression “child” includes a stepchild, adopted child (whether adopted under the Adoption of Children Act, 1926, the Adoption of Children (Scotland) Act, 1930, or otherwise), and illegitimate child;

(b) the expression “younger brother” includes a younger half-brother and a younger step-brother;

- (c) the expression "younger sister" includes a younger half-sister and a younger step-sister ;
- (d) the expression "day school," in relation to any person, does not include an authorised course, or a training course or course of instruction approved by the Minister in his case.

PART III.
—cont.

38.—(1) Where an insured contributor is entitled to benefit, the weekly rate of benefit shall be increased by nine shillings in the following cases, that is to say:—

Increase of
benefit in
respect of
adult
dependants.

- (a) where the insured contributor has residing with him or is wholly or mainly maintaining his wife ; or
- (b) where the insured contributor is wholly or mainly maintaining her husband who is prevented by physical or mental infirmity from supporting himself ; or
- (c) where the insured contributor has residing with him and is wholly or mainly maintaining—
- (i) his father or step-father who is unable by reason of physical or mental infirmity to support himself ; or
- (ii) his widowed mother, widowed step-mother, mother who has never been married, or mother whose husband is permanently disabled and unable to work ; or
- (iii) a female person who has the care of the dependent children of the insured contributor ; or
- (d) where the insured contributor has previously to becoming unemployed had in his employment and thereafter continues to employ at a rate of remuneration not less than nine shillings a week some female person who is not residing with him to assist in the care of the dependent children of the insured contributor :

Provided that the requirement in paragraph (d) of this subsection as to the employment of the female person previously to the insured contributor becoming unemployed shall not apply in any case where the necessity for employing such a female person did not arise until after the date on which the insured contributor became unemployed.

PART III.
—cont.

(2) No increase of benefit shall be payable to an insured contributor under this section in respect of a wife or any other female who—

- (a) is in receipt of benefit (including benefit under a special scheme); or
- (b) is in regular wage-earning employment otherwise than as having or assisting in the care of the dependent children of the insured contributor; or
- (c) is engaged in any occupation ordinarily carried on for profit;

so, however, that the following provisions shall have effect with respect to the expressions hereinafter mentioned, that is to say—

- (i) “regular wage-earning employment” shall not (subject to the provisions of paragraph (iii) of this subsection) include employment where the amount of wage earned is less than the increase in the weekly rate of benefit;
- (ii) “occupation ordinarily carried on for profit” shall not (subject to the provisions of the said paragraph (iii)) include the performance of work for payment which is less in amount than the increase in the weekly rate of benefit;
- (iii) neither of the last two foregoing paragraphs shall apply in any case where both a wage is earned by employment and payments are received for the performance of work, unless the aggregate amount of the wage and payments is less than the increase in the weekly rate of benefit;
- (iv) “occupation ordinarily carried on for profit” shall not include the provision of board and accommodation for not more than one lodger as a member of the family.

(3) An insured contributor shall not be entitled to an increase of benefit under this section in respect of more than one person.

General provisions as to increase of benefit.

39.—(1) For the purpose of the last two foregoing sections an insured contributor shall not be deemed to be wholly or mainly maintaining any person unless the insured contributor—

- (a) when unemployed contributes towards the maintenance of that person an amount not less than

the amount of the increase of benefit received in respect of that person; and

PART III.
—cont.

- (b) when in employment (except in a case where the dependency did not arise until after the date on which the insured contributor became unemployed) contributed more than one-half of the actual cost of the maintenance of that person :

Provided that regulations may be made by the Minister providing that where—

- (i) a person is partly maintained by each of two or more insured contributors, each of whom would be entitled to an increase of benefit in respect of that person if he were wholly or mainly maintaining that person; and
- (ii) the contributions made by those two or more insured contributors towards the maintenance of that person amount in the aggregate to sums which would, if they had been contributed by any one of those insured contributors, have been sufficient to satisfy the requirements of this subsection;

that person shall be deemed for the purpose of the said sections to be wholly or mainly maintained by such of those insured contributors as may be prescribed by the regulations.

(2) No increase of benefit shall be payable to an insured contributor in respect of any person for any period before the date on which the insured contributor makes application in the prescribed manner for an increase in respect of that person :

Provided that regulations may be made for authorising some earlier date to be substituted for the date of the application in cases in which good cause is shown for the delay in making the application.

(3) Where a claim for benefit is made by an insured contributor and another insured contributor receives an increase of benefit in respect of the first-mentioned insured contributor for any period occurring between the date when the claim is made and the date when it is allowed, the benefit payable to the first-mentioned

PART III. insured contributor for that period shall be reduced by
 —cont. the amount of the increase of benefit so received by the
 second-mentioned insured contributor.

Determination of Claims and Questions.

Appoint-
ment of
umpires and
deputy um-
pires.

40.—(1) For the purposes of this Act an umpire and one or more deputy umpires may be appointed by His Majesty.

(2) The Minister may by regulations make provision with respect to the appointment of persons to act in the place of the umpire or any deputy umpire in the case of the unavoidable absence or incapacity of the umpire or any deputy umpire.

(3) There shall be paid out of moneys provided by Parliament to the umpire and deputy umpires, and to persons appointed to act in place of the umpire or any deputy umpire under the regulations aforesaid, such salaries or remuneration as the Treasury may determine.

(4) Unless the context otherwise requires, any reference in this Act to the umpire shall include a reference to a deputy umpire and to any person appointed as aforesaid under the said regulations.

Constitu-
tion of
courts of
referees.

41.—(1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured contributors, and a chairman appointed by the Minister.

(2) Panels of persons chosen to represent employers and insured contributors respectively shall be constituted by the Minister for such districts and such trades or groups of trades as the Minister may think fit, and the members of a court of referees to be chosen to represent employers and insured contributors shall be selected from those panels in the prescribed manner.

(3) The Minister may by regulations provide that any claim or question which is referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other

than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

PART III.
—cont.

(4) Subject as aforesaid, the constitution of courts of referees shall be determined by regulations made by the Minister.

(5) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

(6) The Minister may pay such remuneration to the chairman and other members of a court of referees, and such travelling and other allowances (including, subject as hereinafter provided, compensation for loss of remunerative time) to any such chairman or members, and such other expenses in connection with any such court, as the Minister, with the consent of the Treasury, may determine :

Provided that compensation for loss of time shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this subsection.

42.—(1) For the purposes of this Act officers, in this Act referred to as “ insurance officers ”, shall be appointed by the Minister (subject to the consent of the Treasury as to number) to act for such areas as the Minister directs.

Appoint-
ment of
insurance
officers.

(2) There shall be paid to insurance officers out of moneys provided by Parliament such salaries or remuneration as the Treasury may determine.

43.—(1) All claims for benefit shall be submitted forthwith for examination to one of the insurance officers.

Determina-
tion of
claims by
insurance
officers and
courts of
referees.

(2) The insurance officer shall forthwith take into consideration any claim submitted to him for examination under this section, and if in any case the insurance officer to whom a claim has been submitted is of opinion that the claim ought to be allowed, he may himself allow the claim.

(3) If the insurance officer is not satisfied that a claim ought to be allowed, he may either refer the claim (so far as practicable within fourteen days from the date

PART III. on which the claim was submitted to him for examination)
 —cont. to the court of referees for their decision or, subject to
 the provisions of this section, himself disallow the claim.

(4) The insurance officer shall not himself disallow a claim on any of the following grounds, namely,—

- (a) that the third statutory condition is not fulfilled;
- (b) that the claimant is disqualified by reason of the provisions of section twenty-seven or section twenty-eight of this Act;
- (c) that the claimant does not fulfil one or more of the additional conditions or terms with respect to the receipt of benefit imposed by orders made under section fifty-five of this Act, or is subject to restrictions on the amount or period of benefit imposed by such orders.

(5) The insurance officer shall not himself disallow a claim on the ground that the fourth statutory condition is not fulfilled, except in cases where that condition is not fulfilled only by reason of a person under the age of eighteen years having been required to discontinue for not more than one day his attendance at an authorised course in consequence of his misbehaviour while attending thereat.

(6) Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days from the date on which the decision of the insurance officer is communicated to him, or within such further time as the Minister may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

Appeal to
umpire from
court of
referees.

44.—(1) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of the court of referees as follows :—

- (a) at the instance of an insurance officer, in any case;
- (b) at the instance of an association of employed persons of which the claimant was a member on the last date on which he was employed before the claim subject to the appeal was made and has continued to be a member until the date when the appeal is made, in any case;

(c) at the instance of the claimant—

PART III.
—cont.

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case.

(2) In any case in which a decision of a court of referees disallowing a claim is not unanimous, notice in writing of the fact shall be given by the court to the claimant within three days of the decision and an appeal under this section must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

(3) Where leave to appeal from a court of referees is not granted by the chairman when the decision of that court is given, an application for such leave may be made by the claimant in such form and within such time after the date of the decision as may be prescribed by regulations made by the Minister.

(4) An application for leave to appeal under this section shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstance by reason of which leave to appeal ought to be given.

(5) Where the chairman of a court of referees grants leave to appeal under this section, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

(6) The decision of the umpire on any appeal from a court of referees shall be final.

45. In the last two foregoing sections references to claims for benefit shall be construed as including references to questions arising in connection with such claims and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant : Determination of questions.

Provided that—

(a) if any question arises as to whether a person was or was not employed in any excepted employment during any period falling within

PART III.
—*cont.*

the period of two years mentioned in the first statutory condition, that question shall be decided by the Minister subject to the provisions of section eighty-four of this Act; and

- (b) an insurance officer shall refer to the court of referees any question whether a claimant is liable to have deductions made under any of the provisions of this Act from any benefit to which he is, or may become, entitled.

Power to
revise
decisions.

46. Nothing in the last three foregoing sections shall be construed as preventing an insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, from revising a decision given in any particular case, but where any such revision is made, the revised decision shall have effect as if it had been an original decision, and the said sections shall apply accordingly.

Expenses
of persons
attending
before
referees or
umpire.

47. In any case where—

- (a) a person is required to attend before a court of referees; or
(b) on an appeal to the umpire from a decision of a court of referees a person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends;

that person shall be paid out of moneys provided by Parliament such travelling and other allowances, including compensation for loss of remunerative time, as the Minister with the sanction of the Treasury may determine.

General
provisions
as to pro-
cedure.

48.—(1) The Minister may by regulations—

- (a) prescribe the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive benefit, and for that purpose require the attendance of insured contributors at such offices or places and at such times as may be required, and require employers to answer inquiries relating to any matters on which the fulfilment of the conditions or the absence of the disqualifications depends; and

- (b) prescribe the manner in which applications for benefit may be made and the procedure to be followed on the consideration and examination of claims and questions by the umpire, courts of referees and insurance officers; and
- (c) prescribe the mode in which any question may be raised as to the continuance of benefit in the case of a person in receipt of benefit; and
- (d) enable any insured contributor in whose case good cause is shown for delay in making a claim for benefit or in proving any matter on such a claim, to be treated for the purposes of such provisions of this Act as may be specified in the regulations as if the claim had been made or the matter proved on such earlier date as may be determined in accordance with the regulations.

PART III.
—cont.

(2) The Arbitration Act, 1889, and the Arbitration Act, 1934, shall not apply to proceedings before the umpire, courts of referees or insurance officers, except so far as they may be applied by regulations made by the Minister.

52 & 53
Vict. c. 49.
24 & 25
Geo. 5. c. 14.

49.—(1) Where a court of referees allow a claim for benefit or determine a question arising in connection with such a claim in favour of the claimant, benefit shall be payable in accordance with the decision of the court, notwithstanding that an appeal to the umpire is pending, except in a case where an appeal has been brought (within twenty-one days from the date on which the decision of the court was given) on the ground that the claimant ought to be disqualified by reason of the provisions of section twenty-six of this Act.

Payment of
benefit
pending
determina-
tion of
claim or
question.

(2) If, in any case where a claim for benefit is made by a person in respect of a benefit period immediately following a benefit period in respect of any day of which he was entitled to or received benefit, a question is raised whether the claimant has not ceased to be entitled to receive benefit by reason of the provisions of section twenty-eight of this Act, the claimant shall, unless and until it is decided by the court of referees that the claim should not be allowed, and if he is otherwise entitled to benefit, be treated as being entitled to receive benefit, and benefit shall be payable accordingly.

PART III.
—cont.

(3) In the last foregoing subsection the expression "benefit period" means the period of six working days in a week in respect of which benefit is payable.

(4) Any benefit paid in pursuance of the foregoing provisions of this section shall be treated, notwithstanding that the final determination of the claim or question is adverse to the claimant, as having been duly paid and shall not be recoverable from the claimant under the provisions of this Act or otherwise.

(5) Subject to the provisions of this section, the Minister may make regulations with respect to the payment of benefit during any period intervening between any application for the determination of a claim for benefit or any question arising in connection with such a claim and the final determination of the claim or question.

Miscellaneous Provisions as to Benefit.

Payment of
benefit
through
Post Office.

50. Regulations made by the Minister under this Act may, with the concurrence of the Postmaster-General, provide for the payment of benefit through the Post Office and for enabling claimants for benefit to make their claims through the Post Office.

Repayment
of benefit
improperly
received.

51.—(1) If it is found at any time that any person, by reason of the non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or the misrepresentation was or was not fraudulent) has received any sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by or under this Act were not fulfilled in his case, or while he was disqualified for receiving benefit, he shall be liable to repay the sum so received by him to the Unemployment Fund or, in a case where that sum was received from an education authority acting under the powers conferred on it by section eighty-one of this Act, to the education authority.

(2) Where any person is liable to repay to the Unemployment Fund, or to an education authority, any sum received by him by way of benefit, that sum may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered without prejudice to any other remedy by means of deductions from any benefit to which that person thereafter becomes entitled.

52. Where, under arrangements made by the Minister with the consent of the Treasury for the purpose of dealing with any emergency, payments have been made to any persons by way of benefit without due proof of the fulfilment of any one or more of the statutory conditions or otherwise than in accordance with the requirements of this Act, the payments so made shall for the purposes of the provisions of this Act be deemed to be payments of benefit duly made, but without prejudice to the provisions of subsection (1) of the last foregoing section of this Act.

PART III.
—cont.
Payment of benefit during emergencies.

53. Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by this Act shall be void, and, on the bankruptcy of any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Benefit to be inalienable.

54.—(1) In determining whether outdoor relief shall or shall not be granted to a person in receipt of or entitled to receive benefit (including benefit under a special scheme), the authority having power to grant the relief shall take into account the amount of the benefit.

Benefit and outdoor relief or unemployment allowances.

(2) In any case where an authority has granted outdoor relief to or on account of, or the Unemployment Assistance Board has under the Unemployment Act, 1934, granted an allowance to, a person who was not in receipt of benefit, or was in receipt of less than the full amount of benefit to which he was entitled—

- (a) in excess of the amount which would have been granted if that person had been in receipt of benefit or had been in receipt of the full amount of benefit to which he was entitled; or
- (b) in excess of the amount which would have been granted if an insured contributor had been in receipt of an increase of benefit in respect of that person;

then, if a claim by that person for benefit, or for the full amount of benefit to which he was entitled, or a claim in respect of that person for an increase of benefit, for any part of the period in respect of which relief, or an

★
PART III.
—cont.

allowance, as the case may be, has been so granted, is subsequently allowed, the Minister may treat the benefit allowed to that person, or the increase of benefit allowed in respect of that person, as the case may be, as reduced by a sum not exceeding such an amount as the authority or the Board, as the case may be, certifies to have been so paid in excess for the period for which the benefit or increase of benefit was allowed, and may pay to the authority or to the Board, as the case may be, the sum by which the benefit or increase of benefit is treated as having been reduced as aforesaid :

Provided that the total charge on the Unemployment Fund shall not be greater than the amount of the benefit or increase of benefit allowed.

Removal of Anomalies as to Benefit.

Orders
with respect
to benefit
in case of
special
classes of
persons.

55.—(1) For the purpose of removing anomalies which may arise from time to time in the operation of this Act in connection with the classes of persons hereafter in this section mentioned, the Minister may make orders, in relation to the classes of persons to whom this section applies, imposing such additional conditions and terms with respect to the receipt of benefit and such restrictions on the amount and period of benefit, and making such modifications in the provisions of this Act relating to the determination of claims for benefit, as may appear necessary for the purpose aforesaid.

(2) The classes of persons to whom this section applies are the following :—

- (a) persons who habitually work for less than a full week, and by the practice of the trade in which they are employed nevertheless receive earnings or similar payments of an amount greater than the normal earnings for a full week of persons following the same occupation in the same district ;
- (b) persons whose normal employment is employment for portions of the year only in occupations which are of a seasonal nature ;
- (c) persons whose normal employment is employment in an occupation in which their services

are not normally required for more than two days in the week or who owing to personal circumstances are not normally employed for more than two days in the week;

- (d) married women who, since marriage or in any prescribed period subsequent to marriage, have had less than the prescribed number of contributions paid in respect of them, but not including a married woman who proves that she has been deserted by, or is permanently separated from, her husband, or that her husband is incapacitated for work and has been so continuously for at least six weeks.

(3) Orders made under this section in relation to persons of the class specified in paragraph (a) of the last foregoing subsection shall not operate so as to reduce the amount of benefit otherwise payable to any person in respect of any week by more than the amount by which the aggregate of the earnings or similar payments received by him in that week and of the benefit aforesaid exceeds the normal earnings for a full week of persons following the same occupation in the same district.

(4) Orders made in pursuance of this section may apply either generally to all the persons specified in subsection (2) of this section or to any class of those persons or to any portion of such a class, or with respect to them or any of them, in any specified area.

(5) In the case of a person who, immediately before the date on which any order made in pursuance of this section comes into operation, satisfied the requirements for the receipt of benefit under the law in force immediately before the said date, benefit may, during such period as may be necessary for the examination of the qualifications of that person for the receipt of benefit under the said order, but not in any case after the expiration of three months from the said date, be paid to him as if the order had not been made.

(6) Before any order is made under this section, a draft thereof shall be laid before Parliament and no such order shall have effect unless each House has resolved that the draft thereof be approved.

PART III.
—cont.

(7) Before laying before Parliament the draft of any order proposed to be made under this section, the Minister shall submit the draft to the Unemployment Insurance Statutory Committee and the Committee shall forthwith consider the draft and report thereon to the Minister, and the Minister shall consider the report of the Committee and may then lay the draft before Parliament either without amendments or with such amendments as he thinks fit.

(8) Whenever the draft of any order is laid before Parliament in pursuance of this section, there shall be laid together therewith the report of the Committee thereon and a statement by the Minister showing what amendments, if any, have been made since the report of the Committee and what effect, if any, has been given to any recommendations of the Committee, and, if effect has not been given to any recommendation, giving reasons for not adopting it.

(9) In this section the expression “prescribed” means prescribed by an order made under this section.

PART IV.

ADMINISTRATION AND FINANCE.

Unemployment Insurance Statutory Committee.

Constitution
of Com-
mittee.

56.—(1) There shall be constituted a committee to be called “the Unemployment Insurance Statutory Committee” to give advice and assistance to the Minister in connection with the discharge of his functions under this Act and to perform the duties specified in this Act.

(2) The Committee shall consist of a chairman and not less than four nor more than six other members. At least one member of the Committee shall be a woman.

(3) The chairman and other members shall be appointed by the Minister and shall hold office for a period which, in the cases of each of the members first appointed, and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Minister, and in the case of all other members shall be a period of five years:

Provided that the chairman or any member may by notice in writing to the Minister resign office at any time, and shall be eligible for reappointment from time to time after his resignation or after the expiration of his term of office.

(4) Of the said members, other than the chairman, there shall be appointed, one after consultation with organisations representative of employers, one after consultation with organisations representative of workers, and one after consultation with the Minister of Labour for Northern Ireland.

(5) No member of the Committee shall be capable of being elected to, or of sitting in, the House of Commons.

(6) If a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister shall forthwith declare his office to be vacant, and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

(7) The Minister shall appoint a secretary to the Committee and may appoint such other officers and such servants to the Committee, and there shall be paid to them such salaries and allowances, as the Minister may with the consent of the Treasury determine.

(8) The expenses of the Committee to such an amount as may be approved by the Treasury (including such salaries or other remuneration paid to all or any of the members as the Minister with the consent of the Treasury may determine and including salaries and allowances payable under the last foregoing subsection) shall be paid by the Minister.

(9) There may be paid as part of the expenses of the Committee to persons attending meetings at the request of the Committee such travelling and other allowances (including compensation for loss of remunerative time) as the Minister may, with the consent of the Treasury, determine.

(10) The Committee may act notwithstanding any vacancy in the number of the Committee.

(11) The Committee may make rules for regulating the procedure (including the quorum) of the Committee.

PART IV.

—cont.

General
powers and
duties of
Minister as
respects
Committee.

57.—(1) The Minister may from time to time refer to the Unemployment Insurance Statutory Committee for consideration and advice such questions relating to the operation of this Act as he thinks fit (including questions as to the advisability of amending this Act).

(2) The Minister shall furnish the Committee with such information as they may reasonably require for the proper discharge of their functions under this Act.

Financial Provisions.

Establish-
ment of
Unemploy-
ment Fund.

58.—(1) For the purposes of this Act, there shall be established, under the control and management of the Minister, a fund called “the Unemployment Fund,” into which shall be paid all contributions payable under this Act by employers and employed persons and out of moneys provided by Parliament, and out of which shall be paid all claims for benefit and any other payments which under this Act are payable out of the fund.

(2) The accounts of the Unemployment Fund shall be examined by the Comptroller and Auditor-General and shall, together with his report thereon, be laid before Parliament.

(3) Any moneys forming part of the Unemployment Fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with regulations made by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

(4) The National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the Unemployment Fund are for the time being invested.

Duties of
Committee
as respects
Unemploy-
ment Fund.

59.—(1) The Unemployment Insurance Statutory Committee shall, not later than the end of February in every year, make a report to the Minister on the financial condition of the Unemployment Fund on the thirty-first day of December last preceding, and shall also make a report to the Minister on the financial condition of the fund whenever they consider that the fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a

report on the financial condition of the fund at such other times as they think fit.

PART IV.
—cont.

(2) If the Committee at any time report that the Unemployment Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain—

- (a) recommendations for the amendment, either generally or in relation to special classes of insured contributors, of the provisions of this Act referred to in the Fifth Schedule to this Act or of the provisions of any previous order made under this section, being such amendments as in the opinion of the Committee are required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities; and
- (b) an estimate of the effect which the amendments recommended will have on the financial condition of the fund;

and, where the Committee report that the fund is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report may contain recommendations for the application of any sum towards the discharge of the liabilities mentioned in subsection (2) of the next following section of this Act.

(3) The Committee shall give such notice as they consider sufficient of their intention to make a report under this section and shall take into consideration any representations which may be made to them with respect thereto.

(4) Within the period of two months after the receipt by the Minister of any report under this section or, if Parliament is not sitting, at the expiration of that period, then as soon after the expiration thereof as Parliament sits, the Minister shall lay the report before Parliament, and in a case where the report contains recommendations for the amendment of this Act or of any previous order made under this section, shall after consultation with the Treasury lay before Parliament—

- (a) the draft of an order making such amendments as are duly recommended by the report, or, if

PART IV.
—cont.

and so far as any amendment so recommended is not adopted by the Minister, making such amendments (being amendments which the Committee had power to recommend) as will in his opinion have substantially the same effect on the financial condition of the Unemployment Fund as that estimated by the report as being the effect of the amendments recommended; and

- (b) if and in so far as the amendments proposed by the draft order differ from the amendments recommended by the report, a statement of the reasons for the difference.

(5) If each House resolves that the draft of an order laid before it under this section be approved, the Minister shall make an order in the terms of the draft to take effect on such date as may be specified in the order, and as from that date the provisions of this Act and of any such previous order as aforesaid shall have effect subject to the provisions of the order.

Treasury
advances to
Unemploy-
ment Fund.
11 & 12
Geo. 5. c. 1.

60.—(1) All advances made by the Treasury to the Unemployment Fund before the first day of July nineteen hundred and thirty-four under section five of the Unemployment Insurance Act, 1921, as amended by any subsequent enactment, together with interest thereon, shall be charged on and payable out of that fund.

(2) Subject as hereinafter provided, the liability imposed on the Unemployment Fund by this section in respect of the said advances and interest, and the liability incurred by the Treasury to the National Debt Commissioners in respect of the provision of money for the purpose of the said advances, shall be discharged by the payment to the National Debt Commissioners of half-yearly instalments which—

- (a) (except for the last thereof which shall be for the balance of the advances and interest then outstanding) shall be of two million five hundred thousand pounds each;
- (b) shall be paid on the thirty-first day of March and the thirtieth day of September in each year; and
- (c) shall cease to be payable when the National Debt Commissioners certify to the Minister that the

amount of the advances and interest outstanding immediately before the first day of July nineteen hundred and thirty-four, together with interest thereon at the appropriate rate, has been discharged :

PART IV.
—cont.

Provided that nothing in this subsection shall be construed as preventing the application, on the recommendation of the Unemployment Insurance Statutory Committee, of sums out of the Unemployment Fund towards the discharge of the said liabilities in addition to the instalments therein mentioned.

In this subsection the expression "the appropriate rate" means, as respects each advance, the rate of interest fixed by the Treasury before the first day of July nineteen hundred and thirty-four for the period for which it was fixed, and after that period the rate of three and one-eighth per cent. per annum.

(3) Subject to the provisions of this subsection, the instalments aforesaid shall be paid out of the Unemployment Fund :

Provided that, where the moneys in the Unemployment Fund are insufficient to pay any instalment falling due or any part thereof, the Treasury shall pay to the National Debt Commissioners out of the Consolidated Fund or the growing produce thereof the sum required to make good the deficiency, and an amount equal to that sum shall be treated as having been temporarily advanced to the Unemployment Fund.

(4) The Treasury may under this subsection at any time temporarily advance to the Unemployment Fund out of the Consolidated Fund or the growing produce thereof such sums as may be required from time to time for the purpose of making any payments properly falling to be made out of the Unemployment Fund other than instalments payable under the foregoing provisions of this section and the repayment of any sums treated under the last foregoing subsection as having been temporarily advanced to the fund.

(5) If at any time it appears to the Minister, after consultation with the Treasury, that the Unemployment Fund is, or will shortly become, insufficient to discharge its liabilities, including the repayment of any advances made under the last two foregoing subsections within

PART IV.
—cont.

the time limited by this section in the case of such advances, there shall be advanced to the fund out of moneys provided by Parliament such sums as appear to the Treasury to be required to enable the fund to discharge its liabilities.

(6) Any sums advanced or treated as having been temporarily advanced under this section, together with interest thereon at such rate as may be fixed by the Treasury, shall be charged on the Unemployment Fund and shall be repaid out of that fund to the Exchequer in such manner as the Treasury may direct, and shall be so repaid—

- (a) in the case of a payment treated as having been advanced under subsection (3) of this section, within six months from the date of the payment to the National Debt Commissioners;
- (b) in the case of an advance under subsection (4) of this section, before the end of the financial year in which the advance was made;
- (c) in the case of an advance under subsection (5) of this section, as to one-third thereof not later than the end of the first financial year next following the financial year in which the advance was made, and as to two-thirds thereof not later than the end of the second financial year so next following.

(7) Whenever any advance is made to the Unemployment Fund under this section, the Minister shall forthwith report the fact to the Unemployment Insurance Statutory Committee.

Expenses of
Minister.

61. Any expenses incurred by the Minister in carrying this Act into effect, to such amount as may be sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

Contri-
bution out
of Unem-
ployment
Fund to
expenses of
Government
Depart-
ments.

62.—(1) There shall in each year be paid to the Treasury out of the Unemployment Fund at such times and in such manner as the Treasury may direct such sum as the Minister may estimate in accordance with directions given by the Treasury to be the amount of any expenses of any Government Department attributable to carrying this Act into effect :

Provided that the sum paid under this subsection in any year shall not exceed one-eighth of the receipts paid into the Unemployment Fund on account of income, after deducting, so long as regulations made under this Act provide for the payment of contributions by means of unemployment insurance stamps, any sums which have been refunded on account of any such stamps or on account of contributions paid (whether by stamps or otherwise) in respect of a person under the erroneous belief that the contributions were payable in respect of him under the general provisions of this Act.

(2) In estimating the expenses of Government Departments for the purposes of subsection (1) of this section there shall be included—

- (a) such amount as in the opinion of the Treasury approximately represents the amount of the accruing liability in respect of any superannuation allowances, lump sums or gratuities to which any officers, inspectors or servants employed for the purposes of this Act or the legal personal representatives of any such persons will become entitled under the Superannuation Acts, 1834 to 1919, in respect of that employment;
- (b) any capital expenditure incurred for the purposes of this Act;
- (c) in respect of the use of any premises belonging to the Crown and used for the purposes of this Act, being premises in respect of which no rent is payable, an amount determined by the Treasury with the consent of the Minister, regard being had to the rental value of the premises and to any capital expenditure incurred as aforesaid which has been charged to the Unemployment Fund:

Provided that if, in any case where the amount of any such expenditure as is mentioned in paragraph (b) of this subsection has been charged to the Unemployment Fund, the premises in respect of which the expenditure was incurred are sold or have ceased to be used for the purposes of this Act, there shall be deducted from the amount thereafter chargeable to the Unemployment Fund under the said subsection (1) such sum as may be determined by the Treasury, with the consent of the

PART IV. Minister, to represent the whole or the appropriate
—*cont.* proportion of the then value of the premises.

General Administrative Provisions.

Exercise of
powers of
Minister.

63. Anything required or authorised under this Act to be done by, to or before the Minister may be done by, to or before a secretary to the Ministry of Labour or by, to or before any assistant secretary to the Ministry or other person authorised in that behalf by the Minister.

Appoint-
ment and
remunera-
tion of
officers,
inspectors
and
servants.

64.—(1) For the purpose of this Act, the Minister may appoint such officers, inspectors, and servants as the Minister may, with the sanction of the Treasury, determine.

(2) There shall be paid out of moneys provided by Parliament to officers, inspectors and servants so appointed such salaries or remuneration as the Treasury may determine.

Powers of
inspectors.

65.—(1) An inspector appointed under this Act shall, for the purposes of the execution of this Act, have power to do all or any of the following things, namely:—

- (a) to enter at all reasonable times any premises or place, other than a private dwelling-house not being a workshop, where he has reasonable grounds for supposing that any employed persons are employed;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;
- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person, whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined;
- (d) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of any such premises or place and any other person employing any employed person,

and the servants and agents of any such occupier or other person, and any employed person shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wages sheets, records of wages, and other documents as the inspector may reasonably require.

PART IV.
—cont.

(3) If any person—

- (a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or
- (b) fails to give such information or to produce such documents as are mentioned in the last foregoing subsection; or
- (c) conceals or attempts to conceal any person or prevents or attempts to prevent any person from appearing before or being examined by an inspector;

he shall be liable on summary conviction to a fine not exceeding five pounds :

Provided that no one shall be required under this section to answer any question or to give any evidence tending to incriminate himself.

(4) Every inspector shall be furnished with the prescribed certificate of his appointment and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate to the occupier.

66. Where any such premises or place as are mentioned in the last foregoing section are liable to be inspected by inspectors or other officers employed by, or are under the control of, some other Government department, the Minister may make arrangements with that other Government department for any of the powers and duties of inspectors under that section being carried out by inspectors or other officers of that other Government department, and, where such an arrangement is made, such inspectors and officers shall have all the powers of an inspector under that section.

Arrange-
ments for
inspection
by other
depart-
ments.

67. Regulations made by the Minister under this Act may provide for the reference to central or local committees representing employers and employed persons, for consideration and advice, of questions bearing upon the administration of this Act.

Advice of
committees
on admini-
stration of
Act.

PART V.

ARRANGEMENTS AND SCHEMES.

Arrangements.

Power to
make
special
arrange-
ments with
certain asso-
ciations.

68.—(1) Subject to the provisions of this Part of this Act, the Minister may, on the application of any association to which this section applies, make an arrangement (in this Act referred to as a “special arrangement”) with the association whereby in lieu of benefit being paid under this Act to persons who prove that they are members of the association, there shall be repaid periodically to the association out of the Unemployment Fund such sum as appears to be, as nearly as may be, equivalent to the aggregate amount which those persons would have been entitled to receive during that period by way of benefit under this Act if no such arrangement had been made.

(2) This section applies to the following associations, namely, a society approved under the National Health Insurance Acts, 1924 to 1932, or body ancillary thereto, or any other association of employed persons, being a society, body or association the rules of which provide for payments to its members or any class thereof while unemployed, but not being either an industrial assurance company or collecting society, or a separate section of any such company or society, or a society organised by any such company or society solely or jointly with other bodies.

(3) The fact that persons other than employed persons can be members of an association shall not prevent the association being treated as an association to which this section applies, if the association is substantially an association for the benefit of employed persons.

Provision
for enabling
associations
to make
special
arrange-
ments.

69.—(1) It shall be lawful for any association to make any such amendments in the instrument governing its constitution as may be necessary for the purpose of enabling the association—

- (a) to become an association with which the Minister may make a special arrangement; or
- (b) to include any class of its members within the scope of such an arrangement.

(2) If the instrument regulating the constitution of the association contains provisions requiring any interval of time to elapse before any action can be taken or any amendment of the instrument can take effect, those provisions shall not apply to action taken for the purposes aforesaid.

(3) The powers conferred by this section on an association may, notwithstanding anything in the instrument governing the constitution of the association, be exercised by the council or other governing body of the association.

(4) In this section the expression "instrument" includes any Act, memorandum, articles of association, trust deed or rules.

70.—(1) The Minister shall not make or continue a special arrangement with an association unless he is satisfied that under the rules of the association—

Conditions
of making
special
arrange-
ments.

(a) the payments thereby authorised represent a provision for unemployment which exceeds the provision represented by benefit at the rate for the time being payable by at least—

(i) three shillings per week in the case of men who have attained the age of twenty-one years;

(ii) two shillings and six pence per week in the case of women who have attained the said age;

(iii) one shilling and six pence per week in the case of young men and boys who have not attained the said age;

(iv) one shilling and three pence per week in the case of young women and girls who have not attained the said age; and

(b) the aggregate amount of the excess payable in a year is at least—

(i) seventy-five shillings in the case of men who have attained the said age;

(ii) sixty shillings in the case of women who have attained the said age;

PART V.
—cont.

(iii) thirty-seven shillings and six pence in the case of young men and boys who have not attained the said age;

(iv) thirty shillings in the case of young women and girls who have not attained the said age; and

(c) the excess is payable in at least ten weeks in the year.

(2) The Minister shall not make or continue a special arrangement with an association unless the association has such a system of ascertaining the wages and conditions prevailing in every insurable employment in which its members are employed and of obtaining from employers notification of vacancies for employment and giving notice thereof to its members when unemployed, as is, in the opinion of the Minister, reasonably effective for securing that unemployed persons competent to undertake the particular class of work required shall, with all practicable speed, be brought into communication with employers having vacancies to fill.

Provisions
where
special
arrange-
ment in
force.

71.—(1) The Minister may, with the consent of the Treasury and subject to such conditions and otherwise as the Minister may prescribe, pay to any association with which a special arrangement is in force, by way of contribution towards the administrative expenses of the association in connection with the arrangement, such sum (not exceeding the amount hereafter specified) as he thinks fit:

Provided that the sum so paid shall not exceed in any year an amount calculated at the rate of one shilling for each week of the aggregate number of weeks of unemployment in respect of which a repayment is made to the association under the arrangement.

(2) The council or other governing body of any association which has made a special arrangement shall be entitled to treat the contributions due from any of its members to the Unemployment Fund, or any part thereof, as if such contributions formed part of the subscriptions payable by those members to the association,

and, notwithstanding anything in the rules of the association to the contrary, may reduce the rates of subscription of those members accordingly.

PART V.
—cont.

(3) Where any sum is paid to a person under a special arrangement, so much thereof as represents the amount of benefit which, but for the arrangement, would have been paid to him shall be deemed for the purpose of this Act to have been paid by way of benefit.

(4) The Minister may make regulations for giving effect to the provisions of this Part of this Act relating to special arrangements and for referring to insurance officers, courts of referees or the umpire appointed under this Act any question which may arise under those provisions.

(5) Where, in consequence of a decision of an insurance officer, court of referees or umpire, an association has paid to one of its members any sum by way of provision for unemployment and the decision is subsequently revised, then—

- (a) so much of that sum as represented the amount of benefit which, but for the arrangement, would have been payable to that person may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered, without prejudice to any other remedy, by means of deductions from any benefit or from any payment from the association to which that person thereafter becomes entitled; and
- (b) where the decision is revised on new facts being brought to the knowledge of the insurance officer, court of referees or umpire, repayment of that sum shall, notwithstanding the revision, be made to the association out of the Unemployment Fund, if it is shown that no-one concerned with the case on behalf of the association could reasonably have been expected to ascertain the facts on which the decision was revised, and that recovery of the sum has not been practicable.

PART V.
—cont.Supple-
mentary
schemes.*Schemes.*

72.—(1) A scheme may be submitted to the Minister by any of the bodies mentioned in subsection (2) of this section—

- (a) for insuring insured contributors in any industry against unemployment during periods of unemployment in respect of which they may not be entitled to benefit, or against partial unemployment; or
- (b) for paying to any such insured contributors while they are in receipt of benefit an additional sum in respect of unemployment;

and any scheme so submitted is referred to in this Act as a “supplementary scheme.”

(2) A supplementary scheme may be submitted by—

- (a) a joint industrial council; or
- (b) an association of employers and employees; or
- (c) any organisations which appear to the Minister to represent a majority of such of the employers in an industry and of such of the employees in that industry as are organised.

(3) The Minister may by special order approve, whether with or without amendment, any supplementary scheme, if he is satisfied that it is expedient that the scheme should come into operation:

Provided that the Minister, before approving any scheme submitted by organisations mentioned in paragraph (c) of the last foregoing subsection, shall take steps to ascertain so far as practicable, and shall take into consideration, the views of other employers and employees in the industry.

(4) Subject to the provisions of this section, a supplementary scheme may—

- (a) apply for the purposes of the scheme with or without modifications any of the provisions of this Act;
- (b) make such provision for the constitution of a body to be charged with the administration of

the scheme and with respect to the supervision of the administration of the scheme and accounts as the Minister considers to be necessary for the purpose of giving effect to the scheme;

- (c) provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified;
- (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees or other charges as may be determined by the Minister, with the concurrence of the Treasury, in respect of the participation of the Minister in the administration of the scheme as aforesaid;
- (e) contain such other provisions as the Minister considers to be necessary for the purpose of giving effect to the scheme.

(5) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from moneys provided by Parliament.

(6) The general provisions of this Act shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.

(7) A supplementary scheme when approved by the Minister shall have effect as if enacted in this Act, and shall continue in force until determined in accordance with the provisions thereof.

(8) The Minister may at any time, if so requested by the joint industrial council, association of employers and employees or other organisations concerned, by special order vary or amend the provisions of a supplementary scheme.

(9) For the purposes of this section—

- (a) the expression “ association of employers and employees ” means an association so constituted that the members of the association

PART V.
—cont.

who are employers consist of persons employing a substantial majority of the employees in the industry and the members who are employees consist of persons representing a substantial majority of the employees in the industry;

- (b) the expression "industry" means any class or classes of establishments or undertakings, or any class or classes of establishments or undertakings in any area, which the Minister may determine to be an industry for the purposes of this section;
- (c) a person shall be deemed, notwithstanding that he is employed on any day, to be partially unemployed if on that day the employment available for him is not such as to enable him to earn the full rate of wages, and the expression "partial unemployment" shall be construed accordingly.

Special
schemes.
10 & 11
Geo. 5. c. 30.

73.—(1) Where a scheme (in this Act referred to as a "special scheme") approved as respects any industry under section eighteen of the Unemployment Insurance Act, 1920 (as amended by any subsequent enactment) is in force at the commencement of this Act, the employed persons to whom the scheme applies shall not, subject to the provisions of this Act and so long as the scheme remains in force, be liable to be insured under the general provisions of this Act or be entitled to benefit, and the general provisions of this Act shall not, except in so far as they are applied by that scheme, apply to or have effect in relation to or for the purposes of the scheme or the persons insured thereunder:

Provided that the provisions of this Act relating to persons who have attained the age of sixty-five years or to whom the Second Schedule to this Act applies shall have effect for the purposes of a special scheme subject to the following modifications, that is to say, references to liability to be insured and contributions under this Act, and to the Unemployment Fund, shall be respectively construed as references to liability to be insured and to contributions under the special scheme, and to the fund constituted thereunder.

(2) Any such special scheme shall have effect as if enacted in this Act and shall continue in force until determined in accordance with the provisions thereof.

(3) A special scheme may—

- (a) provide for insuring persons to whom the scheme applies against partial unemployment as well as against unemployment;
- (b) apply for the purposes of the scheme whether with or without modification, any of the provisions of this Act;
- (c) contain such other provisions, including provisions with respect to the constitution of the body charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts, and, subject to the consent of the Treasury, with respect to the investment of funds and audit, as the Minister considers to be necessary for the purpose of giving effect to the scheme and to the provisions of this section.

(4) A special scheme shall not apply to any persons other than employed persons.

(5) On the application of the association of employers and employees by which a special scheme was made, the Minister may at any time by order or, in the case of provisions relating to rates of contribution, rates or duration of benefit or the constitution of the body charged with the administration of the scheme, by special order, vary or amend the provisions of the scheme.

(6) For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the persons to whom the scheme applies as are for the time being payable under the general provisions of this Act or any amendment thereof, and that the benefits under the scheme shall otherwise be not less favourable than those for the time being provided by the said provisions or any such amendment (but for no other purpose), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in the foregoing provisions of

PART V.
—*cont.*

this section, by order vary or amend the provisions of the scheme and any such order may provide for consequential amendments as to the rates of contribution and otherwise.

(7) Any order, not being a special order, made under subsection (5) of this section for varying or amending the provisions of a scheme shall be laid before both Houses of Parliament in the same manner as regulations made under this Act, and subsection (1) of section one hundred and five of this Act shall apply accordingly.

(8) The Minister may, with the approval of the Treasury, make regulations for determining and regulating the position of persons who at any time pass from the general provisions of this Act to the provisions of a special scheme, or from the provisions of a special scheme to the general provisions of this Act, or from one special scheme to another special scheme, and in particular for providing that a person shall be entitled for such period, and subject to such terms and conditions as may be specified by or in pursuance of the regulations, to receive benefit under this Act, or benefits under a special scheme, after he has ceased to be subject to the general provisions of this Act or to the scheme, as the case may be.

(9) In this section the expressions "association of employers and employees," "industry" and "partial unemployment" have respectively the same meanings as in the last foregoing section of this Act.

Miscellaneous provisions as to schemes.

74.—(1) If any question arises whether a person or class of persons is or is not, or was or was not, a person or class of persons to whom a special or supplementary scheme applies or applied, that question shall be decided by the Minister subject to the provisions of section eighty-four of this Act.

(2) The Minister may make regulations requiring the body charged with the administration of a special or supplementary scheme to furnish at prescribed intervals returns with respect to the state of employment in the industry to which the scheme relates and with respect to such other matters in connection with the scheme as may be prescribed.

PART VI.

EDUCATION AND POWERS OF EDUCATION AUTHORITIES.

75.—(1) Subject to and in accordance with the provisions of this section, the Minister shall, after consultation with the Board of Education and the Scottish Education Department, and with the approval of the Treasury, provide by regulations for crediting with contributions any persons who, after attaining the age at which the period of compulsory elementary instruction ends, have continued to receive whole-time education.

Crediting of contributions to persons receiving whole-time education.

In this subsection the expression "period of compulsory elementary instruction" means the period during which under any enactment for the time being in force, other than local byelaws, parents are under an obligation to cause their children to receive efficient elementary instruction or, in Scotland, to receive efficient education.

(2) Subject as hereinafter provided, the said regulations shall not provide for any such person as aforesaid being credited with contributions until, after attaining the age aforesaid, he has continued to receive whole-time education for a period of twelve months, and the number of contributions with which such a person may under the regulations be credited shall not exceed—

- (a) where the period for which he has so continued is twelve months or more but less than eighteen months, ten contributions;
- (b) where the said period is eighteen months or more but less than twenty-four months, fifteen contributions;
- (c) where the said period is twenty-four months or more, twenty contributions:

Provided that for the purpose of avoiding anomalies, and in particular for the purpose of preventing inequalities between persons who attain the age aforesaid during school holidays, the said regulations may make provision for any person being deemed for the purpose of computing the beginning of any such period as aforesaid to have attained the age aforesaid on such date (not being more than three months before or after the date on which he in fact

PART VI. attains or has attained it) as may be prescribed by the
—*cont.* regulations.

(3) Without prejudice to the generality of the provisions of subsection (1) of this section, the power of making regulations thereunder shall extend in particular to the following matters :—

- (a) prescribing the types of education, and classes of school, continuance at which shall be reckoned for the purpose of crediting contributions ;
- (b) determining to what extent holidays or other periods of interruption shall be disregarded for the purpose of determining whether a person is continuing to receive whole-time education ;
- (c) prescribing the procedure as to claims in respect of contributions so to be credited, including the limitations of time within which such claims must be made ;
- (d) requiring local authorities, governing bodies or other persons responsible for the management of schools, attendance at which may be reckoned for the purposes of crediting contributions, to supply such particulars as to school attendances as may be prescribed.

(4) Regulations made under this section shall not come into force until the third day of September, nineteen hundred and thirty-five, but as from that date shall apply to persons who, having previously (whether before or after the commencement of this Act) attained the age aforesaid, have continued and are then continuing to receive whole-time education.

(5) For the purpose of determining whether the first statutory condition is fulfilled in the case of any insured contributor :—

- (a) any contributions with which he is credited under regulations made under this section (in this section referred to as “credited contributions”) shall be deemed to have been paid in respect of him at the rate of one contribution for each week over a period ending with the week in which he ceased to receive whole-time education or in which he attained

the age of sixteen years, whichever is the earlier; and

PART VI.
—cont.

- (b) for the purposes of subsection (2) of section twenty-two of this Act, he shall be deemed to have been bona fide employed during the said period; and
- (c) no contributions actually paid in respect of him for weeks included in the said period shall be taken into account; and
- (d) contributions actually paid in respect of him for weeks before the beginning of the said period shall be taken into account only if the number of contributions actually paid in respect of him before he ceased to receive whole-time education or before he attained the age of sixteen years, as the case may be, is in excess of the number of credited contributions, and in that case only to the extent of the excess.

(6) No account shall be taken of credited contributions—

- (a) for the purpose of determining whether an insured contributor is qualified under subsection (2) of section thirty-one of this Act for additional days, or the maximum number of such days; or
- (b) for the purpose of calculating the amount of the sums to be contributed out of moneys provided by Parliament under section twenty-one of this Act.

76.—(1) Every education authority shall, as soon as may be after the commencement of this Act, unless it has already complied with the provisions of subsection (1) of section thirteen of the Unemployment Act, 1934, submit to the Minister proposals for the provision of such courses of instruction as may be necessary for persons in its area between the minimum age for entry into insurance and the age of eighteen years who are capable of and available for work but have no work or only part-time or intermittent work.

Provision of
courses of
instruction
by education
authorities.
24 & 25
Geo. 5. c. 29.

(2) If after the commencement of this Act the Minister approves with or without modifications any

PART VI.
—*cont.*

proposals made by an education authority under the last foregoing subsection or any proposals made by an education authority before the commencement of this Act under subsection (1) of the said section thirteen, or if before the commencement of this Act the Minister has approved under subsection (1) of the said section thirteen any proposals made under that subsection, the authority shall provide courses in accordance therewith :

Provided that the Minister shall not approve any proposals submitted to him by an education authority in England or Scotland unless they are in accord with schemes made by him with the consent of the Treasury for England and Scotland respectively, after consultation, in the case of the scheme for England, with the Board of Education and, in the case of the scheme for Scotland, with the Scottish Education Department.

(3) If it is certified by the Minister that, having regard to the number of such persons as aforesaid in the area of any education authority, insufficient provision has been made under the foregoing provisions of this section for courses of instruction in or in any part of the area, and that such courses of instruction as are specified in the certificate are necessary in such localities as are specified therein, it shall be the duty of the authority to provide such courses of instruction in those localities within three months from the date of the certificate or such further time as the Minister may allow, and, if the authority fails to do so, the Minister may make such an order as he thinks necessary or proper for the purpose of compelling the authority to fulfil that duty.

(4) Any order made by the Minister under this section may in England be enforced by mandamus.

(5) It is hereby declared that proceedings in Scotland for the enforcement of any order made by the Minister under this section may be taken at the instance of the Minister under section ninety-one of the Court of Session Act, 1868, as amended by any subsequent enactment.

31 & 32 Vict.
c. 100.

Provision of
training
courses by
Minister.

77. The Minister, subject to the approval of the Treasury, may provide training courses for persons who have attained the age of eighteen years and are capable of and available for work but have no work or only part-time or intermittent work.

78.—(1) If any person (whether an insured contributor or not) who is between the minimum age for entry into insurance and the age of eighteen years is capable of and available for work but has no work or only part-time or intermittent work, the Minister may require his attendance in accordance with regulations at any authorised course at which he can reasonably be expected to attend.

PART VI.
—*cont.*
Power to require attendance of persons under eighteen at authorised courses.

(2) If any person whose attendance at an authorised course has been required by the Minister under this section fails, except by reason of sickness or other unavoidable cause, to attend at that course, then—

(a) in England, proceedings may be taken by or on behalf of the Minister—

(i) in the case of a person who has not attained the age of sixteen years, under section forty-five of the Education Act, 1921, (notwithstanding that he may be over the age at which an order could otherwise be made under that section); or

11 & 12
Geo. 5. c. 51.

(ii) in the case of a person who has attained the age of sixteen years, under section seventy-eight of that Act;

as if the requirement were respectively a school attendance order or a requirement imposed under the said Act for attendance at a continuation school, and as if proceedings could be taken by or on behalf of the Minister under those sections, and the provisions of that Act shall apply accordingly; and

(b) in Scotland—

(i) in the case of a person who has not attained the age of sixteen years, proceedings may be taken by or on behalf of the Minister under section four of the Day Industrial Schools (Scotland) Act, 1893 (notwithstanding that that person may be over the age at which an order could otherwise be made under that section) as if the requirement to attend at the course were an attendance order and as if proceedings could be taken by or on behalf of the Minister under the said section, and the

56 & 57 Vict.
c. 12.

PART VI.
—cont.

provisions of the said Act shall apply accordingly, provided that it shall not be competent in any such proceedings to pronounce a sentence of imprisonment; and

8 & 9 Geo. 5.
c. 48.

(ii) in the case of a person who has attained the age of sixteen years, the provisions of subsection (8) of section fifteen of the Education (Scotland) Act, 1918, shall apply as if the requirement to attend at the course were an order by an education authority served upon that person in accordance with that subsection.

(3) For the purposes of the last foregoing subsection and of any such proceedings as are therein mentioned, a person who, by reason of his misbehaviour while attending at any course, has been required to discontinue his attendance thereat for any period shall be deemed to have failed without unavoidable cause to attend at that course.

(4) An education authority shall have power to assist the Minister with respect to the attendance at authorised courses of persons who may be, or have been, required by the Minister under this section to attend thereat, and, for the purpose of the power conferred by this subsection, the expression "education authority" shall include a local education authority for elementary education under the Education Act, 1921 :

Provided that legal proceedings for enforcing a requirement of the Minister that any person should attend at an authorised course shall not be taken by an education authority except under subsection (2) of this section on behalf of the Minister.

(5) The regulations made by the Minister under this section may make provision for the establishment of boards of assessors for the purpose of reporting to him as to the advisability of requiring persons to attend at an authorised course.

Expenses of
and in
connection
with
courses.

79.—(1) The Minister, subject to the approval of the Treasury, may defray the cost of authorised courses provided by him and contribute towards the cost of any other authorised courses and may also defray, or contribute towards, the cost of training courses, courses of instruction, or courses of occupation, provided in

pursuance of arrangements made with the Minister by any public authority or other body for persons who are capable of and available for work but have no work or only part-time or intermittent work.

PART VI.
—cont.

(2) The Minister, subject to the approval of the Treasury, may defray or contribute towards the travelling expenses of persons travelling to or from any such course as aforesaid, and may make payments to persons attending at any such authorised course, training course, or course of instruction as aforesaid, not being a course provided only for persons who have not attained the age of eighteen years.

80.—(1) Subject to the provisions of this section the Minister may, with the consent of the Treasury, authorise the payment out of the Unemployment Fund of grants towards expenses incurred by the Minister in respect of the attendance at authorised courses of persons who have not attained the age of eighteen years and of insured contributors in receipt of benefit who have attained that age.

Power to make grants out of Unemployment Fund towards expenses of attendance at authorised courses.

(2) Grants under this section—

- (a) in respect of attendance at authorised courses, being courses of instruction, shall not exceed fifty per cent.; and
- (b) in respect of attendance at authorised courses, being training courses, shall not exceed seventy-five per cent.;

of any amount which may be paid out of moneys provided by Parliament in respect of the attendances in question.

(3) All sums paid out of the Unemployment Fund under this section shall be paid as an appropriation in aid of moneys provided by Parliament for the expenses of the Minister, but the expenses of the Minister so incurred as aforesaid shall not be taken into account in estimating his expenses for the purposes of subsection (1) of section sixty-two of this Act.

81.—(1) An education authority in England shall have power, in accordance with a scheme to be approved by the Minister, to make arrangements for giving to persons under the age of eighteen years assistance with

Miscellaneous powers of education authorities.

PART VI.
—*cont.*

respect to the choice of suitable employment by means of the collection and communication of information and the furnishing of advice, and to undertake such additional duties as are specified in the scheme, being duties in connection with—

- (a) the attendance at authorised courses of persons under the age of eighteen years; or
- (b) the administration of benefit claimed by persons under that age; or
- (c) the administration of increase of benefit claimed in respect of dependent children between the ages of fourteen and sixteen years.

(2) Where a scheme under this section is in force—

- (a) there shall out of the Unemployment Fund be repaid to the education authority sums equal to the aggregate amount from time to time paid in benefit by the authority; and
- (b) there shall from time to time be paid out of moneys provided by Parliament to the education authority in respect of administrative expenses such sums as may be determined in accordance with regulations made by the Minister with the consent of the Treasury.

(3) An education authority being the council of a county, and the council of a non-county borough or urban district being a local education authority for elementary education under the Education Act, 1921, may, as part of its powers in relation to higher education, enter into and carry into effect arrangements or agreements for the co-operation of the council of the borough or district with the county council in respect of the exercise by the county council of their powers under this section either—

- (a) by rendering to the county council such assistance as may be arranged or agreed; or
- (b) by exercising within the borough or district on behalf of the county council all or any of the powers of that council under this section;

and any such arrangement or agreement may amongst other things provide for the proportion in which the

expenses incurred under it are to be borne by the councils respectively.

PART VI.
—cont.

(4) If a scheme under this section provides for the exercise by the council of a non-county borough or an urban district of the powers of the county council under this section, the scheme may also provide for the repayments and payments referred to in subsection (2) of this section being made direct to the first-mentioned council instead of to the county council.

(5) The provisions of section one hundred and eighteen of the Education Act, 1921, so far as they relate to grants to education authorities in respect of the exercise of their powers and duties under this section, shall have effect as if the Minister were substituted for the Board of Education.

(6) Nothing in this section shall affect the provisions of subsection (2) of section forty-two of the Unemployment Act, 1934, except that for the reference therein to section six of the Unemployment Insurance Act, 1923, there shall be substituted a reference to this section. 13 & 14
Geo. 5. c. 2.

82. The Minister may make regulations requiring employers, when any person (whether an insured contributor or not) who is between the minimum age for entry into insurance and the age of eighteen years leaves their employment, to give notice thereof to the Minister in the prescribed manner. Notification
when
persons
under
eighteen
leave em-
ployment.

83.—(1) The powers and duties of education authorities in England under this Part of this Act shall be exercised and performed as part of their powers and duties under the Education Act, 1921, and the powers and duties under that Act of local education authorities for the purposes of higher education shall extend to authorised courses, and accordingly an authorised course shall, in relation to such powers and duties, be deemed to be a school. General
provisions
as to
education
authorities.

(2) The powers and duties of education authorities in Scotland under this Part of this Act shall be exercised and performed as part of their duties under the Education (Scotland) Acts, 1872 to 1928, and shall include, in

PART VI.
—cont.

relation to the provision of authorised courses in pursuance of section seventy-six of this Act—

8 Edw. 7.
c. 63.

(a) the like powers and duties as are conferred or imposed by the said Acts with regard to the provision of schools;

(b) the power and duty conferred by section four of the Education (Scotland) Act, 1908; and

(c) power to pay travelling expenses necessarily incurred by persons required to attend authorised courses.

(3) Any sum by which any education grants under any other Act are increased by reason of the additional powers and duties conferred and imposed by the provisions of this Part of this Act on education authorities shall be defrayed out of moneys provided by Parliament.

PART VII.

MISCELLANEOUS AND GENERAL.

Legal.

Deter-
mination of
questions by
Minister
and appeals
from
Minister.

84.—(1) Where under this Act any question is to be decided by the Minister subject to the provisions of this section—

(a) any person aggrieved by the decision of the Minister on any such question may appeal from that decision to the High Court; and

(b) the Minister may, if he thinks fit, instead of himself deciding any such question, refer the question for decision to the High Court.

(2) The Minister may, on new facts being brought to his notice, revise a decision given by him of any such question, other than a decision against which an appeal is pending or as respects which the time for appealing has not expired, and an appeal shall lie against any such revised decision in the same manner as against an original decision.

(3) Provision shall be made by rules of court for regulating appeals and references to the High Court under this section, and those rules shall provide for limiting the time within which such an appeal may be brought and for the determination in a summary manner of any such appeals or references, and for requiring notice of any such appeals to be given to the Minister.

(4) The Minister shall be entitled to appear and be heard on any appeal or reference under this section.

PART VII.
—cont.

(5) Notwithstanding anything in any Act—

(a) an appeal under this section shall be to a single judge of the High Court to be nominated by the Lord Chancellor for the purpose; and

(b) the decision of the High Court on an appeal or reference under this section shall be final.

(6) In the application of this section to Scotland, the Court of Session shall be substituted for the High Court, but paragraph (a) of the last foregoing subsection shall not apply to Scotland, and any power conferred upon the Court of Session by paragraph (j) of section sixteen of the Administration of Justice (Scotland) Act, 1933, to modify, amend or repeal any provision of section ten of the Unemployment Insurance Act, 1920, shall include power to modify, amend or repeal so much of this section as re-enacts that provision.

23 & 24
Geo. 5. c. 41.

(7) The Minister in exercising the power of deciding questions vested in him by this Act shall have regard to the decisions given by the umpire under the enactments repealed by the Unemployment Insurance Act, 1920.

(8) The Minister may by regulations prescribe the procedure to be followed on the consideration of questions to be decided by him under this Act.

85.—(1) In any proceedings—

(a) for an offence under this Act; or

(b) involving any question as to the payment of contributions under this Act; or

(c) for the recovery of any sums due to the Unemployment Fund;

Minister's
decision to
be conclu-
sive for
purposes
of pro-
ceedings
under Act.

the decision of the Minister on any question whether or not a person is or was an employed person, or as to who is or was the employer of an employed person, shall, unless an appeal against the decision is pending or the time for so appealing has not expired, be conclusive for the purpose of those proceedings.

(2) If such a decision has not been obtained and the decision of any such question is necessary for the determination of the proceedings, the question shall be referred to the Minister for decision in accordance with the provisions of this Act.

PART VII.
—cont.

(3) Where any such appeal is pending or the time for so appealing has not expired, or where any question has been referred to the Minister as aforesaid, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Penalty for
false repre-
sentations
and for
failure to
comply with
Act.

86.—(1) If any person, for the purpose of obtaining any benefit or payment under this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If any person is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the regulations made thereunder, in respect of which no special penalty is provided, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds.

(3) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the Unemployment Fund.

General
provisions
as to
prosecutions
under Act.

87.—(1) Proceedings for an offence under this Act shall not be instituted—

(a) in England, except by or with the consent of the Minister or by an inspector or other officer appointed for the purpose of this Act and authorised in that behalf by special or general directions of the Minister; or

(b) in Scotland, except by the Minister, the Procurator-Fiscal, or any such inspector or officer so authorised as aforesaid.

(2) Any such inspector or other officer may, although not a counsel or solicitor, prosecute or conduct before a court of summary jurisdiction any such proceedings as aforesaid.

(3) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, 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 after the commission of the offence, whichever period last expires.

PART VII.
—cont.

(4) For the purposes of the last foregoing subsection a certificate purporting to be signed by the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

88.—(1) All sums due to the Unemployment Fund under this Act shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Minister summarily as a civil debt.

Civil proceedings to recover sums due to Unemployment Fund.

(2) Proceedings in England for the summary recovery as civil debts of sums due to the Unemployment Fund may, notwithstanding anything in any Act to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the Unemployment Fund may be instituted by an inspector or other officer appointed for the purpose of this Act and authorised in that behalf by special or general directions of the Minister, and any such inspector or officer may, although not a counsel or solicitor, conduct such proceedings.

89.—(1) The wife or husband of a person charged with an offence under this Act may be called as a witness either for the prosecution or defence and without the consent of the person charged.

Evidence in proceedings under Act.

(2) It shall be no objection to the competency of a person to give evidence as a witness in proceedings in Scotland under this Act that the proceedings are prosecuted or conducted by that person.

90. Where under any provisions of this Act or any regulations made thereunder the Minister is required or authorised to hold, or to appoint any person to hold, an inquiry, the witnesses shall, if the Minister or the person holding the inquiry, as the case may be, thinks fit, be examined on oath, and the person holding the inquiry shall have power to administer oaths for the purpose.

Evidence on oath at statutory inquiries.

PART VII.
—cont.
Proof of age,
marriage
and death.

91.—(1) Where for the purposes of this Act the age, marriage or death of any person is required to be proved by the production of a certificate of birth, marriage or death, any person shall,—

(a) on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Minister of Health or the Department of Health for Scotland, as the case may be; and

(b) on payment of a fee, in the case of a birth certificate, of sixpence, and, in the case of a marriage or death certificate, of one shilling;

be entitled to obtain a certified copy of the entry of the birth, marriage or death, as the case may be, of the first-mentioned person in the register of births, marriages or deaths, as the case may be, under the hand of the registrar or superintendent registrar or other person having the custody thereof.

(2) Forms for such requisitions as aforesaid shall on request be supplied without any charge by every registrar of births and deaths, and by every superintendent registrar or other person having the custody of the register.

Representa-
tion of
deceased or
insane con-
tributors.

92. The Minister may by regulations make provision for the appointment of a person to receive, on behalf of or as representative of an insured contributor who becomes of unsound mind or dies, any sums payable out of the Unemployment Fund to or in respect of him.

Exemption
of docu-
ments from
stamp duty.

93. Stamp duty shall not be chargeable upon the following documents used in connection with business under this Act—

(a) Draft or order or receipt given by or to an association or branch thereof in respect of money payable in pursuance of this Act or given in respect of benefit payable under any special or supplementary scheme, or in respect of any sums payable to the body charged with the administration of a special or supplementary scheme, or in respect of any sums payable by an association to its members in pursuance of a special arrangement:

- (b) Letter or power of attorney granted by any person as trustee for the transfer of any money invested in his name in the public funds or in any other securities and forming part of any funds applicable for the purpose of any special or supplementary scheme :
- (c) Agreement, bond, or other security made or given for the purpose of, or in connection with, any special arrangement or any special or supplementary scheme :
- (d) Appointment or revocation of appointment of an agent, appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee, and any other document authorised by or in pursuance of this Act or of any special or supplementary scheme or otherwise required in order to give effect to the provisions of this Act, including a statutory declaration :
- (e) Receipt given by an insured contributor in respect of benefit payable, or by any person in respect of a refund or return of contributions paid under this Act.

PART VII.
—cont.

Provisions as to Special Classes of Persons.

94. This Act shall apply to persons employed by or under the Crown to whom this Act would apply if the employer were a private person, subject however to such modifications as may be made therein by Order in Council for the purpose of adapting the provisions of this Act to the case of such persons :

Persons
employed
by or
under the
Crown.

Provided that this Act shall not apply to persons serving in an established capacity in the permanent service of the Crown or to persons who, having been granted certificates by the Civil Service Commissioners, are serving a probationary period preliminary to establishment.

95.—(1) Where any of the following persons, that is to say—

- (a) an officer of a reserve of officers or a man of a reserve force ; or

Persons
temporarily
serving in
armed forces
of the
Crown.

PART VII.
—cont.

(b) an officer or man of the territorial army or the auxiliary air force; or

(c) a retired officer;

is being trained and is in receipt of pay out of moneys provided by Parliament for the navy, army or air force services and was normally before his training a person employed in insurable employment, he shall while so training be deemed, either for the purposes of this Act or (except in the case of an officer) for the purposes of the enactments relating to unemployment insurance in force in Northern Ireland, to be an employed person in the service of the Crown.

(2) Where any person—

(a) being an officer of a reserve of officers or a man of a reserve force, is called out for service otherwise than for training; or

(b) being an officer or man of the territorial army or of the auxiliary air force, is called out for actual military or air force service, as the case may be, or is embodied; or

(c) being a retired officer is called out or taken into employment, or being a naval pensioner is called into actual service, on an occasion of great emergency; or

(d) is given a temporary commission in the naval, marine, land or air forces or a temporary warrant in the Royal Navy, Royal Marines or naval reserves, or engages as a seaman in the Royal Navy, or enlists as a marine in the Royal Marines, as a soldier in the regular army or as an airman in the regular air force, on an occasion of great emergency for service during the emergency;

he shall, if he was normally a person employed in insurable employment before the date on which he is so called out for or into service, embodied, taken into employment, given the commission or warrant, engages or enlists, as the case may be, be deemed either for the purposes of this Act or (except in the case of an officer or a person given a temporary commission or warrant) for the purposes of the enactments relating to unemployment insurance in force in Northern Ireland, during the period of four months from that date or during the period

between that date and the date on which the service, embodiment or employment terminates, whichever period is the shorter, to be an employed person in the service of the Crown.

PART VII.
—cont.

(3) For the purposes of this section—

- (a) the expression “ officer of a reserve of officers ” means an officer of the naval reserves, the regular army reserve of officers, the supplementary reserve of officers, the air force reserve, the air force special reserve, the territorial army reserve of officers or the auxiliary air force reserve;
- (b) the expression “ man of a reserve force ” means a man of the naval reserves, the army reserve or the air force reserve;
- (c) the expression “ retired officer ” means an officer on the retired or emergency lists of the Royal Navy or Royal Marines, a retired officer of the regular army or an officer on the retired list of the Royal Air Force;
- (d) the expression “ insurable employment,” in relation to any person includes such employment as would make him an employed person within the meaning of the enactments relating to unemployment insurance in force in Northern Ireland.

96.—(1) Subject to the provisions of this section, every seaman, marine, soldier and airman discharged from the service at any time after the thirtieth day of June, nineteen hundred and twenty-seven shall, either for the purposes of the provisions of this Act relating to the rights of an insured contributor with respect to benefit, or for the purposes of the corresponding provisions of the enactments relating to unemployment insurance in force in Northern Ireland, but not for any other purpose, be treated as though he were on the date of his discharge an insured contributor who ceased to be employed on that date and in respect of whom a number of contributions equal to the number of weeks during which he had served in the forces after the said thirtieth day of June had been paid at the rate of one contribution for each week over a period ending with the week in which he was discharged :

Discharged
seamen,
marines,
soldiers and
airmen.

PART VII.
—*cont.*

Provided that, in the case of a person discharged before, or serving in the forces on, the twenty-sixth day of July, nineteen hundred and thirty-four, the number of the said contributions shall not be less than thirty.

(2) For the purposes of the last foregoing subsection a part of a week shall be reckoned as a week.

(3) For the purpose of qualifying seamen, marines, soldiers and airmen discharged as aforesaid to be treated in the manner provided by the foregoing provisions of this section, the Admiralty, Army Council and Air Council respectively shall, subject as hereinafter provided, out of moneys provided by Parliament for navy, army and air force services respectively, pay by way of employers' and employed persons' contributions in respect of all seamen, marines, soldiers and airmen so discharged such sum as will, in the opinion of the Treasury, be sufficient to enable them to be so treated.

(4) Any payments made before the said twenty-sixth day of July under section forty-one of the Unemployment Insurance Act, 1920, (as amended by any subsequent enactment), by way of employers' and employed persons' contributions in respect of men discharged between that date and the said thirtieth day of June shall be increased by such an amount as may in the opinion of the Treasury be necessary, having regard to the provisions of subsection (1) of this section.

(5) The sums to be paid under this section out of moneys provided by Parliament for navy, army and air force services—

(a) shall be calculated in such manner as the Treasury may direct; and

(b) shall be paid in such manner and at such dates as may be agreed upon between the Minister on the one hand, and the Admiralty, the Army Council and the Air Council respectively on the other hand; and

(c) shall be apportioned in such manner as may be determined by the Joint Exchequer Board established under section thirty-two of the

Government of Ireland Act, 1920, between the Unemployment Fund and the corresponding fund established under the enactments relating to unemployment insurance in force in Northern Ireland;

PART VII.
—cont.
10 & 11
Geo. 5. c. 67.

and the sums so apportioned shall be paid into the respective funds.

(6) Nothing in this section shall apply to any seaman, marine, soldier or airman who is discharged at his own request or at the request of his parent or guardian or of some other interested person, unless—

- (a) he is discharged within three months of the date when he is due for discharge for the purpose of taking up civil employment which would not otherwise remain open for him; or
- (b) he is a person who, being a soldier, extended his service for the purpose of undergoing a vocational training course and was, more than three months before the date on which the extended period of his service with the colours would be completed, discharged while serving at home for the purpose of enabling him to take up civil employment which could not be held open.

(7) Nothing in this section shall apply to any seaman, marine, soldier or airman who is a deserter or who is discharged or dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act or the Air Force Act, or by any civil court, or to any person who is discharged on account of fraudulent enlistment.

(8) Nothing in this section shall apply to recruits or re-enlisted pensioners not finally approved.

(9) Nothing in this section shall apply to any seaman, marine, soldier or airman to whom subsection (2) of the last foregoing section of this Act applies, if he is discharged within the period of four months mentioned in that subsection, and, where any such seaman, marine, soldier or airman is not discharged within that period, the

PART VII. sum payable in respect of him under this section on his discharge shall be reduced by the amount of any contributions paid in respect of him during that period under this Act, and those contributions shall be deemed not to have been paid in respect of him.
—*cont.*

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

(a) “airman” means a man of the regular air force and also a man of the auxiliary air force who, having been called out for actual air force service or having been embodied, is not discharged within the period of four months from the date when he is so called out for service or embodied, but does not include a native or Maltese recruited outside the United Kingdom;

(b) “discharge” includes transfer to the reserve in the case of a seaman, marine, soldier or airman who on the completion of any term of service is transferred to any reserve and the expression “discharged” shall be construed accordingly;

(c) “seaman” and “marine” mean respectively a seaman and a marine within the meaning of the Naval and Marine (Pay and Pensions) Act, 1865, except that the expression “seaman” does not include native ratings or Maltese recruited outside the United Kingdom;

(d) “soldier” means a soldier of the regular forces and also a man of the territorial army who, having been called out for actual service, or having been embodied, is not discharged within the period of four months from the date when he is so called out for service or embodied, but does not include any soldier of His Majesty’s Indian forces or Royal Malta Artillery, or a native soldier of any regiment raised outside the United Kingdom.

97.—(1) Every constable of the metropolitan police force appointed for a fixed period of service who is discharged from the force on the completion of that period shall, for the purposes of the provisions of this Act relating to the rights of an insured contributor with respect to benefit but not for any other purpose, be treated as though he were, on the date of his discharge, an insured contributor who ceased to be employed on that date and in respect of whom contributions equal to the number of weeks during which he has served in the force had been paid at the rate of one contribution for each week over a period ending with the week in which he was discharged.

PART VII.

—cont.

Short
service
constables
of the
metro-
politan
police force.

(2) For the purposes of the last foregoing subsection any part of a week shall be reckoned as a week.

(3) For the purpose of qualifying such constables as aforesaid to be treated for the purposes of this Act in the manner provided by the foregoing provisions of this section, there shall be paid to the Unemployment Fund out of the Metropolitan Police Fund by way of employers' and employed persons' contributions in respect of all such constables so discharged as aforesaid, such sums as will, in the opinion of the Treasury, be sufficient to enable them to be so treated.

(4) The sums to be paid under this section out of the Metropolitan Police Fund shall be calculated in such manner as the Treasury may direct, and shall be paid in such manner and at such dates as may be agreed upon between the Minister and the Secretary of State.

98.—(1) The Minister may, after consultation with the Board of Trade, make regulations modifying in such manner as he thinks proper the provisions of this Act (other than provisions determining the rates of contributions) in their application to masters, seamen and apprentices to the sea service and sea fishing service.

Persons em-
ployed in
the
mercantile
marine.

(2) Any such regulations may in particular, without prejudice to the generality of the foregoing provisions of this section, provide—

- (a) for the exclusion from this Act of any masters, seamen or apprentices who are neither domiciled nor have a place of residence in the United Kingdom, and for the payment by the employers of such masters, seamen or apprentices of

PART VII.
—cont.

contributions as if they were not excluded from this Act;

(b) for the administration in the prescribed manner of the funds arising from the contributions paid by employers in respect of masters, seamen or apprentices who are so excluded from this Act, and for the objects towards which any such funds may be applied.

(3) References to the Unemployment Fund in sections eighteen, eighty-five and eighty-six and subsections (1) and (2) of section eighty-eight of this Act shall be construed as including references to the seamen's special fund or any similar fund established by any regulations for the time being in force under this section.

Persons employed on night work.

99. The Minister may make regulations prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct.

Provisions for Promoting Employment.

Power of Minister to assist schemes for promoting greater regularity of employment.

100.—(1) Where any scheme for promoting greater regularity of employment in any industry is, on the joint application of an organisation representing employers and an organisation representing workpeople in the industry, approved by the Minister, the Minister may in accordance with arrangements made by him with the consent of the Treasury, assist the administration of the scheme by attaching officers of the Ministry of Labour to help in the administration thereof and by such other means as he thinks fit.

(2) The Minister may, in accordance with such arrangements as aforesaid, issue on behalf of employers to persons to whom any such scheme applies, sums by way of wages or additional benefits in respect of unemployment or compensation for loss of employment, but any arrangement making provisions for the issue of any such sums shall also make provision for paying to the Minister any sums to be so issued by him and any expenses incurred by him which are attributable to the scheme.

(3) If an organisation representing employers and an organisation representing workpeople in any industry make to the Minister a joint representation as to any difficulty in the operation of any scheme for promoting greater regularity of employment in the industry, or in making any further scheme for that purpose for the industry, the Minister may appoint one or more persons to hold an inquiry into the circumstances giving rise to the difficulty and to make a report to him with respect thereto.

PART VII.
—cont.

(4) The fee to be paid by the Minister to any person holding such an inquiry as aforesaid shall be such as the Minister may with the consent of the Treasury direct.

(5) In this section the expression "industry" has the same meaning as in section seventy-two of this Act.

101. The Minister shall, so far as practicable, make arrangements with employers for the notification by them to employment exchanges of situations in their employments which are vacant or about to become vacant, and for that purpose the Minister shall consult associations of employers and employees, as the circumstances of the case may require.

Notification
of vacancies
by em-
ployers.

102. With a view to promoting employment, the Minister may, on such terms and subject to such conditions as may be determined by schemes made by him with the approval of the Treasury, make provision by way of grant or loan or otherwise for the purpose of facilitating the removal of workers and their dependants from one place to another and, if both those places are within the United Kingdom, for assisting towards their re-settlement.

Removal
of workers
to promote
employ-
ment.

103.—(1) Where any payment, whether by way of grant or advance, has been made out of moneys provided by Parliament to or in respect of any person, being an insured contributor in whose case the first statutory condition is fulfilled, on account of the expenses of travelling to any place for the purpose of obtaining employment, the Minister may, whether employment has or has not been found for that person at that place, repay out of the Unemployment Fund to the Exchequer, in such manner as the Treasury may direct, such part

Payment
out of Un-
employment
Fund of
travelling
expenses of
insured con-
tributors.

PART VII. of the grant or advance as may, with the consent of the
—cont. Treasury, be prescribed.

(2) If, in the event of employment being found for a person to or in respect of whom any such grant or advance as aforesaid has been made, that person, without reasonable excuse, either fails to enter on, or within seven days of entering thereon leaves, the employment found for him, the sum repaid under this section out of the Unemployment Fund may be recovered from him or deducted from any benefit which may thereafter become payable to him, and if so recovered shall be paid into the Unemployment Fund.

Regulations, Orders and Special Orders.

Power of
Minister to
make
regulations.

104.—(1) The Minister may make regulations for any of the purposes for which regulations may be made under this Act and for prescribing anything which, under this Act, is to be prescribed, and generally for carrying this Act into effect.

(2) Before making any regulations under this Act, except under section seventy-eight or section eighty-two of this Act, the Minister shall submit to the Unemployment Insurance Statutory Committee a draft of the regulations.

(3) When any draft regulations are so submitted to them, the Committee shall publish, in such manner as they think best adapted for informing persons affected, notice of the fact and of the place where copies of the draft may be obtained and of the time, which shall not be less than fourteen nor more than twenty-eight days, within which any objection made with respect to the draft by or on behalf of persons affected must be sent to them.

(4) Every objection shall be in writing and shall state the portions of the draft which are objected to, the specific grounds of objection, and the omissions, additions or modifications asked for.

(5) The Committee shall forthwith consider any draft submitted to them under this section and shall consider any objection made by or on behalf of any person appearing to them to be affected which is sent to them within

the required time, and shall report on the draft to the Minister and the Minister shall consider the report of the Committee and may then make the regulations either in the form of the draft or with such amendments as he thinks fit :

PART VII.
—cont.

Provided that, where the Minister certifies that on account of urgency or any special reason any regulations should come into operation without delay, the Minister may, before receiving or considering the report of the Committee on the draft thereof make the regulations as provisional regulations, so, however, that no provisional regulations shall continue in force for longer than three months after the receipt by the Minister of the report.

(6) Whenever any regulations made by the Minister (being neither regulations made under section seventy-eight or section eighty-two of this Act nor provisional regulations) are laid before Parliament in pursuance of the next following section of this Act, there shall be laid together therewith the report of the Committee on the draft thereof and a statement by the Minister showing what amendments, if any, have been made since the report of the Committee and what effect (if any) has been given to any recommendations of the Committee, and, if effect has not been given to any recommendation, giving reasons for not adopting it.

105.—(1) Regulations made under this Act shall be laid before each House of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation.

General
provisions
as to
regulations.

(2) Regulations made under this Act shall have effect as if enacted in this Act.

(3) Section one of the Rules Publication Act, 1893, (which requires notices to be given of a proposal to make statutory rules), shall not apply to regulations made under this Act.

56 & 57 Vict.
c. 66.

PART VII.
—*cont.*

(4) This section applies to all regulations made under this Act, whether by the Minister or otherwise.

Provisions
as to special
orders.

106.—(1) Before the Minister makes any special order under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the order, and of the place where copies of the draft order may be obtained, and of the time (which shall not be less than twenty-one days) within which any objection made with respect to the draft order by or on behalf of persons affected must be sent to him.

(2) Every objection shall be in writing and shall state the draft order or the portions of the draft order which are objected to, the specific grounds of objection, and the omissions, additions, or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft order, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4) When the Minister does not amend or withdraw any draft order to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the order, direct an inquiry to be held in the manner hereinafter provided.

(5) The Minister may appoint a competent and impartial person to hold an inquiry with regard to any draft special order, and to report to him thereon, and the following provisions shall have effect in relation to any such inquiry—

(a) The inquiry shall be held in public, and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft order may appear at the inquiry either in person or by counsel, solicitor, or agent:

(b) Subject as aforesaid and subject to the provisions of section ninety of this Act, the inquiry and all

proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister:

PART VII.
—cont.

- (c) The fee to be paid to the person holding the inquiry shall be such as the Minister may direct and shall be paid out of moneys provided by Parliament.

(6) The Minister may, after considering the report of the person who held the inquiry, make the order either without modification or subject to such modification as he thinks fit, or may refuse to make the order.

(7) Before a special order comes into force, it shall be laid before each House of Parliament for a period of not less than twenty days during which the House is sitting, and, if either of those Houses before the expiration of those twenty days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new order.

107. Any order or special order made under any of the provisions of this Act may be revoked, varied, or amended by an order or special order made in like manner. Power to revoke or vary orders.

*Provisions as to Northern Ireland, the Isle of Man
and the Channel Islands.*

108.—(1) The Minister may, with the consent of the Treasury, enter into agreements with the Ministry of Labour for Northern Ireland for enabling contributions and benefit paid in Great Britain or Northern Ireland to be taken into account in the other country for any purpose for which they would have been taken into account had they been paid in that country. Reciprocal arrangements with Northern Ireland.

(2) Where such an agreement has been entered into (whether before or after the commencement of this Act) then, whilst the agreement is in force and subject to any conditions contained therein, for the purpose of determining the right to benefit under this Act and the amount thereof, qualification for benefit acquired by means of contributions paid or treated as paid or work done in Northern Ireland, and the amount of unemployment

PART VII. benefit received in Northern Ireland, shall be taken into
—*cont.* account.

Provisions
of Act
applying
for purpose
of Northern
Irish un-
employment
insurance
enactments.

109. The provisions of this Act set out in the Sixth Schedule thereto shall apply for the purposes of the enactments relating to unemployment insurance for the time being in force in Northern Ireland as they apply for the purposes of this Act, subject to the following modifications, that is to say—

- (a) references to this Act shall be construed as including references to the said enactments;
- (b) references to the Minister shall be construed as including references to the Ministry of Labour for Northern Ireland;
- (c) references to the Unemployment Fund shall be construed as including references to the corresponding fund established under the said enactments;
- (d) references to employed persons shall be construed as including references to employed persons within the meaning of the said enactments;
- (e) references to unemployment stamps, books or cards shall be construed as including references to similar stamps, books and cards issued under the said enactments;
- (f) references to contributions and benefit shall be construed as including references to contributions and benefit paid or payable, as the case may require, under the said enactments;
- (g) references to a special or supplementary scheme or a special arrangement shall be construed as including references to a similar scheme or arrangement for the time being in force under the said enactments.

Reciprocal
arrange-
ments with
Isle of Man
and Channel
Islands.

110. The Minister may, with the consent of the Treasury, make arrangements with the authority administering any statutory scheme of unemployment insurance in the Isle of Man or the Channel Islands—

- (a) for the payment of unemployment benefit in the Isle of Man or Channel Islands, as the case may be, to persons who would, if they had been resident in Great Britain or Northern Ireland,

have been entitled to benefit under this Act or the enactments relating to unemployment insurance in force in Northern Ireland; and

PART VII.
—cont.

- (b) for the payment of benefit in Great Britain or Northern Ireland to persons entitled to unemployment benefit under such a scheme.

Transitional Provisions.

111.—(1) Notwithstanding anything in section thirty-two of this Act, references in the provisions of this Act to the benefit year of an insured contributor shall be construed as including references to benefit years beginning before the twenty-sixth day of July nineteen hundred and thirty-four and determined in accordance with the enactments repealed by the Unemployment Act, 1934, if and only if during the year and before the said date the insured contributor on a claim for benefit proved—

Transitional
provisions
as to
benefit.

- (a) that he was either a person in respect of whom thirty contributions had been paid within the time limited by the first statutory condition, or a person who was by virtue of subsection (5) of section five of the Unemployment Insurance Act, 1927, to be treated as having satisfied that condition; and

17 & 18
Geo. 5. c. 30.

- (b) in the case only of a person who had exhausted his benefit rights in his last preceding benefit year, also that contributions had been paid in respect of him for ten weeks since the Sunday last before the last day in respect of which he was entitled to benefit;

and accordingly references in the said provisions to the last preceding benefit year of an insured contributor shall be construed as references to the last preceding benefit year in which on a claim for benefit he so proved the matters aforesaid :

Provided that for the purposes of the reference to “ the benefit years which ended in the last five years ” in paragraph (b) of subsection (2) of section thirty-one of this Act, the expression “ benefit year ” shall be construed as including any benefit year determined in accordance with the enactments repealed as aforesaid.

PART VII.
—cont.

(2) An insured contributor in whose case a benefit year was current on the said twenty-sixth day of July—

(a) shall, subject to and in accordance with regulations made by the Minister, be treated throughout the remainder of that benefit year as if the first statutory condition continued to be fulfilled in his case; and

(b) shall not be deemed to have exhausted his benefit rights in that year on the ground that he has exhausted such rights under sub-paragraph (b) of paragraph (1) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, unless he has also exhausted such rights under section thirty-one of this Act; and

(c) shall, if he had exhausted his benefit rights in that year before the said date under the said sub-paragraph (b), but proves that there have been paid in respect of him the last of the ten contributions mentioned in that sub-paragraph, be treated, for the purpose of subsection (4) of section thirty-one and paragraph (b) of subsection (1) of section thirty-two of this Act, as if there had been paid in respect of him the last of the ten contributions mentioned in paragraph (b) of the said subsection (1).

(3) If any difficulty arises with respect to the foregoing provisions of this section, the Minister, with the consent of the Treasury, may by order make such modifications in those provisions as may appear to him necessary for preventing anomalies during the period affected by the transition to the provisions of the Unemployment Act, 1934, from the provisions of the enactments repealed by that Act :

Provided that the Minister shall not exercise the powers conferred by this subsection after the expiration of two months from the second appointed day within the meaning of the Unemployment Act, 1934, as amended by any subsequent enactment.

Transitional
provision as
to author-
ised courses.
20 & 21
Geo.5. c.16.

112. Any approved course of instruction provided by an education authority in accordance with the provisions of section fifteen of the Unemployment Insurance Act, 1930, shall, until the proposals submitted by that

authority to the Minister under subsection (1) of section thirteen of the Unemployment Act, 1934, or under section seventy-six of this Act have been approved by him, be deemed for the purposes of this Act to be an authorised course, notwithstanding that it has not been provided under or in pursuance of the last-mentioned section.

PART VII.
—cont.

*Interpretation, savings, extent, short title,
repeal and commencement.*

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

Interpreta-
tion.

- (a) “Application for benefit” means an application for benefit made in the prescribed manner;
- (b) “Authorised course” means, subject to the provisions of the last foregoing section of this Act, a course of instruction or training course provided under or in pursuance of section seventy-six or section seventy-seven of this Act and includes, in relation to insured contributors who have attained the age of eighteen years, any training course provided by the Unemployment Assistance Board under the Unemployment Act, 1934;
- (c) “Benefit” means the sums payable under Part III of this Act to an insured contributor who is unemployed;
- (d) “Benefit rights” means, in relation to an insured contributor, his right to receive benefit for the number of days allowed in his case by the provisions of paragraphs (a) and (b) of subsection (1) of section thirty-one of this Act or by the provisions of paragraphs (a) and (b) of subsection (1) of section three of the Unemployment Act, 1934, or by the provisions of sub-paragraph (b) of paragraph (1) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, as the case may be;
- (e) “Calendar week” means the period of seven days commencing from the midnight between Sunday and Monday;

PART VII.
—*cont.*

- (*f*) “ Claim for benefit ” includes an application for benefit ;
- (*g*) “ Day ” means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Minister may for any general or special purpose prescribe ;
- (*h*) “ Education authority ” means, except in the application of this Act to Scotland, a local education authority for the purposes of higher education under the Education Act, 1921 ;
- (*i*) “ Employed person ” means any person of either sex, whether a British subject or not, who has attained the minimum age for entry into insurance under this Act and is employed in insurable employment ;
- (*j*) “ Employer’s contribution ” means a contribution payable under the general provisions of this Act by an employer on his own behalf in respect of an employed person, whether the employed person is or is not an excluded person ;
- (*k*) “ Employment exchange ” has the same meaning as the expression “ labour exchange ” in the Labour Exchanges Act, 1909, and includes a branch employment office and a juvenile employment bureau ;
- (*l*) “ Excepted employment ” has the meaning assigned to it by section three of this Act ;
- (*m*) “ Excluded person ” means an employed person who, by virtue of the provisions of section five of this Act, is not insured under this Act ;
- (*n*) “ General provisions of this Act ” means the provisions of this Act other than those contained in Part V thereof relating to special and supplementary schemes ;
- (*o*) “ Insurable employment ” has the meaning assigned to it by section three of this Act ;
- (*p*) “ Insurance year ” means the period beginning on the twenty-seventh Monday in any calendar

year and ending on the Sunday preceding the twenty-seventh Monday in the next calendar year;

- (g) "Insured contributor" means a person insured under this Act;
- (r) "The Minister" means the Minister of Labour;
- (s) "Prescribed" means prescribed by regulations made by the Minister;
- (t) "Statutory conditions" means the conditions set out in sections twenty-two to twenty-five of this Act, and references to the first, second, third and fourth statutory conditions shall be construed accordingly;
- (u) "Trade dispute" means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.

(2) For the purposes of this Act—

- (a) a person shall be deemed to be between any two ages therein mentioned if he has attained the first mentioned age but has not attained the second mentioned age;
- (b) a person shall be deemed, according to the law in England as well as according to the law in Scotland, not to have attained the age of twenty-one years until the commencement of the twenty-first anniversary of the day of his birth, and similarly with respect to other ages.

114.—(1) Nothing in this Act shall affect any Order in Council, order, rule, regulation, scheme, arrangement or requirement made, certificate issued, notice, decision, determination, direction or approval given, or thing done, under any former enactment relating to unemployment insurance, and every such Order in Council, order, rule, regulation, scheme, arrangement, requirement, certificate, notice, decision, determination, direction or approval shall, if in force at the commencement of this Act, continue in force and, subject as

PART VII. hereinafter provided, shall, so far as it could have
—*cont.* been made, issued or given under this Act, have effect
as if made, issued or given under the corresponding
enactment of this Act.

21 & 22
Geo. 5. c. 36.

(2) Any regulations made before the twenty-sixth day of July, nineteen hundred and thirty-four, under section one of the Unemployment Insurance (No. 3) Act, 1931, shall, if in force at the commencement of this Act, have effect as if they were orders made under section fifty-five of this Act, and subsections (6), (7) and (8) of the last-mentioned section shall be deemed to have been complied with in respect thereof.

(3) Any special orders made before the said twenty-sixth day of July under section thirty-nine of the Unemployment Insurance Act, 1920, shall, if in force as aforesaid, have effect as if they were regulations made under section ninety-eight of this Act.

(4) Any orders or special orders made before the said twenty-sixth day of July under section four of the Unemployment Insurance Act, 1920, shall, if in force as aforesaid, have effect as if they were regulations made under subsection (1) of section one hundred and four of this Act.

(5) Any special orders made before the said twenty-sixth day of July under paragraph (c) of Part I of the First Schedule to the Unemployment Insurance Act, 1920, or under paragraph (j) of Part II of that Schedule shall, if in force as aforesaid, have effect as if they were regulations made respectively under paragraph 3 of Part I of the First Schedule to this Act and paragraph 11 of Part II of that Schedule.

(6) Subsections (2) to (6) of section one hundred and four of this Act shall be deemed to have been complied with in respect of any regulations made by the Minister before the said twenty-sixth day of July which are in force at the commencement of this Act, and in respect of any orders or special orders which have effect as if they were regulations by virtue of the last three foregoing subsections.

(7) Any person holding office or acting or serving under or by virtue of any former enactment relating to unemployment insurance shall continue to hold his

office or to act or serve as if he had been appointed under this Act.

PART VII.
—cont.

(8) Any document referring to any former enactment relating to unemployment insurance shall be construed as referring to the corresponding enactment of this Act.

(9) All funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the former enactments relating to unemployment insurance.

(10) References in this Act to insured contributors shall, so far as is necessary for the purpose of preserving any accruing right, be construed as including references to persons insured under the former enactments relating to unemployment insurance, and any contributions or benefit paid in respect of any persons under the said enactments shall, for the purposes of this Act, be treated as if they had been paid under the corresponding enactments of this Act.

(11) Any body of persons having immediately before the commencement of this Act power to transact business relating to unemployment insurance shall continue to have the same power in that behalf which it would have had if this Act had not passed.

(12) In this section the expression "former enactment relating to unemployment insurance" means any enactment repealed by this Act and any enactment repealed by the Unemployment Insurance Act, 1920.

(13) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889.

52 & 53 Vict.
c. 63.

115.—(1) The following provisions of this Act shall extend to Northern Ireland, namely—

Application
to Northern
Ireland.

- (a) section ninety-five (except in so far as it relates to officers and persons given a temporary commission or warrant), section ninety-six and section one hundred and ten; and
- (b) so much of this Act as repeals subsection (2) of section forty, section forty-one and section forty-two of the Unemployment Insurance Act, 1920, and the enactments amending those sections.

PART VII.
—cont.

(2) Save as aforesaid, nothing in this Act shall affect the law relating to unemployment insurance in force in Northern Ireland at the commencement of this Act.

Short title,
repeal and
commence-
ment.

116.—(1) This Act may be cited as the Unemployment Insurance Act, 1935.

(2) The enactments set out in Part I of the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the Orders set out in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.

(3) This Act shall come into operation on the eighteenth day of March, nineteen hundred and thirty-five.

SCHEDULES.

FIRST SCHEDULE.

Sections 3
and 114.

INSURABLE AND EXCEPTED EMPLOYMENTS.

PART I.

EMPLOYMENTS WITHIN THE MEANING OF THIS ACT.

1. Employment in Great Britain under any contract of service or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise, or, except in the case of a contract of apprenticeship, without any money payment.

2. Employment under such a contract as aforesaid as master or a member of the crew of any ship whose port of registry is a port in Great Britain or of any other British ship or vessel (not being a ship whose port of registry is a port in Northern Ireland or a ship or vessel registered in the Irish Free State) of which the owner, or, if there is more than one owner, the managing owner or manager, resides or has his principal place of business in Great Britain.

3. Employment under any public or local authority, other than any such employment as may be excluded by regulations.

1ST SCH.
—cont.

PART II.

GENERAL LIST OF EXCEPTED EMPLOYMENTS.

1. Employment in agriculture, including horticulture and forestry.

2. Employment in domestic service, except where the employed person is employed in any trade or business carried on for the purposes of gain.

3. Employment as a female professional nurse for the sick, or as a female probationer undergoing training for employment as such a nurse.

4. Except as otherwise provided in this Act, employment in the naval, military or air service of the Crown, including service in officers' training corps.

5. Except as otherwise provided in this Act, employment, otherwise than in a temporary capacity, as a member of any police force to which the Police Act, 1919, applies.

9 & 10
Geo. 5. c. 46.

6. Employment as a teacher of any person who is in contributory service within the meaning of the Teachers (Superannuation) Act, 1925, or in a capacity which, if that person were under the age of sixty-five years, would be such contributory service, or employment as a teacher to whom a scheme under the Education (Scotland) (Superannuation) Acts, 1919 to 1925, as amended by any subsequent enactment, applies, or, in the event of any similar enactment being hereafter passed as respects teachers or any class of teachers, as a teacher to whom such enactment applies.

15 & 16
Geo. 5. c. 59.

7. Employment as a teacher in a State-aided school in Scotland at any time after the person employed has undergone an examination in order to qualify for the position of a certificated teacher and before the announcement of the result of the examination, and employment as a junior student in such a school, and employment in a public elementary school in England as a pupil or student teacher.

8. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such an agent by more than one employer, and his employment under no one of those employers is that on which he is mainly dependent for his livelihood.

1st SCH.
—cont.

9. Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year, or, in cases where such employment involves part-time service only, at a rate of remuneration which, in the opinion of the Minister, is equivalent to a rate of remuneration exceeding two hundred and fifty pounds a year for whole-time service.

10. Employment of a casual nature otherwise than for the purposes of the employer's trade or business, and otherwise than for the purposes of any game or recreation where the persons employed are engaged or paid through a club, and in such case the club shall be deemed to be the employer.

11. Employment of any class which may be specified in regulations made by the Minister, or in a special order made under the National Health Insurance Acts, 1924 to 1932, and declared by the Minister to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

12. Employment as a member of the crew of a fishing vessel where the employed person is wholly remunerated by a share in the profits or the gross earnings of the working of the vessel.

13. Employment in the service of the husband or wife of the employed person.

14. Employment in respect of which no wages or other money payment is made, where the person employed is the child of, or is maintained by, the employer.

PART III.

EMPLOYMENTS WHICH ARE EXCEPTED IF CERTIFIED BY MINISTER.

1. This Part of this Schedule applies to the following employments, that is to say:—

- (a) employment under any government department (including any department or office declared by a Minister of the Crown to be under his ultimate control) or public or local authority; or
- (b) employment in the service of any railway company or a joint committee of two or more such companies; or
- (c) employment in the service of any public utility company, that is to say, any company carrying on any undertaking for the supply of gas, water, hydraulic

power or electricity, any dock or canal undertaking, or any tramway undertaking, including a light railway constructed wholly or mainly on a public road; or

1st SCH.
—cont.

- (d) employment in which the persons employed are entitled to rights in a superannuation fund established by or in pursuance of an Act of Parliament for the benefit of persons in that employment.

2. An employment to which this Part of this Schedule applies shall be excepted employment where the Minister certifies—

- (a) that the employment is, in the Minister's opinion, having regard to the normal practice of the employer, permanent in character; and
- (b) that the employed person has completed three years' service in the employment; and
- (c) that the other circumstances of the employment, in the Minister's opinion, make it unnecessary that he should be insured under this Act.

3. In the case of employment under a public or local authority, the Minister may, if any enactment relating to the superannuation of persons in that employment provides for the aggregation of service in that employment under two or more employers, whether the service has been continuous or not, treat such service for the purposes of this Part of this Schedule as if it had been service in the same employment.

4. Where a person serving under any employer in employment which is excepted under this Part of this Schedule ceases to serve under that employer and on so ceasing enters other employment to which this Part of this Schedule applies, he shall, on entering the new employment, be treated for the purpose of the power of the Minister to certify under this Part of this Schedule as if he had completed three years' service in the new employment.

5. Where, as the result of the formation of any company or of the amalgamation of any companies, or of any other like process, any person, company or body of persons is succeeded by a company or body as employer in any business or undertaking, the Minister may, in determining for the purposes of the provisions of this Part of this Schedule what is the normal practice of the employer or whether a person has completed three years' service in the employment, treat the normal practice of the old employer as being the normal practice of the new employer and treat any service under the old employer as being service under the new employer.

Sections 5, 7
and 73.

SECOND SCHEDULE.

PERSONS EXCLUDED BY REASON OF HAVING BEEN EMPLOYED IN CERTAIN EMPLOYMENTS EXCEPTED UNDER 14 & 15 GEO. 5. C. 38.

1. Subject as hereinafter provided, this Schedule applies to persons—

- (a) who have been employed in employment which, by virtue of a certificate given under paragraph (b) or (c) of Part II of the First Schedule to the National Health Insurance Act, 1924, is an excepted employment within the meaning of that Act; and
- (b) who on retirement from such employment whether before or after the fourth day of January nineteen hundred and twenty-six (hereafter in this Schedule referred to as "the said date") have been granted a superannuation allowance; and
- (c) in respect of whom no contributions under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932, were, or would had they continued to be so employed on or after the said date have been, payable while they were so employed.

2. Subject as hereinafter provided, this Schedule also applies to persons—

- (a) who have been employed in an employment which would have been such an excepted employment as aforesaid had the rate of their remuneration not exceeded two hundred and fifty pounds a year; and
- (b) who on retirement from such employment, whether before or after the said date, have been granted a superannuation allowance; and
- (c) in respect of whom, had the rate of their remuneration not exceeded the amount aforesaid, no contributions under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932, would, or would if they had continued in the employment on or after the said date, have been payable while they were so employed.

3. This Schedule does not apply to any person—

- (a) who retired before the said date and was on that date an insured or exempt person within the meaning of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932; or
 - (b) who retired on or after the said date and was insured within the meaning of the said Acts at the date of his retirement.
-

THIRD SCHEDULE.

Sections 8
and 21.

**WEEKLY RATES OF CONTRIBUTIONS PAYABLE BY
EMPLOYERS AND EMPLOYED PERSONS.**

Class of employed person to whom rate applies.	Weekly rate of contribution.	
	By the employed person.	By the employer.
Men who have attained the age of 21 years -	10 <i>d.</i>	10 <i>d.</i>
Women who have attained the age of 21 years	9 <i>d.</i>	9 <i>d.</i>
Young men between the ages of 18 and 21 years - - - - -	9 <i>d.</i>	9 <i>d.</i>
Young women between the ages of 18 and 21 years - - - - -	8 <i>d.</i>	8 <i>d.</i>
Boys between the ages of 16 and 18 years -	5 <i>d.</i>	5 <i>d.</i>
Girls between the ages of 16 and 18 years -	4½ <i>d.</i>	4½ <i>d.</i>
Boys and girls who have not attained the age of 16 years - - - - -	2 <i>d.</i>	2 <i>d.</i>

FOURTH SCHEDULE.

Section 36.

WEEKLY RATES OF BENEFIT.

Class of insured contributor.	Rate of benefit.
	<i>s. d.</i>
Men who have attained the age of 21 years - -	17 0
Women who have attained the age of 21 years - -	15 0
Young men between the ages of 18 and 21 years - -	14 0
Young women between the ages of 18 and 21 years - -	12 0
Boys between the ages of 17 and 18 years - -	9 0
Girls between the ages of 17 and 18 years - -	7 6
Boys who have not attained the age of 17 years - -	6 0
Girls who have not attained the age of 17 years - -	5 0

Section 59.

FIFTH SCHEDULE.

PROVISIONS OF ACT OF WHICH AMENDMENTS MAY BE
RECOMMENDED BY THE UNEMPLOYMENT INSURANCE
STATUTORY COMMITTEE.

Provision.	Subject Matter.
Section twenty-two	- - First statutory condition for receipt of benefit.
Section twenty-three	- - Second statutory condition for receipt of benefit.
Section twenty-four	- - Third statutory condition for receipt of benefit.
Section twenty-five	- - Fourth statutory condition for receipt of benefit.
Section twenty-six	- - Disqualification where employment lost through trade dispute.
Section twenty-seven	- - Disqualification where employment lost through misconduct or voluntarily.
Section twenty-eight	- - Disqualification for refusing or failing to apply for work.
Section twenty-nine	- - Disqualification while in prison or workhouse.
Section thirty	- - Miscellaneous disqualifications.
Section thirty-one	- - Right to benefit and period in respect of which it is payable.
Section thirty-two (except subsection (3) thereof).	Reckoning of benefit years.
Section thirty-three	- - Reckoning of contributions and benefit paid in error.
Section thirty-four	- - Reckoning of contributions paid at intervals greater than a week.
Section thirty-five	- - Reckoning of periods of unemployment.
Section thirty-six	- - Ordinary rates of benefit.
Section thirty-seven	- - Increase of benefit in respect of dependent children.
Section thirty-eight	- - Increase of benefit in respect of adult dependants.
Section thirty-nine	- - General provisions as to increase of benefit.

Provision.	Subject Matter.	5TH SCH. —cont.
Section forty-nine (except subsection (5) thereof).	Payment of benefit pending determination of claim or question.	
Section fifty-five - - -	Orders with respect to benefit in case of special classes of persons.	
Section seventy-five - - -	Crediting of contributions to persons receiving whole-time education.	
Section eighty - - -	Power to make grants out of Unemployment Fund towards expenses of attendance at authorised courses.	
Section ninety-six - - -	Discharged seamen, marines, soldiers and airmen.	
Section ninety-seven - - -	Short service constables of the metropolitan police force.	
Third Schedule - - -	Weekly rates of contributions payable by employers and employed persons.	
Fourth Schedule - - -	Weekly rates of benefit.	

SIXTH SCHEDULE.

Section 109.

**PROVISIONS OF ACT APPLYING FOR PURPOSE OF NORTHERN
IRISH UNEMPLOYMENT INSURANCE ENACTMENTS.**

Provision.	Subject Matter.
Subsection (5) of section eight	Penalty for not paying contributions.
Section seventeen (except subsection (3) thereof) - - -	Offences in relation to unemployment cards, books and stamps.
Section eighteen (except subsection (2) thereof and so much of subsections (3) to (6) thereof as relate to the said subsection (2)).	Recovery of contributions on prosecutions under Act.
Section nineteen - - - -	Civil proceedings by employees against employers for neglect to comply with provisions as to contributions.

6TH SCH.
—cont.

Provision.	Subject Matter.
Section twenty - - -	Priority of contributions in cases of winding up and bankruptcy.
Section fifty-three - - -	Benefit to be inalienable.
Section eighty-five - - -	Minister's decision to be conclusive for purposes of proceedings under Act.
Section eighty-six - - -	Penalty for false representations and for failure to comply with Act.
Section eighty-seven - - -	General provisions as to prosecutions under Act.
Section eighty-eight - - -	Civil proceedings to recover sums due to unemployment fund.
Section ninety-one - - -	Proof of age, marriage and death.
Section ninety-three - - -	Exemption of documents from stamp duty.

Section 116.

SEVENTH SCHEDULE.**ENACTMENTS REPEALED.****PART I.****STATUTES.**

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 30.	The Unemployment Insurance Act, 1920.	The whole Act.
11 & 12 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	Section one hundred and seven.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act, 1922.	The whole Act.
13 & 14 Geo. 5. c. 2.	The Unemployment Insurance Act, 1923.	The whole Act.
14 & 15 Geo. 5. c. 30.	The Unemployment Insurance (No. 2) Act, 1924.	The whole Act.
15 & 16 Geo. 5. c. 69.	The Unemployment Insurance Act, 1925.	The whole Act.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	In subsection (1) of section ten, the words from " and " the provisions of section " thirty-one " to the end of the subsection: in subsection (7) of section fifteen, the words " or of the Un- " employment Insurance " Acts, 1920 to 1924 " : in subsection (1) of section thirty-seven, the words " and " to unemployment benefit " under the Unemployment " Insurance Acts, 1920 to " 1924 " : section thirty-nine: in subsection (1) of section forty-four, the words " except where the " expression is used in " relation to contributions " under the Unemploy- " ment Insurance Acts, " 1920 to 1924," and in subsection (8) of that section, the words from " and so far as " to the end of the subsection.
17 & 18 Geo. 5. c. 30.	The Unemployment Insurance Act, 1927.	The whole Act.
20 & 21 Geo. 5. c. 3.	The Unemployment Insurance Act, 1929.	The whole Act.

7TH SCH.
—cont.

Session and Chapter.	Short title.	Extent of Repeal.
20 & 21 Geo. 5. c. 16.	The Unemployment Insurance Act, 1930.	The whole Act.
21 & 22 Geo. 5. c. 36.	The Unemployment Insurance (No. 3) Act, 1931.	The whole Act.
24 & 25 Geo. 5. c. 29.	The Unemployment Act, 1934.	Part I; section fifty-eight; and the First, Second, Third, Fourth and Fifth Schedules.

PART II.

ORDERS.

Year and No. of Order.	Short Title.	Extent of Revocation.
Statutory Rules and Orders, 1922, No. 185.	The Government of Ireland (Adaptation of Unemployment Insurance Acts) Order, 1922.	Article three, paragraphs (2), (3) and (4) of Article four, and Article eight.
Statutory Rules and Orders, 1924, No. 387.	The Irish Free State (Unemployment Insurance Arrangement) Order, 1924.	The whole Order.
Statutory Rules and Orders, 1927, No. 677.	The Ministry of Labour (Transfer of Powers) Order, 1927.	The whole Order.
Statutory Rules and Orders, 1931, No. 814.	The Unemployment Insurance (National Economy) (No. 1) Order, 1931.	The whole Order.
Statutory Rules and Orders, 1934, No. 1324.	The Unemployment Insurance (Removal of Difficulties) Order, 1934.	The whole Order.

CHAPTER 9.

An Act to provide for the establishment of a Board with power to make, in consultation with the herring industry, a scheme with respect to the reorganisation, development and regulation of the industry, for the variation or revocation of the scheme, for authorising the giving of financial assistance to, and borrowing by, the Board, and to make other provision in connection with the matters aforesaid. [14th March 1935.]

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

1.—(1) For the purposes of this Act there shall be established a body, to be called “the Herring Industry Board”, which shall be a body corporate with a common seal and power to hold land without licence in mortmain.

Establish-
ment of
Herring
Industry
Board.

(2) The body to be so established, in this Act referred to as “the Board”, shall consist in the first instance of a chairman and seven other members appointed by the Ministers, being, as to the chairman and two of the other members, persons who are not engaged in the herring industry or in any trade connected therewith, and, as to the remaining five members, persons having special knowledge of the industry, and the provisions of the First Schedule to this Act shall have effect with respect to the Board and to their proceedings.

(3) If the Board represent to the Ministers that the composition of the Board ought to be varied, whether by an increase of the number of members required to be persons not engaged in the herring industry or in any trade connected therewith or of the number of members required to be persons having special knowledge of the industry, or by a reduction of the number of members of either class, or by an increase of the one together with a reduction of the other, the Ministers may make an order for the variation thereof in accordance with the representation.

(4) If the Board represent to the Ministers that any of the provisions of the First Schedule to this Act ought to be varied, the Ministers may make an order for the variation thereof in accordance with the representation :

Provided that an order shall not be made under this subsection for the variation of any of the provisions of the said Schedule relating to the payment of salaries, allowances or expenses except with the concurrence of the Treasury.

(5) An order made under either of the two last foregoing subsections shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament and, if an address is presented to His Majesty by either House of Parliament before the expiration of that period, praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order. In reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses of Parliament are adjourned for more than four days.

(6) As soon as may be after the expiration of two years from the commencement of this Act, the Board shall consider whether it is practicable to make provision for the election by persons engaged in the herring industry of the members of the Board who are required to be persons having special knowledge of the industry and, unless it appears to the Board not to be practicable to make provision for that purpose (in which case the Board shall make a report to the Ministers, who shall publish the report in such manner as they think fit), the Board shall prepare and submit to the Ministers proposals for making such provision, and may include therein proposals for any such variation of the composition of the Board as aforesaid, or for the variation of the First Schedule to this Act, or for the termination, for the purpose of giving effect to the proposals, of the term of office of any member of the Board.

(7) After considering proposals submitted to them under the last foregoing subsection, the Ministers may, with the concurrence of the Treasury so far as regards a variation of any of the provisions of the said Schedule relating to the payment of salaries allowances or expenses, make an order for giving effect to the proposals and lay

the order before Parliament and, if each House of Parliament resolves that the order be approved, the order shall have effect from such date as the Ministers may appoint.

(8) An order made under this section may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

(9) The Board shall, not later than the expiration of three months from the last day of each financial year of the Board, make a report to the Ministers on the proceedings of the Board during that year, and the Ministers shall lay every such report before Parliament.

2.—(1) It shall be the duty of the Board, as soon as may be after the commencement of this Act, to ascertain, by consultation with representative organisations or otherwise, the opinion of persons engaged in the herring industry with respect to the preparation of a scheme with a view to effecting the reorganisation, development and regulation of the industry, and, if it appears to the Board that there exists amongst those persons a prevailing opinion in favour of the preparation of such a scheme and that it is requisite that such a scheme should have statutory effect, the Board shall prepare and submit to the Ministers a scheme containing any provisions which the Board in their discretion think expedient with a view to effecting those purposes.

Power of Board to make scheme with a view to reorganisation, development and regulation.

(2) As soon as may be after a scheme has been submitted to them under the foregoing subsection, the Ministers shall cause to be published, in the London Gazette and in the Edinburgh Gazette and in such other manner as they think best for informing persons affected, notice of the submission of the scheme, of the place where the scheme may be inspected and copies thereof purchased, and of the time (which shall not be less than twenty-one days from the date on which the notice is first published) within which objections with respect to the scheme may be made.

(3) Every objection must be sent to one or other of the Ministers in writing and must state the grounds of objection and the modifications required.

(4) The Ministers, after considering the scheme and any objections duly made with respect thereto, may make any modifications in the scheme which they think

proper and to which the Board assent. In considering the scheme and any objections, the Ministers shall specially consider whether the scheme makes adequate provision for exemptions in proper cases. *

(5) If the Ministers, after making such modifications (if any) as aforesaid, are satisfied that the carrying into effect of the scheme will conduce to the better organisation, development and regulation of the herring industry, and that there exists amongst persons engaged in the industry a prevailing opinion that the scheme should have effect, and they and the Treasury and the Board of Trade are satisfied that it is expedient that the scheme should have effect, they may lay the scheme before Parliament and, if each House of Parliament resolves that the scheme be approved, the scheme shall have effect from such date as the Ministers may appoint.

(6) As soon as may be after the scheme has been approved, the Ministers shall cause to be published in like manner as aforesaid a notice stating that the scheme has been approved, and specifying a place where copies thereof may be purchased.

(7) If, after a scheme has taken effect by virtue of this section, it appears to the Board that the scheme ought to be varied, on the ground either that the variation thereof is requisite for giving full effect to the provisions of the scheme, or that there exists amongst persons engaged in the herring industry a prevailing opinion in favour of the preparation of an amending scheme with a view to the better effectuation of the purposes aforesaid, or that any provision of the scheme is no longer in accordance with the prevailing opinion amongst persons engaged in the industry, the Board may prepare and submit to the Ministers an amending scheme containing any provisions which the Board in their discretion think expedient with a view to effecting the purposes for which the variation is required, and the provisions of subsections (2) to (6) of this section shall have effect in relation to an amending scheme so submitted as they have effect in relation to a scheme submitted under subsection (1) of this section.

(8) Where the Board are satisfied that it is expedient that provision for any purpose should be made by a scheme, they may make such preliminary inquiries and

surveys as they consider requisite for enabling that purpose to be effectuated if and so soon as the scheme takes effect.

3. It is hereby declared, without prejudice to the generality of the provisions of the last foregoing section with respect to the provisions which may be contained in a scheme, that there may be thereby conferred on the Board powers for all or any of the following purposes, amongst others, that is to say—

Particular
purposes of
scheme.

- (a) the promotion of sales and market development and the promotion and carrying out of schemes of research and experiment;
- (b) the making of loans for the construction, reconditioning and equipment of boats;
- (c) the making of loans in connection with export;
- (d) the purchase and disposal of redundant boats;
- (e) the giving of assistance for the revival of winter fisheries;
- (f) the limitation of the number, and control of the operations, of boats, curers, salesmen, kipperers, processors and exporters, by means of a licensing system having effect subject to any provision which may be made by the scheme as respects any of those matters for exemption, compensation (including any such compensation as may be decided upon by the Board for regular members of the crews of efficient and redundant boats), arbitration and appeal;
- (g) the regulation, by means of rules, of the manner and conditions in and subject to which sales may be conducted, of the charges by way of commission to be made by salesmen and exporters, of standards of curing, kippering and processing, and of methods of packing and transport;
- (h) the regulation, by means of prohibitions or restrictions having effect for a limited period either generally or in particular cases, of fishing, curing, kippering and other processes, sales and shipments, and the fixing of prices, with a view to meeting temporary or seasonal conditions detrimental to the industry;

- (i) the purchase and sale as agents and, in special cases, as principals of herring, including—
- (i) in connection with the regulation of sales with a view to meeting temporary or seasonal conditions detrimental to the industry, the imposition on holders of stocks of cured herring of a duty to place them at the disposal of the Board with a view to the sale for export thereof by the Board as agents, and
- (ii) in connection with sales for export of cured herring by the Board as principals, the compulsory purchase by the Board of cured herring and the imposition on persons having supplies of fresh herring of a duty to sell them to curers for the purposes of the purchase by the Board,
- and the fixing of prices in connection with the matters referred to in the foregoing subparagraphs;
- (j) the disposal of surplus herring by conversion into oil and other products;
- (k) the undertaking of arrangements for shipment for export;
- (l) the levying of contributions from persons engaged in the industry and from purchasers of herring wholesale and the charging of fees in respect of licences;
- (m) the entry on boats and premises and the inspection thereof and of things found thereon;
- (n) the imposition on persons engaged in the industry of obligations to keep records and accounts and to furnish information;
- (o) the delegation of functions to committees and to other persons.

Consumers'
committee
and com-
mittee of
investiga-
tion.
21 & 22
Geo. 5. c. 42.

4. If a scheme takes effect under section two of this Act, the Ministers shall appoint a consumers' committee and a committee of investigation, and such of the provisions contained in sections nine and sixteen of the Agricultural Marketing Act, 1931, as are set out with modifications in the Second Schedule to this Act, shall have effect in relation to the committees so appointed.

5. If at the expiration of eighteen months from the commencement of this Act no scheme has been submitted and laid before Parliament under section two of this Act, or if an order takes effect under section nine of the Agricultural Marketing Act, 1931, as applied by the last foregoing section, revoking a scheme in force under this Act, the Ministers shall by order make provision for the winding-up of the Board.

Revocation
of scheme
and winding
up of Board.

6.—(1) Any contribution leviable by virtue of a scheme in force under this Act shall be recoverable by and from the persons by and from whom the contribution is made leviable by virtue of the scheme as a civil debt.

Legal
proceedings.

(2) Any person who contravenes or fails to comply with any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions, shall, if the scheme provides that a contravention of, or a failure to comply with, that provision is to be deemed to be an offence, be guilty of an offence under this Act and shall be liable on summary conviction, in the case of a first offence to a fine not exceeding five pounds, and, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds, and, in either case, to forfeit any herring or products of herring in relation to which the offence is committed, or to an additional fine not exceeding the value thereof.

The court by which a fine is imposed for an offence under this Act may, if the court thinks fit, having regard to the prejudicial effect which the commission of the offence has had, or is likely to have, on the operation of a scheme in force under this Act, direct that the whole or any part of the fine be paid to the Board.

(3) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) The two last foregoing subsections shall have effect in addition to, and not in derogation of, any

provision which may be made by a scheme for the enforcement, otherwise than by way of fine, forfeiture of goods or money or imprisonment, of any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions.

Borrowing
power.

7. The Board shall have power to borrow, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, any sums required by them for the purpose of the exercise of their functions under this Act or under a scheme in force thereunder :

Provided that the amount outstanding of the principal sums borrowed under this section shall not at any time exceed in the aggregate one million pounds.

Payment
of certain
expenses of
the Board
out of
moneys
provided by
Parliament.

8. During the period ending on the thirty-first day of March, nineteen hundred and thirty-eight, there shall be paid out of moneys provided by Parliament—

(a) in respect of the general administrative expenses of the Board, approved by the Ministers, such sums, not exceeding seventy-five thousand pounds, and

(b) in respect of any expenses incurred by the Board, and approved by the Ministers, in the exercise of any powers exercisable by the Board (whether under subsection (8) of section two of this Act or under a scheme in force under this Act) for promoting the sale of herring or products thereof, promoting market development, or promoting or carrying out schemes of research or experiment, such sums, not exceeding in the aggregate the amount which with the sums paid in respect of the general administrative expenses of the Board will amount to one hundred and twenty-five thousand pounds,

as Parliament may from time to time determine.

Herring
Fund
Advances
Account.

9.—(1) There shall, in accordance with directions given by the Treasury, be established an Account which shall be called the Herring Fund Advances Account and shall be under the control and management of the Treasury.

(2) There shall be paid out of moneys provided by Parliament into the Herring Fund Advances Account

in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, such sum, not exceeding six hundred thousand pounds, as Parliament may determine.

(3) The Treasury may from time to time, on the application of the Ministers, issue from the Herring Fund Advances Account such sums as may be required for the purpose of enabling the Ministers to make advances to the Board, on such terms as the Ministers with the concurrence of the Treasury may prescribe, towards expenses incurred or to be incurred by the Board in the exercise of any powers exercisable by them under a scheme in force under this Act for—

- (a) the making of loans for the reconditioning and re-equipment of boats, the construction of new boats and the purchase of nets and gear for boats;
- (b) the purchase of redundant boats;
- (c) the making of loans in connection with export;
- (d) the undertaking of operations involving the outlay of working capital:

Provided that—

- (i) the sums so issued in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, or in any of the four succeeding financial years, shall not exceed the amounts authorised by Parliament to be appropriated in aid of any moneys provided by Parliament in that year for the purposes for which the sums are issued;
- (ii) moneys provided by Parliament which are to be applied for the purposes referred to in paragraphs (c) and (d) of this subsection shall be paid into a fund (to be called the Herring Marketing Fund) which shall be established in accordance with directions given by the Treasury and shall be under the control and management of the Ministers;

- (iii) the sums paid into the Herring Marketing Fund under the last foregoing paragraph shall not exceed two hundred thousand pounds in the aggregate;
- (iv) no sum shall be issued from the Herring Fund Advances Account or from the Herring Marketing Fund after the thirty-first day of March, nineteen hundred and forty.

(4) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (a) and (b) of the last foregoing subsection, and all sums received by way of repayment of the principal of such an advance, shall be paid into the Exchequer.

(5) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (c) and (d) of subsection (3) of this section shall be paid into the Exchequer, and all sums received by way of repayment of the principal of such an advance shall either be paid into the Herring Marketing Fund not later than the thirty-first day of March, nineteen hundred and forty, or, if not paid into that Fund on or before that date, shall be paid into the Exchequer.

(6) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made to the Board for the purposes referred to in subsection (3) of this section, or part of such an advance, cannot be repaid, the Treasury may direct that the liability of the Board to the Ministers shall be reduced to the extent of that sum.

(7) The Treasury shall prepare an account of the sums received into and paid out of the Herring Fund Advances Account in each financial year.

(8) The Secretary of State concerned with the sea fishing industry in Scotland shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the Herring Marketing Fund in each financial year.

(9) On or before the thirtieth day of November in each year, the said accounts prepared under the two

last foregoing subsections and, in a case where the Treasury have directed under subsection (6) of this section that the liability of the Board to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

(10) As soon as may be after the thirty-first day of March, nineteen hundred and forty, the Herring Fund Advances Account and the Herring Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof respectively shall be paid to the Exchequer.

10.—(1) Any scheme submitted under subsection (1) of section two of this Act shall provide for the establishment of a Fund, for the payment into the Fund of all moneys received by the Board and for the payment thereof of all their disbursements, for the keeping by the Board of proper accounts, for the audit of the accounts by an auditor approved by the Ministers, for the submission of the audited accounts in every year by the Board to the Ministers together with the Board's report on their proceedings, and for the submission to the Ministers of such audited statements with respect to the application of moneys paid out of the Herring Fund Advances Account and the Herring Marketing Fund as they may from time to time require.

Accounts of
the Board.

(2) The said statements shall be transmitted to the Comptroller and Auditor-General, who shall lay copies thereof before both Houses of Parliament together with the report and accounts mentioned in subsection (9) of the last foregoing section.

(3) No person shall be qualified to be appointed as auditor of the accounts of the Board unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in
England and Wales;

The Society of Incorporated Accountants and
Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;
 The Society of Accountants in Aberdeen;
 The London Association of Certified Accountants, Limited;
 The Corporation of Accountants, Limited.

Power to transfer to Board powers as to branding.
 3 & 4 Geo. 5. c. 9.
 45 & 46 Vict. c. 78.

11. The Ministers may, on the application of the Board, transfer to them all or any of the functions relating to the branding of cured herring conferred respectively on the Minister of Agriculture and Fisheries by the Herring Fishery (Branding) Act, 1913, and on the Fishery Board for Scotland by the Acts enumerated in the First Schedule to the Fishery Board (Scotland) Act, 1882, or by any enactment passed before the passing of this Act and amending those Acts or any of them.

Restrictions on disclosing information obtained under Act.

12.—(1) No information with respect to any individual business (other than a business carried on by or on behalf of the Board) shall, without the consent of the owner of that business, be included in any report laid before Parliament under this Act.

(2) Any person who publishes or discloses any information obtained by him in the exercise of any power conferred by or under this Act, otherwise than for the purpose of the proper discharge of a duty in that behalf, shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding one hundred pounds or to both such imprisonment and fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Printing and proof of schemes.
 56 & 57 Vict. c. 66.

13.—(1) The provisions of section three of the Rules Publication Act, 1893, shall have effect in relation to a scheme which has taken effect under this Act, as they have effect in relation to statutory rules, with the substitution of a reference to the date when the scheme takes effect for the reference in the said section three to the date on which statutory rules are made.

31 & 32 Vict. c. 37.
 45 & 46 Vict. c. 9.

(2) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall have effect as if the Board were included in the first

column of the Schedule to the first-mentioned Act, and any two members of the Board were mentioned in the second column of that Schedule, and a scheme which has taken effect under this Act were an order issued by the Board.

14.—(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively:— Interpreta-
tion.

“Boat” means a vessel which is constructed or adapted for use in herring fishing or in the herring fishing service or which is for the time being so used;

“Cured herring” means herring which have been pickled in salt or in brine or in both, and which have not been subjected to any process of smoking;

“The Ministers” means the Secretary of State concerned with the sea-fishing industry in Scotland and the Minister of Agriculture and Fisheries;

“Scheme” includes an amending scheme;

“Scheme in force under this Act” means a scheme which has taken effect under subsection (5) of section two of this Act, as in force for the time being as amended by any scheme which has taken effect under subsection (7) of that section.

(2) A rule or regulation contained in an order made under this Act by the Ministers shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893.

15.—(1) This Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, not extend to Northern Ireland unless and until provision to that effect is made by an Order of His Majesty in Council made in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland. Application
to Northern
Ireland.

(2) If, and as from the date on which, this Act is so extended to Northern Ireland, this Act shall have effect, without prejudice to the validity of anything previously done thereunder, as if references therein to the Ministers

and to the London Gazette and the Edinburgh Gazette included respectively references to the Secretary of State concerned with the sea-fishing industry in Northern Ireland and to the Belfast Gazette.

10 & 11
Geo. 5. c. 67. (3) If this Act is so extended to Northern Ireland, it shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be an Act passed before the appointed day.

(4) Such sums paid out of the Exchequer of the United Kingdom in connection with the execution of this Act as may be determined by the Joint Exchequer Board to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

Short title. **16.** This Act may be cited as the Herring Industry Act, 1935.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO THE BOARD AND TO THEIR PROCEEDINGS.

1. Subject to the provisions of this Schedule and of subsection (6) of section one of this Act, a member of the Board shall hold office for such period as the Ministers may determine at the time of his appointment.

2. A member of the Board, on vacating his office on the expiration or termination of the term thereof, shall be eligible for re-appointment.

3. A member of the Board may resign his office by notice in writing signed by him and given to one or other of the Ministers, and his office shall become vacant at the expiration of seven days from the date of receipt of the notice by the Minister.

4. If a member of the Board—

- (a) is detained for more than seven days in any place under any enactment in force in the United Kingdom relating to persons of unsound mind;
- (b) becomes bankrupt or enters into a composition or arrangement with his creditors;
- (c) is convicted of a contravention of any of the provisions of this Act relating to the disclosure of information; or
- (d) is absent from six consecutive meetings of the Board except for some reason appearing to the Board to be sufficient excuse;

the Board shall forthwith declare his office to be vacant, and his office shall become vacant on the date of the declaration.

5.—(a) A person who is a member of the governing body, or an officer, of an association formed for the purpose of, or whose objects include, the protection of the trading interests of persons engaged in the herring industry or any section thereof, shall be disqualified for being a member of the Board :

Provided that this sub-paragraph shall not have effect in the case of a person appointed to be a member of the Board who is at the date of his appointment such a person as aforesaid, until the expiration of one month from that date.

(b) If a member of the Board becomes disqualified by virtue of this paragraph, the Board shall forthwith declare his office to be vacant, and his office shall become vacant on the date of the declaration.

6. The Ministers may remove a member of the Board from his office for inability to perform his duties or for misbehaviour, and the office of a member so removed shall become vacant on such date as the Ministers may direct.

7. The Board may act notwithstanding that the office of any member is vacant.

8. The Board may pay to the members of the Board such salaries, and may pay such of their travelling and other expenses, as the Board, with the concurrence of the Ministers and of the Treasury, may determine.

9.—(a) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(b) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board are a party to the contract or are interested therein.

1st SCH.
—cont.

(c) A member of the Board shall disclose to the Board—

- (i) any interest which he has or acquires in any contract in which the Board have or acquire any interest; and
- (ii) any interest which he has or acquires in any other contract whatsoever, if that interest in any way conflicts with his duty as a member of the Board;

immediately after he becomes a member, or the interest is acquired, as the case may be.

(d) A member of the Board shall not vote upon any question relating to a contract in which he has an interest, and if he does vote, his vote shall not be counted :

Provided that nothing in this paragraph shall preclude a member of the Board from voting on any question relating to the general policy of the Board.

10. Subject to the provisions of this Schedule, the procedure and quorum of the Board shall be such as the Board may from time to time determine.

11. The Board may appoint such secretaries and other officers and such servants, and may pay to them such salaries and allowances as the Board may determine.

Section 4.

SECOND SCHEDULE.

PROVISIONS OF SECTIONS 9 AND 16 OF 21 & 22 GEO. V.,
C. 42, APPLIED WITH MODIFICATIONS FOR THE PUR-
POSES OF SECTION 4 OF THIS ACT.

Section 9.

(2) A consumers' committee shall—

- (a) consist of a chairman and of not less than six other members, who shall be such persons as appear to the Ministers, after consultation with the Board of Trade and, as to one member, with the Co-operative Union, to represent the interests of the consumers of the products of the herring industry; and

(b) be charged with the duty of considering and reporting to the Ministers on—

(i) the effect of a scheme in force under this Act on consumers of those products; and

(ii) any complaints made to the committee as to the effect of a scheme in force under this Act on consumers of those products.

(3) A committee of investigation shall—

(a) consist of a chairman and four other members; and

(b) be charged with the duty, if the Ministers in any case so direct, of considering and reporting to the Ministers on any report made by a consumers' committee and any complaint made to the Ministers as to the operation of a scheme in force under this Act which, in the opinion of the Ministers, could not be considered by a consumers' committee under the foregoing subsection.

(4) For the purpose of enabling a committee to consider any matter which it is their duty under the foregoing provisions to consider, the Board shall furnish the committee with such accounts and other information relating to the affairs of the Board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations made by the Ministers with respect to the procedure of the committee.

(5) If a committee of investigation reports to the Ministers that any provision of a scheme in force under this Act, or any act or omission of the Board, is contrary to the interest of consumers of the products of the herring industry, or is contrary to the interest of any persons affected by the scheme and is not in the public interest, the Ministers, if they think fit so to do, after considering the report and consulting the Board of Trade—

(a) may by order make such amendments in the scheme as they consider necessary or expedient for the purpose of rectifying the matter;

(b) may by order revoke the scheme;

(c) in the event of the matter being one which it is within the power of the Board to rectify, may by order direct the Board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the Board forthwith to comply with the order:

Provided that—

(i) every order under paragraph (a) or paragraph (c) of this subsection shall, as soon as may be after it is made, be laid before each House of Parliament, and if either House, within the next subsequent twenty

2ND SCH.
—cont.

days on which that House has sat after any such order is laid before it, resolves that the order shall be annulled, the order shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new order; and

(ii) an order under paragraph (b) of this subsection shall not take effect unless and until it has been approved by a resolution passed by each House of Parliament; and

(iii) before taking any action under this subsection, the Ministers shall give the Board notice of the action which they propose to take, and shall consider any representations made by the Board within fourteen days from the date of the notice.

(6) In considering whether any person represents the interests of consumers of the products of the herring industry, or whether any provision of a scheme in force under this Act, or any act or omission of the Board, is contrary to the interests of consumers of those products, regard shall be had to the interests of persons who purchase those products, or commodities produced wholly or partly therefrom, for their own consumption or use, and not to the interests of persons who purchase those products, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

Section 16.

(1) The Ministers may appoint a secretary to a committee, and a committee may employ such officers, agents and servants as the Ministers may, with the approval of the Treasury, determine.

(3) The chairman and other members of a committee shall be appointed by the Ministers for such period and subject to such conditions as may be determined by them, and the meetings, quorum and procedure of a committee shall be regulated in accordance with regulations made by the Ministers for the purpose, and a committee shall have power to act notwithstanding any vacancy among the members thereof.

(4) Any regulations so made by the Ministers shall, as soon as may be after they are made, be laid before each House of Parliament, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.

CHAPTER 10.

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

[28th March 1935.]

Most Gracious Sovereign,

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

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

Issue of
6,233,913*l.*
out of the
Consolidated
Fund for the
service of the
year ending
31st March,
1935.

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

Issue of
223,442,150*l.*
out of the
Consolidated
Fund for the
year ending
31st March
1936.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum

Power for
the Treasury
to borrow.

or sums not exceeding in the whole two hundred and twenty-nine million six hundred and seventy-six thousand and sixty-three pounds.

40 & 41 Vict.
c. 2.

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

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1935.

CHAPTER 11.

An Act to make provision as to the disposition of certain regimental charitable funds.

[28th March 1935.]

BE it enacted by the King'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:—

Transfer of
funds to
holding
trustees.

1.—(1) The Secretary of State may at any time, with the approval of the Treasury, pay to such corporation as he may nominate for the purpose (hereinafter referred to as "the holding trustee") a sum equal to

the amount standing to the credit of any regimental charitable fund which was paid into the Bank of England under an Act of the twelfth and thirteenth years of Her late Majesty Queen Victoria, chapter seventy-one, to dissolve regimental benefit societies and to provide for the application of the funds of such societies and of regimental charitable funds; and upon the making of a payment under this subsection in respect of such a fund as aforesaid, section four and section six of the Military Savings Banks Act, 1859, shall cease to apply in relation to that fund.

12 & 13 Vict.
c. 71.

22 & 23 Vict.
c. 20.

(2) Any sums required to enable the Secretary of State to make any payment under the foregoing subsection shall, if and in so far as they are not provided out of the proceeds of the sale of investments held by the National Debt Commissioners on account of the Fund for the Military Savings Banks, be paid out of moneys provided by Parliament.

(3) Upon making any payment under subsection (1) of this section, the Secretary of State may pay to the holding trustee, out of moneys provided by Parliament, such fee in respect of the acceptance of the payment under that subsection as the Secretary of State, with the approval of the Treasury, may determine.

2.—(1) The sum which, under the foregoing section, is paid on account of any fund to the holding trustee shall, subject as hereinafter provided, be held by him on trust—

Application
of funds.

- (a) to invest the sum in some manner authorised by the enactments relating to trusts; and
- (b) to pay the income from the investment to the commanding officer of the regiment or unit in connection with which the fund exists at the time when the said sum is paid to the holding trustee:

Provided that if, in making payment of the said sum, the Secretary of State designates any part thereof as representing unappropriated interest, that part shall not be invested by the holding trustee, but shall be treated for the purpose of paragraph (b) of this subsection as if it were income arising from the investment of the remainder of the said sum.

(2) The moneys which, under the foregoing subsection, are paid on account of any fund to the commanding officer of any regiment or unit shall be held by him and his successors on trust to apply those moneys for such charitable purposes connected with non-commissioned officers and soldiers as the Secretary of State may by order specify, having regard to the purposes for which that fund was applicable immediately before the making of the order; and the Secretary of State may make regulations as to the manner in which a commanding officer is to account for any moneys held by him as aforesaid and as to other matters incidental to the performance of his duties under this subsection.

(3) If for any reason it becomes impracticable to carry into effect a trust created by virtue of this section in respect of any fund, the Charity Commissioners and any court having jurisdiction in relation to the trust shall have the same power to make a scheme for the application or management of the fund as they would have if the trust had been created by deed, and the Charitable Trusts Acts, 1853 to 1925, shall apply accordingly.

Short title.

3. This Act may be cited as the Regimental Charitable Funds Act, 1935.

CHAPTER 12.

An Act to provide for extending by not more than six months the period during which cattle or carcasses of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund; for the making of further advances to the said fund out of the Consolidated Fund of the United Kingdom; and for purposes connected with the matters aforesaid. [28th March 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. In subsection (1) of section two of the Cattle Industry (Emergency Provisions) Act, 1934, (which provides for the making of payments out of the Cattle Fund in respect of cattle, and carcases of cattle, sold during a certain period ending on the thirty-first day of March, nineteen hundred and thirty-five) there shall be substituted for the reference to the thirty-first day of March, nineteen hundred and thirty-five, a reference to the thirtieth day of June, nineteen hundred and thirty-five, or, if an order to that effect has, before the end of June, nineteen hundred and thirty-five, been made by the appropriate Ministers and approved by a resolution of each House of Parliament, a reference to such later day before the beginning of October, nineteen hundred and thirty-five, as may be specified in the order; and in subsection (1) of section three of the said Act (which provides for the marking of cattle imported before the end of March, nineteen hundred and thirty-five) there shall be substituted for the reference to the end of March, nineteen hundred and thirty-five, a reference to the end of the period specified in subsection (1) of section two of the said Act, as amended by this Act.

Amend-
ments of
ss. 2 and 3
of 24 & 25
Geo. 5.
c. 54.

2. The Treasury may, during the months of April, May and June, nineteen hundred and thirty-five, make, out of the Consolidated Fund of the United Kingdom or the growing produce thereof, advances to the Cattle Fund not exceeding in the aggregate one million and fifty thousand pounds, but any advances made under this section to the Cattle Fund shall be repaid from that fund to the Exchequer of the United Kingdom before the fifteenth day of August, nineteen hundred and thirty-five.

Advances
to Cattle
Fund from
Consoli-
dated Fund.

3. This Act may be cited as the Cattle Industry (Emergency Provisions) Act, 1935, and shall be construed as one with the Cattle Industry (Emergency Provisions) Act, 1934; and that Act and this Act may be cited together as the Cattle Industry (Emergency Provisions) Acts, 1934 and 1935.

Short title,
construc-
tion and
citation.



CHAPTER 13.

An Act to amend the interpretation of "tenant" in paragraph (g) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the provisions of section thirteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.

[28th March 1935.]

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

Amendment of interpretation of "tenant." 10 & 11 Geo. 5. c. 17. 23 & 24 Geo. 5. c. 32.

Short title and citation.

1. Paragraph (g) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and section thirteen of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, shall have effect as if the words "dying intestate" in all places where they occur were omitted.

2. This Act may be cited as the Increase of Rent and Mortgage Interest (Restrictions) Act, 1935, and this Act and the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1935.

CHAPTER 14.

An Act to provide for raising further money for the development of the postal, telegraphic, and telephonic systems. [28th March 1935.]

BE it enacted by the King'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 for development of

1.—(1) Without prejudice to the exercise of any powers previously given for the like purpose, the

Treasury may issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof such sums, not exceeding in the whole the sum of thirty-four million pounds, as may be required by the Postmaster-General for developing, according to estimates approved by the Treasury, the postal, telegraphic, and telephonic systems.

postal, tele-
graphic, and
telephonic
systems.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund, or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer Bonds, and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act.

4 Edw. 7.
c. 21.

(5) Section five of the Telephone Transfer Act, 1911, (which relates to audit), shall have effect as if this Act were included amongst the Acts therein mentioned.

1 & 2 Geo. 5.
c. 26.

2. This Act may be cited as the Post Office and Telegraph (Money) Act, 1935.

Short title.

CHAPTER 15.

An Act to amend the Post Office Act, 1908, and other enactments relating to the Post Office.

[28th March 1935.]

BE it enacted by the King'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 :—

Provisions
as to money
orders.

1.—(1) The special form in which postal orders may be issued in accordance with the provisions of section twenty-four of the principal Act shall be prescribed by the Postmaster-General, and accordingly in subsection (1) of that section for the words “the regulations made under the preceding section” there shall be substituted the word “him”.

(2) Proviso (a) to subsection (1) of the said section twenty-four shall cease to have effect and the amounts for which postal orders may be issued and the poundage to be payable in respect of them shall be such as may be prescribed by Post Office Regulations :

Provided that the poundage payable in respect of a postal order for an amount not exceeding twenty-one shillings shall not exceed twopence.

(3) Proviso (b) to subsection (1) of the said section twenty-four (which provides that a postal order shall not be issued until the amount thereof has been paid) shall cease to have effect, and proviso (c) to that subsection shall have effect as if the words “such period after the date of the issue of a postal order as may be prescribed by Post Office regulations” were substituted for the words “three months from the last day of the month in which a postal order is issued by the Post Office”

(4) Subsection (2) of the said section twenty-four (which provides that no interest shall be payable in respect of any postal order) shall apply to all money orders.

Amendment
as to postal
rates.

2.—(1) Paragraph (c) of subsection (1) of section two of the principal Act (which fixes the highest rate of postage on single newspapers) shall cease to have effect.

(2) Paragraph (d) of the said subsection (which authorises special rates for postal packets consisting of books and papers impressed for the use of the blind) shall have effect as if after the word “blind” there were inserted the words “or paper posted to any person for the purpose of being so impressed or any articles specially adapted for the use of the blind.”

(3) It is hereby declared that a warrant of the Treasury made for the purposes of subsection (2) of section two of the principal Act may provide that, in such cases and subject to such conditions as may be prescribed therein, no additional postage shall be charged on an inland letter or packet which is not prepaid or is insufficiently prepaid, or that the postage so charged shall be at such rate less than double the amount of the postage otherwise chargeable, or of the deficiency, as may be so prescribed.

3.—(1) The provisions of sections fourteen and fifteen of the Post Office (Parcels) Act, 1882 (which relate to the application of the Customs Acts to parcels) shall have effect as if the references in the said section fourteen to “foreign parcels” included references to such foreign postal packets as may be specified by regulations made under that section, and as if the references in the said section fifteen to “inland parcels” included references to such inland postal packets as may be specified in regulations made under that section, and the expressions “foreign” and “inland” shall have the same meaning in relation to such postal packets as they have in relation to parcels.

Extension of
45 & 46 Vict.
c. 74,
ss. 14 & 15
to all
postal
packets.

(2) Subsection (2) of the said section fourteen shall have effect as if the words “treaty, convention, or” were omitted and for the words “any foreign state or the government of any British possession” there were substituted the words “the government or postal administration of any other country.”

4.—(1) Sections twenty-seven to thirty-two, thirty-four and fifty-one of the principal Act shall apply in relation to the carriage of postal packets by air as they apply in relation to the carriage of such packets by water.

Amendment
of provi-
sions as to
carriage of
letters by
water and
extension to
carriage by
air.

(2) Paragraph (a) of subsection (2) of section thirty of the principal Act, and subsection (3) of that section (which impose a limit on the weight of shipowners' letters) shall cease to have effect.

(3) Post Office regulations made for the purpose of section thirty-one of the principal Act may provide for the allowance to owners of vessels or aircraft of the gratuities mentioned in that section, and subsection (1)

of section thirty of the said Act in so far as it relates to such gratuities shall cease to have effect.

10 & 11 Vict.
c. 27.

(4) The Harbours, Docks and Piers Clauses Act, 1847, as incorporated with any Act passed after the commencement of this Act or with any scheme or order made under or confirmed by any such Act, shall have effect as if in section twenty-eight thereof (which exempts certain vessels from the provisions of the Act) for the words from "or any packet boat" to "any such packet boat or packet" there were substituted the words "or any vessel employed by or under the authority of the Postmaster-General for the conveyance under contract of postal packets as defined by the Post Office Act, 1908, not being a vessel also conveying passengers or goods for hire or reward, or any mail bag as defined by the said Act conveyed by any such vessel."

8 Edw. 7.
c. 48.

Provisions
as to land.

5.—(1) The following subsection shall be substituted for subsection (1) of section forty-six of the principal Act:—

"(1) The Postmaster-General may, with the consent of the Treasury, acquire land for the purpose of the Post Office by purchase, exchange, lease, gift or in any other manner whatsoever, and the consent of the Treasury for the purpose of this subsection and of the next following section may be given either generally for any class of case or for any particular transaction."

(2) Any question as to whether any other land is injuriously affected by the use by the Postmaster-General of any land acquired by him (whether before or after the commencement of this Act), or as to the amount of compensation payable in respect of any such injurious affection, shall, notwithstanding that the land acquired may not be or may not have been compulsorily acquired, be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, unless the parties agree on some other method of determination.

9 & 10
Geo. 5. c. 57.

(3) The powers of the Postmaster-General under section forty-seven of the principal Act of disposing, with the consent of the Treasury, of land vested in him shall be deemed to include a power to dedicate any such

land by deed for the use of the public whether as a highway or otherwise.

(4) In this section, and in sections forty-five to forty-seven of the principal Act, the expression "land" includes any estate or interest in or over land.

6.—(1) Post Office regulations may provide for the disposal of postal packets in course of transmission by post in cases where the Postmaster-General is satisfied that the addressee of a packet is dead.

Miscellaneous powers to be exercised by Post Office regulations.

(2) Post Office regulations made for the purpose of section twelve of the principal Act may prescribe the extent to which written matter may be permitted on the covers of postal packets and the character of the written matter to be so permitted.

7.—(1) Any cash on delivery service established by the Postmaster-General in respect of:—

Cash on delivery service.

- (a) inland postal packets; and
- (b) postal packets transmitted between a British postal country or British postal agency and any other such country or agency; and
- (c) postal packets transmitted between a British postal country or agency and any country or place outside the British Islands, not being a British postal country or agency, but being a country or place the postal administration of which has made an arrangement with the Postmaster-General for the purpose of this section,

shall be conducted in accordance with such provisions as may be contained in Post Office regulations.

(2) The regulations made for the purpose of this section may prescribe the terms on which and the conditions subject to which a cash on delivery packet may be posted, conveyed and delivered and, in particular, may—

- (a) authorise the Postmaster-General to withhold delivery of such a packet until the sums payable in respect thereof have been paid; and
- (b) provide for the remission to the senders of such packets, by means of money orders, of the sums payable to them in respect of the packets.

(3) Where a cash on delivery packet is delivered in a British postal country or British postal agency without the sums payable in respect thereof having been paid, the Postmaster-General may by notice in writing require the addressee of the packet within the time specified in the notice either to pay the said sums or to redeliver the packet intact to the Postmaster-General, and, if the addressee fails to comply with the notice, the Postmaster-General shall be entitled to recover the said sums as a debt due to him from the addressee.

(4) In this section the expression "cash on delivery service" means a service whereby the Postmaster-General or other postal administration undertakes at the request of the sender of a postal packet to collect, or secure the collection of, a sum of money on his behalf from the addressee of the packet as a condition of delivery.

Amend-
ments as to
fictitious
stamps.

8.—(1) Post Office regulations may provide that, for such purposes and subject to such conditions as may be prescribed by the regulations, it shall be lawful for a person to make, utter, deal in, sell or have in his possession a fictitious stamp or to make or have in his possession, a die, plate, instrument or materials for making such a stamp, and subsection (1) of section sixty-five of the principal Act shall have effect subject to any regulations so made.

(2) A person shall not knowingly use for the purpose of the Post Office any fictitious stamp.

(3) The Postmaster-General shall be substituted for the Commissioners of Inland Revenue as the authority by whose order a prosecution may be brought for a contravention of section sixty-five of the principal Act.

(4) Subsections (2) and (3) of the said section sixty-five, as amended by this section, shall apply in relation to contraventions of this section and the regulations made by virtue thereof as they apply in relation to contraventions of that section.

(5) Subsection (4) of the said section sixty-five shall cease to have effect and for the purposes of that section and this section the expression "fictitious

stamp" shall mean any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for the time being authorised or required to be used for the purpose of the Post Office or of any stamp for denoting a current rate of postage of any country outside the British Islands.

(6) Nothing in this section shall affect the provisions of the said section sixty-five as applied or adapted by or for the purpose of any other enactment or regulations made thereunder.

9.—(1) No person shall without the authority of the Postmaster-General—

(a) place or maintain in or on any vessel, vehicle, aircraft or premises belonging to him or under his control; or

(b) use in any document in relation to himself or any other person or in relation to any vessel, vehicle, aircraft or premises;

Prohibition
of the use of
the words
"Royal
Mail."

the words "Royal Mail" or "Royal Air Mail" or any words, letters or marks which signify or imply or may reasonably lead the public to believe that the vessel, vehicle, aircraft or premises is or are used by the Postmaster-General or with his authority for the purpose of collecting or conveying postal packets or that he or that other person is authorised by the Postmaster-General to collect or convey such packets.

(2) Every person when required by a notice given by the Postmaster-General to remove or efface or cease to use any such words, letters or marks as aforesaid shall comply with the requirement.

(3) Subsection (1) of section sixty-six of the principal Act (which prohibits the use of the words "postal telegraph office") shall apply to the words "public telephone call office" and any other words, letters or marks which signify or imply or may reasonably lead the public to believe that any place is a place where the public may make telephone calls, as it applies to the words "postal telegraph office."

(4) Subsection (2) of the said section sixty-six shall apply in relation to a contravention of this section as it applies in relation to a contravention of that section.

Molestation
of officers
and offences
in connec-
tion with
telephones.

10.—(1) Subsection (1) of section sixty-seven of the principal Act (which imposes a penalty for obstructing officers of the Post Office) shall have effect as if references to obstructing an officer of the Post Office included references to molesting such an officer, and the penalty to which a person is liable under that subsection shall, instead of being a fine not exceeding forty shillings, be a fine not exceeding ten pounds or imprisonment for a term not exceeding one month or both such fine and imprisonment.

(2) If any person—

- (a) sends any message by telephone which is grossly offensive or of an indecent, obscene, or menacing character; or
- (b) sends any message by telephone, or any telegram, which he knows to be false, for the purpose of causing annoyance, inconvenience, or needless anxiety to any other person; or
- (c) persistently makes telephone calls without reasonable cause and for any such purpose as aforesaid;

he shall be liable upon summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

Legal pro-
ceedings.

11.—(1) Nothing in any provision of the principal Act which provides for the recovery of any sum summarily as a civil debt shall be taken to affect any power to institute proceedings in a county court to recover that sum under and in accordance with section seventy-five of the County Courts Act, 1934.

24 & 25
Geo. 5. c. 53.

(2) References in any provision of the principal Act or this Act to a sum payable or recoverable or due in respect of a postal packet shall include references to—

- (a) any customs duty or other charges payable in respect of the packet, whether to His Majesty or to the government of any country outside His Majesty's dominions; and
- (b) any sums payable in respect of a cash on delivery packet.

(3) In any proceedings for the recovery of postage or other sums due in respect of postal packets, the production of the packet in respect of which any such postage or sum is sought to be recovered having thereon a stamp or other endorsement of the Post Office or any other postal administration denoting that the packet has been refused or rejected, or is unclaimed, or that the addressee was dead, or could not be found, shall be *primâ facie* evidence of the fact denoted.

(4) The official mark of any sum on any postal packet as due in respect of that packet, whether the mark is the mark of the Post Office or of any other postal administration and whether the sum is marked as being due to the Postmaster-General or otherwise, shall in every court in the British Islands or a colony be *primâ facie* evidence of the liability of the packet to the sum so marked, and the sum shall be recoverable in any such court as postage due to His Majesty.

(5) A certificate of the amount of any customs duty or other charges payable in respect of a postal packet, or of the amount of any sums payable in respect of a cash on delivery packet, being a certificate purporting to be signed by the Comptroller and Accountant-General of the Post Office, shall, in any legal proceedings for the recovery of any such duty, charges or sums, be sufficient evidence of the facts stated therein unless the contrary is shown.

(6) Where the consent or order of the Postmaster-General is required to or for any prosecution, an instrument purporting to be executed by an officer of the Post Office duly authorised in that behalf by or under this Act and stating that the prosecution has been consented to or ordered by the Postmaster-General shall be sufficient evidence of that fact, unless the contrary is shown.

12.—(1) Any instrument or document required or authorised to be executed or signed by the Postmaster-General (whether in his corporate capacity or otherwise), may be executed or signed on his behalf by the Director-General or Deputy Director-General of the Post Office or by such other officers of the Post Office (whether described by name or by reference to their rank or office or class of office) as may be prescribed by Post Office

Delegation
of powers of
Postmaster-
General to
officers.

regulations, either generally or as respects any class of instruments or documents, or as may be directed by the Postmaster-General as respects any particular instrument or document.

(2) Any instrument or document purporting to be executed or signed by an officer of the Post Office duly authorised in that behalf by or under this section shall, until the contrary is proved, be deemed to have been duly executed or signed, without proof of the authority or official character of the person purporting to have executed or signed it.

31 & 32 Vict.
c. 37. (3) In paragraph (a) of section thirty-six of the principal Act (which extends the Documentary Evidence Act, 1868) the words "the Director-General or Deputy Director-General or any assistant secretary" shall be substituted for the words "any secretary or assistant secretary."

Minor
amend-
ments.

13. The enactments set out in the first column of the First Schedule to this Act shall have effect subject to the amendments respectively specified in the second column of that Schedule, being amendments of minor detail or consequential on the foregoing provisions of this Act.

Interpre-
tation.

14.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"Cash on delivery packet" means a postal packet in respect of which the Postmaster-General or other postal administration undertakes at the request of the sender thereof to collect, or secure the collection of, a sum of money on his behalf from the addressee of the packet as a condition of delivery;

"Post Office regulations" means regulations made under section eighty-two of the principal Act;

"The principal Act" means the Post Office Act, 1908.

8 Edw. 7.
c. 48.

(2) In this Act, and in any amendment made by this Act in the principal Act, the expression "British postal country" means the British Islands or any colony where a post is established by the Postmaster-General, and the expression "British postal agency" means any

place, situated in a foreign country, where a post is established by the Postmaster-General.

15.—(1) This Act shall extend to Northern Ireland, subject to the following modifications:—

Extension
to Northern
Ireland, the
Channel
Islands and
the Isle of
Man.

- (a) the reference in subsection (4) of section four to any Act passed after the commencement of this Act shall include a reference to any Act so passed by the Parliament of Northern Ireland;
- (b) for the reference in subsection (2) of section five to the Acquisition of Land (Assessment of Compensation) Act, 1919, there shall be substituted a reference to that Act as amended by any Act of the Parliament of Northern Ireland;
- (c) for the reference in the amendment made by the First Schedule in section thirty-four of the principal Act to the Road Traffic Act, 1930, there shall be substituted a reference to the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, as amended by any other Act of the Parliament of Northern Ireland.

20 & 21
Geo. 5. c. 43.

(2) This Act, except subsection (2) of section five, shall extend to the Channel Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

(3) This Act shall extend to the Isle of Man, subject to the modification that for the reference in subsection (2) of section five to the Acquisition of Land (Assessment of Compensation) Act, 1919, there shall be substituted a reference to the Public Authorities Acquisition of Land Acts, 1923 and 1930, being Acts of the legislature of the Isle of Man.

16.—(1) This Act may be cited as the Post Office (Amendment) Act, 1935, and shall be construed as one with the Post Office Act, 1908, and the Post Office Acts, 1908 to 1920, and this Act may be cited together as the Post Office Acts, 1908 to 1935.

Short title,
construc-
tion and
repeal.

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

SCHEDULES.

FIRST SCHEDULE.

Sections 13
and 15.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Enactment amended.	Amendment.
<p>The Post Office Act, 1908 :—</p>	
<p style="padding-left: 2em;">Section 4</p>	<p>For the words “ any foreign state ” where they first occur there shall be inserted the words “ the government of any other country or by the Postmaster-General with any other postal administration ”; and for the words “ foreign state ” where they secondly occur there shall be substituted the words “ other postal administration ”.</p>
<p style="padding-left: 2em;">Section 15</p>	<p>For the words from “ the despatch or delivery next following ” to the end of the section there shall be substituted the words “ any subsequent despatch or delivery ”.</p>
<p style="padding-left: 2em;">Section 16</p>	<p>After the word “ engravings ” there shall be inserted the words “ cinematograph films ”; and for the words “ of an indecent, obscene, libellous or grossly offensive character ” there shall be substituted the words “ which are grossly offensive or of an indecent, obscene or libellous character ”.</p>
<p style="padding-left: 2em;">Section 17</p>	<p>The words “ at a rate not exceeding the letter rate of postage ” shall cease to have effect, and at the end of the section there shall be inserted the words “ or may be destroyed or otherwise disposed of as the Postmaster-General may direct ”.</p>
<p style="padding-left: 2em;">Section 22</p>	<p>For the words “ or convention between His Majesty’s Government and the government of any British possession or foreign state ” there shall be substituted the words “ with the government or postal administration of any other country ”.</p>
<p style="padding-left: 2em;">Section 27</p>	<p>In subsection (1) after the words “ inward bound ” there shall be inserted the words “ and every pilot or other person in charge of an aircraft inward bound ”; and after the word “ vessel ” where it secondly occurs there shall be inserted the words “ or aircraft ”.</p>

Enactment
amended.

Amendment.

1st Sch.
—cont.The Post Office
Act, 1908 :—
Section 27

In subsection (2), for the words "The master of every such vessel" there shall be substituted the words "Where there are on board any such vessel or aircraft any postal packets required to be delivered as aforesaid, the master of the vessel or the pilot or other person in charge of the aircraft"; after the word "port" in both places where it occurs there shall be inserted the words "or place"; after the word "vessel" in the second place where it occurs there shall be inserted the words "or aircraft"; and for the words "which may be in the form contained in the First Schedule to this Act" there shall be substituted the words "in such form as may be prescribed by the Postmaster-General".

In subsections (3), (4) and (5) after the words "master of a vessel" there shall be inserted the words "or the pilot or other person in charge of an aircraft"; and after the word "vessel" where it secondly occurs in subsection (5) there shall be inserted the words "or aircraft".

Section 28 After the words "master of a vessel" in both places where they occur there shall be inserted the words "or pilot or other person in charge of an aircraft," and for the words "bring on shore" there shall be substituted "deliver to the Post Office".

Section 29 After the word "vessel" wherever it occurs there shall be inserted the words "or aircraft." In subsection (1) for the words "which may be on board contrary to this Act" there shall be substituted the words "within the exclusive privilege of the Postmaster-General".

Section 30 In subsection (1) after the word "vessels" in the first and second places where it occurs there shall be inserted the words "or aircraft"; after the word "port" there shall be inserted the words "or place"; after the word "vessel's" there shall be inserted the words "or aircraft's"; after the word "master" there shall be inserted the words "of the vessel or the pilot or other person in charge of the aircraft".

1ST SCH.
—cont.Enactment
amended.

Amendment.

The Post Office
Act, 1908 :—Section 30
—cont.

In paragraph (c) of subsection (2) after the word “manifest” there shall be inserted the words “or by the manifest and declaration of the aircraft”; and after the word “vessel” there shall be inserted the words “or aircraft”.
In subsection (4) after the word “vessel” in both places where it occurs there shall be inserted the words “or aircraft”.

Section 31

After the words “allowance to” there shall be inserted the words “owners or” and after the word “vessels,” where it first occurs, there shall be inserted the words “or owners or persons in charge of aircraft”; for the word “seamen” there shall be substituted the word “crew”; and after the word “vessels,” where it secondly occurs, there shall be inserted the words “or aircraft”.

Section 32

For the words “the master or one of the officers or crew of a vessel inward bound” there shall be substituted the words “the master of a vessel inward bound or the pilot or other person in charge of an aircraft inward bound or one of the officers or crew of such a vessel or aircraft”: after the word “master” where it secondly occurs there shall be inserted the words “of the vessel or the pilot or other person in charge of the aircraft”: the words “his vessel” shall cease to have effect: and after the word “vessel” where it last occurs, there shall be inserted the words “or aircraft”.

Section 34

In subsection (1) for the words “the British Islands or any British possession” there shall be substituted the words “a British postal country or British postal agency”.

In subsection (2) for the words from the beginning of the subsection to “established” there shall be substituted the words “The Postmaster - General shall, within any British postal country”; in paragraph (e) after the word “vessels” in both places where it occurs there shall be inserted the words “or aircraft”.

In subsection (3) there shall be inserted at the end of paragraph (i) the words “or public

Enactment
amended.

Amendment.

1st Sch.
—cont.The Post Office
Act, 1908 :—Section 34—
cont.

“ service vehicles within the meaning of the “ Road Traffic Acts, 1930 to 1934 ” : at the beginning of paragraph (ii) of that subsection there shall be inserted the words “ owners or “ pilots or other persons in charge of aircraft, “ or ” and after the word “ ships ” where it secondly occurs, there shall be inserted the word “ aircraft ” and for the words “ within “ His Majesty’s dominions out of the British “ Islands ” there shall be substituted the words “ or places within a British postal country ” : in paragraph (iii) of that subsection after the word “ vessel ” there shall be inserted the word “ aircraft ” ; in paragraph (iv) of that subsection for the words “ His Majesty’s dominions ” there shall be substituted the words “ a British postal country ”.

At the end of subsection (5) there shall be inserted the words “ in addition to any fine “ to which he may be liable under the last “ foregoing subsection ”.

In subsection (6) after the word “ water ” there shall be inserted the words “ or by air,” and after the word “ vessels ” there shall be inserted the words “ or aircraft ”.

Section 42 The words “ subject to any special directions of the Postmaster-General ” shall be omitted, and for the words “ so appointed ” there shall be substituted the words “ appointed in that behalf ”.

Section 47 In subsection (3) for the words “ that dealing ” and “ the dealing,” there shall be substituted the words “ that or any other dealing ”.

Section 50 In paragraph (b) the words from “ from a mail bag ” to “ mail ”, where it secondly occurs, shall cease to have effect.

Section 51 After the word “ vessel ” there shall be inserted the words “ vehicle or aircraft ”.

Section 57 After the words “ transmission by post ” there shall be inserted the words “ or to perform “ any other duty in respect of such a mail bag “ or postal packet ” : at the beginning of paragraph (a) there shall be inserted the words “ without authority ”.

1st Sch. — <i>cont.</i>	Enactment amended.	Amendment.
	The Post Office Act, 1908 :—	
	Section 61	In subsection (1) after the words “ letter box ” in both places where they occur, there shall be inserted the words “ or telephone kiosk or cabinet ”, and after the words “ the box ” there shall be inserted the words “ kiosk or cabinet or its ”.
	Section 63	In subsection (1), after the words “ attempt to send ” there shall be inserted the words “ or procure to be sent ; ” in paragraph (b) of that subsection after the word “ engraving ” there shall be inserted the words “ cinematograph film ”; the word “ or, ” where it secondly occurs, shall be omitted ; and after the word “ card ” there shall be inserted the words “ or written communication ” : and in paragraph (c) of that subsection for the words “ of an indecent, obscene or grossly offensive character, ” there shall be substituted the words “ which are grossly offensive or of an indecent or obscene character ”.
	Section 64	In subsection (1) for the words “ foreign or colonial postal authority, ” in both places where they occur, there shall be substituted the words “ other postal administration ”.
	Section 68	Subsections (1) and (2) shall cease to have effect.
14 & 15 Vict; c. 93.	Section 71	In subsection (4) for the words “ the Petty Sessions (Ireland) Act, 1851, ” there shall be substituted the words “ those Acts ”.
	Section 76	After the word “ incurred ” where it first occurs there shall be inserted the words “ or alleged to be incurred ”.
	Sections 84, 85 and 86.	For the words “ British possession ” and “ possession ” wherever they occur there shall be substituted the word “ colony ”.
	Section 87	For the words from the beginning of the section to “ accordingly ” there shall be substituted the words “ Where an arrangement is made “ with the government or postal administration of any other country for the transmission of small sums through the post offices under the charge of the Postmaster-General and the postal administration of the other country by means of money orders, the provisions of this Act with respect to money

Enactment
amended.

Amendment.

1ST SCH.
—cont.The Post Office
Act, 1908 :—Section 87—
cont.

“ orders shall, so far as is consistent with the
 “ tenor thereof, and subject to any modifica-
 “ tions prescribed by post office regulations,
 “ apply in like manner as if an order issued
 “ in pursuance of the arrangement, whether
 “ by an officer of the post office or by an
 “ officer of the other postal administration,
 “ were a money order within the meaning of
 “ those provisions, and such portions of
 “ those provisions as enact punishments
 “ shall apply accordingly ”.

Section 89 For the definitions of “ inland ”, “ inward
 bound ” and “ outward bound ”, the following
 shall be substituted :—

The expression “ inland ” when used in
 relation to any postal packet or any
 description thereof means in the case of
 the British Islands, posted within the
 British Islands and addressed to some place
 in the British Islands, and in the case of
 any other British postal country, posted
 within that country, and addressed to some
 place in it, and where used in relation to
 postage, means the postage charged on the
 packet ;

The expression “ inward bound ” when
 used in relation to any vessel or aircraft
 shall include vessels or aircraft bound as
 well to any port or place in the British
 Islands as to any port or place in any
 other British postal country ;

The expression “ outward bound ” when
 used in relation to any vessel or aircraft
 shall include vessels or aircraft bound as
 well from any port or place in the British
 Islands as from any port or place in any
 other British postal country.

Section 90 In paragraph (b) after the word “ post ” there
 shall be inserted the words “ or to an officer
 “ of the post office to be dealt with in the
 “ course of his duty ”.

1st SCH.
—cont.Enactment
amended.

Amendment.

The Post Office
Act, 1913 :—
Section 1

For the words “ British possession or protectorate ” in each place where they occur, there shall be substituted the words “ part of His Majesty’s dominions or a British protectorate or protected state or a territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty’s Government in the United Kingdom or in any of his Dominions ”.

Section 16.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 48	The Post Office Act, 1908.	Paragraph (c) of subsection (1) of section two; paragraph (1) of section eight; section nine; in section seventeen the words “ at a rate not exceeding the letter rate of postage ”; provisos (a) and (b) to subsection (1) of section twenty-four; in subsection (1) of section thirty the words “ when not exceeding the weights and ” and the words from “ but subject ” to the end of the subsection, and paragraph (a) of subsection (2) and subsection (3) of that section; in section thirty-two the words “ his vessel ”; section thirty-five; section thirty-seven; subsection (4) of section forty-six; in paragraph (b) of section fifty the words from “ from a mail bag ” to “ mail,” where it secondly occurs; in paragraph (a) of subsection (1) of section sixty-five the words “ or knowingly use for any

2ND SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 48 —cont.	The Post Office Act, 1908—cont.	“ postal purpose any fictitious “ stamp ” and subsection (4) of that section; subsections (1) and (2) of section sixty-eight; in proviso (b) to section eighty-seven the words “ not exceeding the “ maximum amount fixed by “ this Act for postal orders ”; in section eighty-nine the definition of “ British possession ”; the First Schedule.
3 & 4 Geo. 5. c. 11.	The Post Office Act, 1913.	In section one the words from “ For the purposes of this provision ” to the end of the section.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In section thirty-four the words “ the Postmaster-General ” in both places where they occur.

CHAPTER 16.

An Act to extend the powers of the Receiver for the Metropolitan Police District with respect to the borrowing of money for the provision of better accommodation required for the purposes of the Metropolitan Police Force; and to enable the Public Works Loan Commissioners to lend money for such purposes. [11th April 1935.]

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

1. In addition to any sums which he has power to borrow under section three of the Metropolitan Police Act, 1886, as amended by any subsequent enactment,

Extension
of borrow-
ing powers.
49 & 50 Vict.
c. 22.

the Receiver for the Metropolitan Police District shall have power under that section, as so amended, to borrow further sums, not exceeding in the aggregate four million pounds, for the purposes of any purchase or of any works under the said enactments required for—

- (a) quarters for members of the Metropolitan Police Force;
- (b) establishments for police training;
- (c) police stations;
- (d) the central office of the Metropolitan Police Force.

Loans by
Public
Works Loan
Commis-
sioners.

2. The Public Works Loan Commissioners may, with the consent of the Treasury, lend to the Receiver for the Metropolitan Police District any money which he has power to borrow for the purposes mentioned in the last foregoing section.

Short title
and citation.

3. This Act may be cited as the Metropolitan Police (Borrowing Powers) Act, 1935, and this Act and the Metropolitan Police Acts, 1829 to 1931, may be cited together as the Metropolitan Police Acts, 1829 to 1935.

CHAPTER 17.

An Act to provide, during Twelve Months, for the
Discipline and Regulation of the Army and
the Air Force. [11th April 1935.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should

consist of one hundred and fifty-two thousand two hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden :

And whereas under the Air Force (Constitution) Act, 7 & 8 Geo. 5. 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-three thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid : c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or be sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty-five on the following days :—

- (a) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King'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 :—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1935.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say :—

- (a) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-five, to the thirtieth day of April, one thousand nine hundred and thirty-six, both inclusive; and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and thirty-five, to the thirty-first day of July, one thousand nine hundred and thirty-six, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of

His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act. Prices in respect of billeting.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

PART I.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO (SUBJECT TO MODIFICATIONS) TO THE AIR FORCE ACT.

4. In section sixty-four of the Army Act (which relates to the place in which certain sentences are to be served), for subsections (3) and (3A) and so much of subsection (4) as precedes the provisos there shall be substituted the following words:— Amendment of Army Act, s. 64.

“(4) A military prisoner or soldier under sentence of detention shall—

- (i) if he was sentenced in a Dominion, India or a colony, undergo his sentence either in that Dominion, India or that colony (as the case may be), or in the United Kingdom, or in such other place as may be prescribed;
- (ii) if he was sentenced in a foreign country, undergo his sentence either in that country, or in any other foreign country in which the force with which he is serving may be, or in the United Kingdom, or in such other place as may be prescribed:”.

5. In paragraph (b) of subsection (1) of section one hundred and sixty-three of the Army Act (which paragraph relates to the proof of certain facts by documentary evidence), for the words “respecting the service of any person in, or the discharge of any person from, any Amendment of Army Act, s. 163.

portion of His Majesty's forces (including any Dominion force), or respecting a person not having served in or belonged to any portion of those forces," there shall be substituted the following words, "with respect to a person—

- (i) having, or not having, at any time or times served in, or been discharged from, any part of His Majesty's forces (including any Dominion force); or
- (ii) having, or not having, held any rank or appointment in, or been posted or transferred to, any part of such forces, or having, or not having, served in any particular country or place; or
- (iii) being, or not being, authorised to use or wear any military decoration, medal, medal ribbon, badge, wound stripe or emblem, the use or wearing of which by an unauthorised person is under this Act an offence,".

Amendment
of Army
Act, s. 175.

6. In section one hundred and seventy-five of the Army Act (which relates to the persons subject to military law as officers), after paragraph (10) there shall be inserted the following new paragraph:—

"(10A) Any officer not otherwise subject to military law who under the authority, or with the approval, of the Army Council is employed with his consent outside the United Kingdom either on military service with an armed force or in any other military capacity;".

Application
of Part I to
Air Force
Act.

7. References in the foregoing sections of this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections shall in their application to the Air Force Act have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and to the following special modification, namely, that for the word "military" where that word occurs in section five of this Act and where it last occurs in section six of this Act there shall be substituted the word "air-force."

PART II.

AMENDMENTS OF THE AIR FORCE ACT.

8.—(1) In subsection (1) of section eighty-four of the Air Force Act (which relates to the re-engagement of air-men), for the words “for such further period” there shall be substituted the words “either (a) for such further period” and at the end of the subsection there shall be added the words “or (b) for any shorter period, being either a period of air force service or a period comprising a term of air force service and a term of service in the reserve.”

Amend-
ments of
Air Force
Act, s. 84.

The amendments specified in the Second Schedule to this Act, being amendments consequential on the foregoing amendments, shall be made in the sections of the Air Force Act specified in that Schedule.

(2) In subsection (1) of the said section eighty-four, for the words “nine years” there shall be substituted the words “eight years”.

9. In section one hundred and forty-six of the Air Force Act (which relates to the disqualification of officers on the active list for holding certain offices), for the words “on the active list within the meaning of any Royal Warrant for regulating the pay and promotion of the regular air force” there shall be substituted the words “on the active list within the meaning of any order of His Majesty defining that term.”

Amendment
of Air Force
Act, s. 146.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING.

Accommodation to be provided.	Maximum price.
Lodging and attendance for a soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.

1ST SCH.
—cont.

Accommodation to be provided.	Maximum price.
Breakfast as specified in Part I of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - - -	Sixpence a day.
Lodging and attendance for an officer -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

Section 8.

SECOND SCHEDULE.

CONSEQUENTIAL AMENDMENTS OF AIR FORCE ACT.

The words "or re-engagement" shall be inserted after the word "enlistment" in subsections (1) and (4) of section eighty-eight, in subsection (3) of section ninety, and in the first two places where that word occurs in section eighty-nine.

In, section eighty-nine the words "or declaration on re-engagement" shall be inserted after the words "attestation paper".

CHAPTER 18.

An Act to authorise the lending overseas of pictures comprised in the collections of the National Gallery which are by British artists.

[11th April 1935.]

BE it enacted by the King'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 Trustees and the Director of the National Gallery shall, in their discretion, have power to lend—

- (a) for public exhibition outside the United Kingdom; or
- (b) for display in the official house of a British ambassador in a foreign country,

pictures vested in them which are by British artists; and any pictures so lent shall be lent on such terms as the said Trustees and Director think fit, and subject to such conditions as they may impose for the purpose of securing the safe custody and due return thereof:

Provided that, where a picture has become vested as aforesaid by virtue of any gift or bequest, the powers conferred by this subsection shall not be exercisable as respects that picture—

- (i) until at least fifteen years have elapsed since the date of the vesting of the picture unless the donor or his personal representatives or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers; or
- (ii) in any manner inconsistent with any condition attached to the gift or bequest unless either the picture became so vested before the first day of January, nineteen hundred, or the

Power to lend pictures representative of British art belonging to the National Gallery for exhibition or display overseas.

donor or his personal representatives or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers in that manner.

(2) The powers of the Trustees and the Director of the National Gallery under this section may, as respects any pictures forming part of the collection at the Tate Gallery, be delegated by them, with or without restrictions or conditions as they think fit, to the persons who are for the time being the Trustees of the Tate Gallery.

Short title. 2. This Act may be cited as the National Gallery
(Overseas Loans) Act, 1935.

CHAPTER 19.

An Act to extend by a further period of two years the period during which the powers of the Department of Agriculture for Scotland to prepare and settle schemes under the Land Drainage (Scotland) Act, 1930, may be exercised.
[11th April 1935.]

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

Extension
of duration
of powers of
Depart-
ment under
20 & 21
Geo. 5. c. 20.

1.—(1) The period during which the powers of the Department of Agriculture for Scotland to prepare and settle schemes under the Land Drainage (Scotland) Act, 1930, may be exercised shall be extended by two years, and accordingly in subsection (2) of section eleven of that Act for the word "five" there shall be substituted the word "seven."

(2) The provisions of section five of the said Act with regard to the expenses of the Department shall apply in relation to such extended period as aforesaid in like manner as they apply in relation to the period

originally limited by subsection (2) of the said section eleven.

2. This Act may be cited as the Land Drainage (Scotland) Act, 1935, and the Land Drainage (Scotland) Act, 1930, and this Act may be cited together as the Land Drainage (Scotland) Acts, 1930 and 1935. Citation.

CHAPTER 20.

An Act to amend section four of the Vagrancy Act, 1824, so far as it relates to persons wandering abroad and lodging in barns or other places. [6th June 1935.]

BE it enacted by the King'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) So much of section four of the Vagrancy Act, 1824, as enacts that a person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself, shall be deemed a rogue and vagabond within the meaning of that Act, shall have effect subject to the following provisions of this section.

Amendment
of 5 Geo. 4.
c. 83, s. 4.

(2) The words “not having any visible means of subsistence” in the said enactment are hereby repealed.

(3) A person wandering abroad and lodging as aforesaid shall not be deemed by virtue of the said enactment a rogue and vagabond within the meaning of the said Act unless it is proved either—

(a) that, in relation to the occasion on which he lodged as aforesaid, he had been directed to a reasonably accessible place of shelter and failed to apply for, or refused, accommodation there;

- (b) that he is a person who persistently wanders abroad and, notwithstanding that a place of shelter is reasonably accessible, lodges or attempts to lodge as aforesaid; or
- (c) that by, or in the course of, lodging as aforesaid he caused damage to property, infection with vermin, or other offensive consequence, or that he lodged as aforesaid in such circumstances as to appear to be likely so to do.

In this subsection the expression "a place of shelter" means a place where provision is regularly made for giving (free of charge) accommodation for the night to such persons as apply therefor.

(4) The reference in the said enactment to a person lodging under a tent or in a cart or waggon shall not be deemed to include a person lodging under a tent or in a cart or waggon with or in which he travels.

Short title
and extent.

2.—(1) This Act may be cited as the Vagrancy Act, 1935.

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

CHAPTER 21.

An Act to make provision for the winding up of the system of land purchase in Northern Ireland established by the Land Purchase Acts and other enactments in that behalf, for the abolition of the Land Purchase Commission, Northern Ireland, and the transfer of functions exercisable under the said Acts and other enactments, and for purposes incidental to the purposes aforesaid and consequential thereon. [6th June 1935.]

BE it enacted by the King'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 the First Schedule to this Act—

Winding up
of Land
Purchase.

- (a) all powers to make advances for the purchase of land, or for the redemption of the rent of a holding, conferred on the Commission by the Acts relating to land purchase shall cease to be exercisable;
- (b) all powers to purchase land conferred on the Commission by the Acts relating to land purchase shall cease to be exercisable, and section eight of the Act of 1925 shall cease to have effect; and
- (c) the powers conferred on the Commission by section twelve of the Act of 1903, and by section thirty of the Act of 1909 (which sections respectively relate to the improvement of land and holdings) shall cease to be exercisable.

This subsection shall come into operation on the date of the passing of this Act.

(2) The provisions of this Act with respect to the transfer of functions exercisable, and property held, in connection with the execution of the Acts relating to land purchase shall have effect, and the Commission shall cease to exist.

(3) Subject to the provisions of the Second Schedule to this Act, the general subject-matter of the Acts relating to land purchase shall cease to be a reserved matter within the meaning of the Government of Ireland Act, 1920.

10 & 11
Geo. 5. c. 67.

2.—(1) The functions of the Court of the Commission and of the Judicial Commissioner (except the functions of the Judicial Commissioner under section thirty-three of the Act of 1925 with respect to the making of rules under any of the powers thereby made exercisable by him) shall be transferred to and performed by the High Court, and all matters and proceedings which would have been within the cognisance of the Court of the Commission or of the Judicial Commissioner if this Act had not passed shall be assigned to the Chancery Judge.

Transfer of
judicial
functions
to the
Chancery
Judge.

(2) Appeals shall lie to His Majesty's Court of Appeal in Northern Ireland in respect of any matters or proceedings in respect of which immediately before the appointed day appeals lay to that Court from the Court of the Commission or from the Judicial Commissioner.

40 & 41 Vict.
c. 57.

(3) Section fifty-five of the Supreme Court of Judicature (Ireland) Act, 1877, shall apply to the transaction of the business assigned to the Chancery Judge by this section, and subsections (4) and (5) of section twenty-eight of the Purchase of Land (Ireland) Act, 1891, shall cease to have effect.

54 & 55 Vict.
c. 48.

(4) All matters and proceedings pending in the Court of the Commission, or before the Judicial Commissioner, at the appointed day shall be continued in the High Court and be assigned as aforesaid, and all appeals from the Court of the Commission, or from the Judicial Commissioner, pending at the appointed day shall be continued as if the determination to which the appeal relates had been given by the Chancery Judge, and the Chancery Judge or the Court of Appeal, as the case may be, may give any necessary directions as to the manner in which any such matters, proceedings or appeals are to be continued as aforesaid.

(5) Rules and orders required to be made in reference to the exercise of the functions transferred by virtue of this section shall be made and altered by the authorities in that behalf provided by the Supreme Court of Judicature (Ireland) Act, 1877, but, until they are superseded by rules or orders so made, the exercise of the functions transferred as aforesaid shall be regulated in accordance with the rules, orders and practice of the Commission in force immediately before the appointed day.

Transfer of
certain ad-
ministrative
functions
to the
Ministry.

3. The following functions of the Commission shall be transferred to and performed by the Ministry, that is to say—

(a) functions under schemes framed under section twenty of the Act of 1903, and the powers to make regulations conferred by section four of the Turbary (Ireland) Act, 1891, and by section twenty-one of the Act of 1903, as extended by section twenty-six of the Act of 1925, and subsection (2) of section four of the Act of 1929;

54 & 55 Vict.
c. 45.

- (b) the power to determine questions conferred by section twenty-two of the Act of 1903;
- (c) functions with respect to sporting rights and to rights to, or in relation to, mines or minerals;
- (d) functions under subsection (2) of section twenty-seven of the Act of 1925;
- (e) functions in respect of sums lodged with the Irish Land Commission and transferred to the Commission and set apart for the cleansing or maintenance of watercourses, drains, embankments, roads or other works;
- (f) functions under section two of the Irish Land (Provision for Sailors and Soldiers) Act, 1919; 9 & 10
Geo. 5. c. 82.
- (g) such other functions as may be specified in any Order in Council under this Act.

4. There shall be transferred to and performed by the Ministry—

- (a) the functions of the Governor of Northern Ireland under section twenty of the Act of 1903; and
- (b) the functions of the Land Purchase Trustee for Northern Ireland in respect of sums transferred to him under section twenty-seven of the Act of 1925 and of any sums which before the passing of that Act had been set apart as a fund for purposes in Northern Ireland similar to the purposes mentioned in that section.

Transfer of certain functions of the Governor and of the Land Purchase Trustee to the Ministry.

5. The functions of the Judicial Commissioner under section thirty-three of the Act of 1925 with respect to the making of rules under any of the powers thereby made exercisable by him shall be transferred and performed—

Transfer of power to make rules under s. 33 of the Act of 1925.

- (a) in the case of rules for purposes relating or incidental to functions transferred to the Ministry by virtue of this Act, to and by the Ministry; and
- (b) in the case of rules for purposes relating or incidental to functions transferred to the Treasury by virtue of this Act, to and by the Treasury.

Transfer of
residue of
administra-
tive func-
tions to the
Treasury.

6.—(1) Any functions of the Commission, for the performance of which provision is not made by the foregoing provisions of this Act, shall be transferred to and performed by the Treasury, subject to such provisions as may be made by any Order in Council under this Act.

(2) Arrangements may be made by the Treasury for the performance of any of the said functions by any other Department of the Government of the United Kingdom, or by the Land Purchase Trustee for Northern Ireland, or by any officers of the Supreme Court, on such terms and conditions as may be agreed between the Treasury and that Department, or between the Treasury and the Lord Chief Justice of Northern Ireland, as the case may be.

(3) For the purposes of section seventy-six of the Supreme Court of Judicature (Ireland) Act, 1877 (which confers a right to pension or compensation on an officer appointed in pursuance of that Act whose whole time is devoted to the duties of his office), time devoted by an officer of the Supreme Court to the performance of any functions in accordance with arrangements made under the last foregoing subsection shall be deemed to be time devoted to the duties of his office in the Supreme Court.

(4) The provisions of this section shall be without prejudice to the power to make arrangements for the performance of functions by officers of a Department of the Government of Northern Ireland conferred by section sixty-three of the Government of Ireland Act, 1920.

Transfer of
property.

7.—(1) Subject to the provisions of this section all property belonging to, or vested in, or held in trust for, the Commission at the appointed day shall, by virtue of this Act and without any transfer, vest, subject to all debts and liabilities affecting the property,—

(a) in the case of property so belonging, vested or held for the purposes, or by virtue of, functions transferred by virtue of this Act to the High Court, in the Accountant-General of the Supreme Court; and

- (b) in the case of property so belonging, vested or held for the purposes, or by virtue of, functions transferred by virtue of this Act to the Ministry or to the Treasury, in the Ministry or in the Treasury, as the case may be.

(2) Any land which, if this Act had not passed, would have re-vested in the Commission by virtue of subsection (1) of section two of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, shall vest in the Ministry.

(3) Any sporting rights, and rights to, or in relation to, mines or minerals which, if this Act had not passed, would on a sale under the Acts, relating to land purchase have been required to be vested in and reserved to the Commission, shall on a sale under those Acts, be vested in and reserved to the Ministry.

(4) Subject to the provisions of this section, any other property which, if this Act had not passed, would have been required to be transferred to, or vested in, the Commission shall be transferred or vested, subject to all debts and liabilities affecting the property,—

- (a) in the case of property which would have been required to be so transferred or vested for the purposes, or by virtue, of functions transferred by virtue of this Act to the High Court, to or in the Accountant-General of the Supreme Court; and
- (b) in the case of property which would have been required to be so transferred or vested for the purposes, or by virtue, of functions transferred by virtue of this Act to the Ministry or to the Treasury, to or in the Ministry or the Treasury, as the case may be.

(5) All property representing sums transferred to the Land Purchase Trustee for Northern Ireland under section twenty-seven of the Act of 1925, or representing sums which, before the passing of that Act, had been set apart as mentioned in the said section twenty-seven (being property the income of which is at the appointed day applicable to the purposes mentioned in the said section twenty-seven or to similar purposes in Northern Ireland), shall, by virtue of this Act and without any

transfer, vest in the Ministry, subject to all debts and liabilities affecting the property, and any sums which, if this Act had not passed, would have been required to be transferred to the Land Purchase Trustee for Northern Ireland under section twenty-seven of the Act of 1925 shall be transferred to the Ministry subject as aforesaid.

(6) Any land which by virtue of the foregoing provisions of this section would vest in the Treasury shall, in lieu of vesting in them, vest in the Land Purchase Trustee for Northern Ireland.

(7) All property transferred or vested by virtue of this section, shall be so transferred or vested, and be held, for the estate, interest and purposes and subject to the covenants, conditions and restrictions for and subject to which the property would have been transferred, vested and held if this Act had not passed, so far as not modified by virtue of this Act.

Transfer of
officers.

8.—(1) There shall be transferred to the Supreme Court such of the officers of the Commission employed in or about the execution of the functions transferred by virtue of this Act to the High Court as the Secretary of State and Lord Chief Justice of Northern Ireland, after consultation with the Chancery Judge, may determine :

Provided that no officer so transferred shall be in a worse position as respects tenure of office, remuneration or superannuation rights than he would have been in if he had not been so transferred.

(2) An officer transferred under the foregoing subsection shall be deemed to have been appointed in pursuance of the Supreme Court of Judicature (Ireland) Act, 1877.

Office of
Land
Purchase
Trustee.

9.—(1) The office of Land Purchase Trustee for Northern Ireland shall be held by such officer of the Supreme Court as may be designated by the Lord Chief Justice of Northern Ireland :

Provided that the person who at the appointed day holds the said office shall, if he is then an officer of the Supreme Court, be entitled to continue in office and shall be deemed to have been designated to hold the said office under this subsection.

(2) The salary of the person designated to hold the said office in respect of the period whilst he is the holder thereof shall be such as the Treasury may determine.

(3) The provisions of subsections (3) and (4) of section fifty-two of the Act of 1903, as adapted and modified by the provisions of Articles 4 and 5 of the Land Purchase (Northern Ireland) Order, 1923 (being provisions relating to the appointment, tenure, remuneration and superannuation rights of the holder of the said office) shall cease to have effect.

(4) For the purposes of section seventy-six of the Supreme Court of Judicature (Ireland) Act, 1877, time devoted by the holder of the said office, or by any other officer of the Supreme Court, to the duties of the said office shall be deemed to be time devoted to the duties of his office in the Supreme Court.

(5) The expenses of and incidental to the said office shall be paid as part of the expenses of the Supreme Court.

(6) The power to make rules conferred by subsection (15) of section fifty-two of the Act of 1903 shall be transferred to, and be exercisable by, the Chancery Judge, acting with the consent of the Treasury.

10.—(1) All records, deeds and other documents which are lodged in the Record Office of the Commission at the appointed day, or which would have been required to be lodged therein if this Act had not passed (all which records, deeds and other documents are in this section referred to as “the records”), shall be transferred to and lodged in the central office of the Land Registry of Northern Ireland:

Transfer of records.

Provided that the Secretary of State may, at any time within six months after the coming into operation of the provisions of section three of this Act, make provision for the transfer from the said Record Office to the office of the Ministry of such of the records as in his opinion ought to be in the custody of the Ministry for the purpose of the performance of any functions transferred to the Ministry by virtue of this Act or of the Government of Ireland Act, 1920.

(2) Without prejudice to the proviso to subsection (1) of this section, the Ministry may inspect, or have

the temporary custody of, any of the records where such inspection or custody is required for the purpose of the performance of any functions transferred to the Ministry as aforesaid.

(3) The Accountant-General of the Supreme Court may inspect, or have the temporary custody of, any of the records where such inspection or custody is required in connection with the distribution of any property vested in him by virtue of this Act.

(4) The Deputy Keeper of the Records of Northern Ireland may inspect any of the records and, where the Deputy Keeper is satisfied that any of the records are copies or counterparts of records relating to Northern Ireland formerly preserved in the Public Record Office of Ireland, it shall be lawful for the Deputy Keeper to make copies thereof for the use of the Public Record Office of Northern Ireland.

(5) Any right to inspect, or have delivery or obtain copies of, any of the records shall be exercisable against the person having the custody thereof by virtue of this section to the like extent and in the like manner as it would have been exercisable against the person who would have had the custody thereof if this Act had not passed.

Financial
provisions.

11.—(1) Any sums which are required by any of the Acts relating to land purchase to be treated as expenses of the Commission and to be paid out of moneys provided by Parliament shall, to the extent to which they are payable under the said Acts as amended by this Act, be paid out of moneys so provided notwithstanding the cesser of the existence of the Commission.

(2) There shall be deemed to be included in the sums referred to in the foregoing subsection any sum which a person is entitled to be paid by virtue of subsection (3) of section four of the Northern Ireland (Miscellaneous Provisions) Act, 1928, and which is paid to him by the Treasury in performance of the duty in that behalf transferred to the Treasury by virtue of section six of this Act.

(3) Notwithstanding that any service ceases by virtue of this Act to be a reserved service within the meaning

of the Government of Ireland Act, 1920, deduction shall be made from the Northern Ireland share of reserved taxes in respect of any sum paid out of the Exchequer of the United Kingdom which, if that service had remained a reserved service, would, for the purposes of paragraph (b) of subsection (1) of section twenty-four of that Act, have been treated as part of the net cost to the Exchequer of the United Kingdom of services remaining reserved services.

(4) The duties of the Joint Exchequer Board under subsection (3) of section thirty-two of the Government of Ireland Act, 1920, shall include the duty of determining any question in connection with finance arising by reason of the provisions of this Act which may be referred to the Board by the Treasury, or by the Ministry, for determination by the Board.

(5) The power of making rules conferred on the Treasury by the Acts relating to land purchase shall extend to the making of rules for carrying the financial provisions of this Act into effect and for adapting to the requirements of this Act such provisions of any enactment in operation before the passing of this Act as relate to land purchase finance.

12.—(1) His Majesty may by Orders in Council make such provision as seems necessary or proper for giving full effect to any provisions of this Act, and in particular His Majesty may by any such Order in Council—

Power to
make Orders
in Council.

- (a) make such modifications and adaptations of the Acts relating to land purchase as may appear to him necessary or proper in order to give effect to the provisions of this Act, or as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act;
- (b) make provision with respect to the performance of any functions transferred to the Treasury by virtue of this Act, including, in particular, but without prejudice to the generality of the foregoing words, the performance of the duty imposed on the Commission by section twelve of the Act of 1925 to take steps to secure

the vesting in the tenants of holdings vested by virtue of Part II of that Act;

- (c) make provision with respect to the transfer of any property, rights and liabilities and the closing of any accounts, where any such transfer or closing is necessary by reason of the provisions of this Act.

(2) Any Order in Council made under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it, praying that the Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder.

(3) A rule or regulation contained in an Order in Council made under this section shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893.

56 & 57 Vict.
c. 66.

Transitory
provisions.

13.—(1) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer by virtue of this Act from one authority to another authority of any functions, but so far only as may be necessary for the purpose of the transfer, the name of the latter authority shall be substituted for the name of the former authority.

(2) Where anything has been commenced by or under the direction of an authority from whom any functions are transferred by virtue of this Act and that thing is in relation to those functions, that thing may be carried on and completed by or under the direction of the authority to whom those functions are transferred.

(3) Where at the time of the transfer of any functions by virtue of this Act any legal proceeding is pending in which any authority from whom functions are transferred by virtue of this Act is a party, and the proceeding has reference to those functions, the authority to whom those functions are transferred shall be substituted in

the proceeding for the former authority and the proceeding shall not abate by reason of the substitution.

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

“The Acts relating to land purchase” means the Land Purchase Acts and any other Acts relating to land purchase in Northern Ireland;

“The Act of 1903” means the Irish Land Act, 1903; 3 Edw. 7.

“The Act of 1909” means the Irish Land Act, 1909; c. 37.
9 Edw. 7.

“The Act of 1925” means the Northern Ireland Land Act, 1925; c. 42.
15 & 16

“The Act of 1929” means the Northern Ireland Land Act, 1929; Geo. 5. c. 34.
19 & 20

Geo. 5. c. 14.

“The Chancery Judge” means the Judge of the High Court to whom the business and matters arising in the Chancery jurisdiction of that court are for the time being assigned;

“The Commission” means the Land Purchase Commission, Northern Ireland;

“The Court of the Commission” means the Commission acting in the performance of such functions of the Commission as, in accordance with the rules, orders and practice of the Commission, are, immediately before the appointed day, exercisable by the Judicial Commissioner sitting alone or with one or more other commissioners;

“Functions” includes jurisdiction, powers and duties;

“High Court” means His Majesty’s High Court of Justice in Northern Ireland;

“Judicial Commissioner” means the commissioner of the Commission by whom the functions of the Judicial Commissioner under the Land Purchase Acts are, as respects Northern Ireland, to be performed pursuant to the Land Purchase (Northern Ireland) Order, 1923, as amended by subsequent Orders in Council and by section five of the Northern Ireland (Miscellaneous Provisions) Act, 1932;

22 & 23

Geo. 5. c. 11.

“Land” includes an interest in, and a right to or over, land;

“Ministry” means the Ministry of Finance for Northern Ireland;

“Supreme Court” means the Supreme Court of Judicature of Northern Ireland.

(2) References in this Act to any enactment shall be construed as references to that enactment as in force in Northern Ireland.

Short title citation, commencement and construction.

15.—(1) This Act may be cited as the Northern Ireland Land Purchase (Winding Up) Act, 1935.

(2) This Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

(3) Except as is otherwise expressly provided in this Act, this Act shall come into operation on the appointed day, and the appointed day for the purposes of this Act shall be such day as His Majesty may by Order in Council appoint, and different days may be appointed for different provisions and different purposes of this Act, and in this Act the expression “the appointed day” means a day appointed under this section.

(4) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PART I.

CONTINUANCE OF CERTAIN POWERS TO MAKE ADVANCES.

Advances under the Acts relating to land purchase may be made after the passing of this Act in the cases specified

in the first column of the following Table for the purposes respectively specified in the second column of that Table.

1st Sch.
—cont.

TABLE.

<p>1. Where an agreement for the purchase of land by a tenant has been lodged with the Commission before the date of the passing of this Act and proceedings in respect thereof are pending at that date.</p>	<p>For the purchase of the land pursuant to the agreement.</p>
<p>2. Where under any provision of the Acts relating to land purchase land has been purchased by the Commission before the date of the passing of this Act, or is thereafter purchased by them, and the Acts relating to land purchase confer a power to make an advance for any purpose in a case where land is purchased by the Commission under that provision.</p>	<p>For effectuating that purpose as respects the land purchased by the Commission or any part thereof.</p>
<p>3. Where by virtue of Part II of the Act of 1925 any land has become vested in the Commission before the date of the passing of this Act, or becomes vested in the Commission or in the Land Purchase Trustee for Northern Ireland on or after that date.</p>	<p>For the purchase of any holding comprised in the land pursuant either— (i) to the agreement deemed by virtue of Part II of the Act of 1925 to have been entered into by the tenant; or (ii) to any agreement entered into under subsection (2) of section twelve of that Act.</p>
<p>4. Where an application for the redemption of the rent of a holding pursuant to section one of the Redemption of Rent (Ireland) Act, 1891, has been lodged with the Commission before the date of the passing of this Act and proceedings in respect thereof are pending at that date.</p>	<p>For the redemption of the rent.</p>

1ST SCH.
—*cont.*

PART II.

CONTINUANCE FOR CERTAIN PURPOSES OF POWERS TO PURCHASE LAND AND OF S. 8 OF THE ACT OF 1925 AS RESPECTS CERTAIN LAND.

1. The powers to purchase land conferred by the Acts relating to land purchase shall continue to be exercisable so far as is requisite for the purpose of enabling effect to be given to any agreement entered into before the date of the passing of this Act.

2. Section eight of the Act of 1925 shall continue to have effect so far as regards land with respect to which particulars required by the Commission for the purposes of section seventeen of that Act have been furnished or given to, or ascertained by, the Commission under that section before the expiration of three months from the date of the passing of this Act.

Section 1.

 SECOND SCHEDULE.

RESERVED MATTERS.

The following matters, so far as they are reserved matters within the meaning of the Government of Ireland Act, 1920, at the appointed day, shall continue so to be, that is to say:—

- (a) the Irish Land Purchase Fund (including the Land Purchase Aid Fund), the Land Purchase Account and any other fund or account relating to land purchase in Northern Ireland existing at the appointed day, and the administration thereof;
- (b) the making of advances in the cases specified in Part I of the First Schedule to this Act and the completion of the purchase and sale and vesting of land and the distribution of purchase money (including the percentage or bonus and interest thereon payable under section forty-eight of the Act of 1903) under the Acts relating to land purchase;
- (c) the repayment of advances and the payment and redemption of purchase annuities to which section twenty-six of the Government of Ireland Act, 1920, applies, and functions in respect thereof;

- (d) bonds, stock and other securities (including interest thereon) created under the Acts relating to land purchase, the creation thereof and the service and redemption thereof whether created before or after the passing of this Act; and
- (e) property for the time being vested in the Land Purchase Trustee for Northern Ireland and functions in respect thereof :

2ND SCH.
—cont.

Provided that where a purchase annuity has been redeemed in whole or in part under the Acts relating to land purchase and it becomes necessary that a deed or other instrument should be executed for the purpose of releasing any land from the charge to which it was subject in respect of the annuity, the reservation of the matters referred to in paragraph (c) of this Schedule shall not be deemed to render execution by a department of the Government of the United Kingdom requisite to the validity of the deed or instrument.

CHAPTER 22.

An Act to make temporary provision for the financial adjustments necessary by reason of the second appointed day for the purposes of the Unemployment Act, 1934, having been postponed from the first day of March, nineteen hundred and thirty-five; and to authorise the borrowing by public assistance authorities of sums required for the purpose of meeting expenditure incurred by them for the year ended on the thirty-first day of March, nineteen hundred and thirty-five, in excess of their estimates for that year. [6th June 1935.]

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

1.—(1) For the purpose of making the financial adjustments necessitated by the delay in relieving local

Grants to
local autho-
rities in

consequence
of postpone-
ment of
second
appointed
day.
24 & 25
Geo. 5. c. 29.

authorities in respect of expenditure in connection with relief of the poor occurring by reason of the second appointed day for the purposes of the Unemployment Act, 1934 (hereinafter referred to as the principal Act) having been postponed from the first day of March nineteen hundred and thirty-five, a grant shall, in accordance with the provisions of this section, be paid to the council of every county and county borough in respect of the period beginning with that date and ending with the thirtieth day of September nineteen hundred and thirty-five, or with the day before the date hereafter appointed as the second appointed day for the purposes of the principal Act, whichever is the earlier.

(2) For the purpose of determining the annual rate of the grant payable under this section to any council, there shall be ascertained the estimated expenditure (including the cost of administration) incurred by the council in connection with the provision, in the period beginning with the first day of December nineteen hundred and thirty-four and ending with the twenty-eighth day of February nineteen hundred and thirty-five, of relief which they would not have provided if the Unemployment Assistance Board had been entitled throughout that period to take into consideration applications for allowances which they are not entitled under the principal Act to take into consideration before the second appointed day; and the annual rate of the grant payable to the council shall be the estimated annual equivalent of the amount so ascertained.

(3) The grant payable under this section to any council shall be paid out of moneys provided by Parliament in such instalments payable at such times as the Treasury may direct and, subject as hereinafter provided, shall be at the annual rate determined under the last foregoing subsection :

Provided that—

(a) from the grant payable under this subsection there shall be deducted such amount as may be determined by the Treasury to be equal to the portion of the annual contributions which would, if the second appointed day for the purpose of the principal Act had been the

first day of March, nineteen hundred and thirty-five, have been payable by the council under section forty-five of that Act in respect of the period in respect of which the grant is payable; and

- (b) in cases where the boundary of a county or county borough has (whether before or after the passing of this Act) been altered since the thirtieth day of November, nineteen hundred and thirty-four, such adjustments shall be made in the amount of the grant payable to that council as the Minister of Health may direct.

(4) In the foregoing provisions of this section the expression "estimated" means, in relation to any expenditure of, or cost to, a council, and in relation to the annual equivalent of the amount ascertained under subsection (2) of this section, estimated to the satisfaction of the Minister of Health in accordance with directions given by him.

(5) All sums paid to a council by way of grant under this section shall be applied by them towards meeting expenditure incurred under the enactments relating to the relief of the poor.

2. Subsection (2) of section forty-five of the principal Act (which makes provision as to the contributions to be paid to the Unemployment Assistance Board by the councils of counties and county boroughs in each of the years in the period beginning on the first day of April nineteen hundred and thirty-four and ending on the thirty-first day of March nineteen hundred and thirty-seven) shall have effect as if for the reference therein to the first day of April nineteen hundred and thirty-four there were substituted a reference to the first day of April nineteen hundred and thirty-five :

Amendment
of 24 & 25
Geo. 5.
c. 29. s. 45.

Provided that the deductions to be made under the last foregoing section from the grants payable thereunder shall be calculated as if this section had not been passed.

3.—(1) The council of any county or county borough may borrow by way of temporary loan or overdraft from a bank or otherwise such moneys as may be shown to the satisfaction of the Minister of Health to be required

Temporary
power of
public
assistance

authorities
to raise
loans.

for the purpose of meeting expenditure incurred by them in connection with the relief of the poor in the year ended on the thirty-first day of March nineteen hundred and thirty-five, in excess of the sums provided for in their estimate for that year :

Provided that any moneys so borrowed shall be repaid by such instalments, and within such periods, not exceeding in the aggregate five years, as the Minister of Health may direct.

(2) This section shall be deemed to have been in operation since the first day of April nineteen hundred and thirty-four.

Application
to Scotland.

4. This Act shall apply to Scotland subject to the following modifications—

(a) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State;

(b) for any reference to a county borough there shall be substituted a reference to a large burgh within the meaning of the Local Government (Scotland) Act, 1929;

(c) any references to a county shall, in the case of the counties of Perth and Kinross and of the counties of Moray and Nairn, be construed as a reference to the combined county of Perth and Kinross or the combined county of Moray and Nairn, as the case may be, and any reference to the council of a county shall be construed accordingly;

(d) section three shall not apply.

19 & 20
Geo. 5. c. 25.

Short title,
citation and
extent.

5.—(1) This Act may be cited as the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935, and shall be included among the Acts which may be cited together as the Unemployment Assistance Acts, 1934 and 1935.

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



CHAPTER 23.

An Act to amend the law with respect to the superannuation benefits of persons who have served in the permanent Civil Service of the State; to provide for the amendment of section one of the Superannuation Act, 1887, and for the modification or revocation of the rules made under section six of that Act; and for purposes connected with the matters aforesaid.

[27th June 1935.]

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

1.—(1) Sections one and two of the Superannuation Act, 1909, as amended by section two of the Superannuation Act, 1914, and by this Act, shall apply in relation to female civil servants who enter the service after the commencement of this Act, as they apply in relation to male civil servants who entered the service after the nineteenth day of September, nineteen hundred and nine.

Application
of Super-
annuation
Act, 1909,
to women.
9 Edw. 7.
c. 10.
4 & 5 Geo. 5.
c. 86.

(2) Subject to regulations made by the Treasury, the Treasury may allow any female civil servant who has entered the service before the commencement of this Act, and who, at the commencement of this Act, is under the retiring age, to adopt the provisions of the Superannuation Act, 1909, and in that case there may be granted to her or her legal personal representatives such superannuation and other allowances and gratuity as might be granted had she entered the service after the commencement of this Act, except that the amount of the additional allowance payable on retirement shall be increased by one-half per cent. in respect of each completed year she had served at the commencement of this Act:

Provided that any superannuation or other allowance or gratuity which, by virtue of this subsection, may be granted to, or in respect of, a female civil servant who

has duly signified that she does not desire section four of this Act to apply to her, shall be calculated as if that section had not come into operation.

(3) Section one of the Superannuation Act, 1914, (which provides for the distribution of gratuities without probate in certain cases) shall apply in relation to the grant of a gratuity under subsection (2) of this section as it applies in relation to the grant of a gratuity under section three of the Superannuation Act, 1909.

Allocation
of part
of super-
annuation
benefits to
dependants.

2.—(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—

- (a) who, being a civil servant, retires from the service, otherwise than on the ground of ill-health, not earlier than three months after the commencement of this Act, or
- (b) who, having served in the permanent civil service of the State at some time later than three months after the commencement of this Act, retires from some other employment, otherwise than on the ground of ill-health, in such circumstances as qualify him for the grant of a superannuation allowance in respect of his service in the civil service,

shall be allowed to surrender, as from the date of his retirement, in return for the benefits of the rules such part, not exceeding one-third, of any annual superannuation, compensation or retiring allowance which the Treasury may grant to him under the Superannuation Acts, 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 said annual allowance which is surrendered.

(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 subsequent to the retirement 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) 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 legal personal representatives under subsection (2) of section two of the Superannuation Act, 1909, as amended by 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 such rules as aforesaid, 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 twenty of the Superannuation Act, 1834, 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.

3 & 4
Will. 4. c. 24.

3.—(1) If, as respects any person who, at the time when he becomes a civil servant, is serving the State in an unestablished capacity, his continuous service in such a capacity immediately before his becoming a civil servant began not earlier than the commencement of this Act, his said continuous service shall, as to one-half

Reckoning
of un-
established
service.

of the period thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant :

Provided that for the purpose of computing, in the case of any person, the service to be reckoned as aforesaid, no account shall be taken of any period for which that person has served before attaining the age of eighteen years.

(2) 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 the preceding subsection, 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 service in an unestablished capacity shall be aggregated for the purpose of computing the service to be reckoned under the preceding subsection ;

(c) that, subject as aforesaid, a person admitted into the civil service with a certificate from the Civil Service Commissioners shall, if, while the issue of that certificate was under consideration, he was, for any period, serving the State in an unestablished capacity in a post previously recognised by the Treasury as an established post, be treated for the purpose of the preceding subsection as having become a civil servant at the beginning of the said period, and that his service during that period shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

50 & 51 Vict.
c. 67.

(3) Section three of the Superannuation Act, 1887, shall not apply in relation to any person whose service in an unestablished capacity is to be reckoned under subsection (1) of this section.

(4) In this section the expression "unestablished capacity" means employment in the civil service of the State otherwise than in the capacity of a civil servant as defined by section twelve of the Superannuation Act, 1887, being employment to which the person serving therein is required to devote his whole time, and the remuneration for which is paid entirely out of moneys provided by Parliament.

4.—(1) This section shall apply to every civil servant who, not earlier than five years after the commencement of this Act, retires from the service or dies while in the service, except—

Averaging
of salary,
&c.

- (a) any male person who became a civil servant before the twentieth day of September, nineteen hundred and nine, and who had not, before the commencement of this Act, adopted the provisions of the Superannuation Act, 1909,
- (b) any female person who became a civil servant before the commencement of this Act, and who has not adopted the provisions of the Superannuation Act, 1909,
- (c) any civil servant who, at the commencement of this Act, had attained the retiring age,
- (d) any male person who was a civil servant at the commencement of this Act, and who has signified, in such manner and within such time as the Treasury may direct, that he does not desire this section to apply to him, and
- (e) any female person who was a civil servant at the commencement of this Act, and who has adopted the provisions of the Superannuation Act, 1909, but has signified, in such manner and within such time as the Treasury may direct, that she does not desire this section to apply to her.

(2) Every superannuation allowance, gratuity or additional allowance which, under section two or section six of the Superannuation Act, 1859, or under section one or section two of the Superannuation Act, 1909, may be granted to, or in respect of, any civil servant

22 Vict.
c. 26.

to whom this section applies, shall be computed upon the average annual amount of the salary and emoluments of his office during the last three years of his service, and accordingly, in relation to any such civil servant, the Superannuation Acts, 1834 to 1919, shall be modified as follows, that is to say:—

- (a) sections twelve and twenty-eight of the Superannuation Act, 1834, shall cease to have effect, and section two of the Superannuation Act, 1859, shall have effect as if in that section for the words “the annual salary and emoluments of his office” there were substituted the words “the average annual amount of the salary and emoluments of his office during the last three years of his service”;
- (b) section six of the Superannuation Act, 1859, shall have effect as if in that section for the words “the amount of one month’s pay” there were substituted the words “one-twelfth of the average annual amount of the salary and emoluments of his office during the last three years of his service”; and
- (c) subsection (2) of section one, and section two, of the Superannuation Act, 1909, shall have effect as if for the words “the annual salary and emoluments of his office,” wherever those words occur in the said provisions, there were substituted the words “the average annual amount of the salary and emoluments of his office during the last three years of his service”.

9 & 10
Geo. 5. c. 67.

(3) Subsection (2) of section one of the Superannuation Act, 1909, and subsection (1) of section one of the Superannuation (Prison Officers) Act, 1919, (which contain provisions for the calculation of additional allowances on a proportion of salary and emoluments) shall, in relation to any civil servant to whom this section applies, have effect as if the reference in the first-mentioned subsection to one-thirtieth were a reference to three-eightieths, and as if the reference in paragraph (b) of the last-mentioned subsection to two-thirtieths were a reference to six-eightieths.

5. Section eight of the Superannuation Act, 1859, (which imposes restrictions on granting a superannuation allowance at the full statutory rate), and in section nine of that Act the words "Provided that" and the words from "of greater amount" to "any such allowance" (which enable increased allowances and gratuities to be granted for special services), are hereby repealed.

Repeal of certain provisions of Superannuation Act, 1859.

6. Subsection (2) of section two of the Superannuation Act, 1909, (which enables the Treasury to grant to the legal personal representatives of a deceased civil servant a gratuity supplementary to certain sums received by him) shall have effect, and be deemed always to have had effect, as if in that subsection for the words "actually received by him" there were substituted the words "paid or payable to him."

Amendment of Superannuation Act, 1909.

7.—(1) As respects any civil servant who has been a member of His Majesty's Consular Service in China during the whole of his service as such, apart from any service during the late war or during the period of five years immediately preceding the date on which he first entered the said Consular Service, fifty-five years shall be substituted for sixty years as the age on retirement at which without a medical certificate a superannuation allowance may be granted under the Superannuation Acts, and accordingly sections ten and eleven of the Superannuation Act, 1859, shall, in relation to any such civil servant, have effect as if in those sections for the words "sixty years" there were substituted the words "fifty-five years."

Reduction of retiring age for members of H.M. Consular Service in China.

(2) If at any time His Majesty's Consular Service in China ceases to be a separate branch of His Majesty's Consular Service, the preceding subsection shall cease to have effect, except that it shall continue to apply to any person being at that time a member of the first-mentioned Consular Service, as if he had remained a member thereof during the period of any service spent by him after that time in His Majesty's Consular Service at any place (whether in or outside China) at which, immediately before the cessation aforesaid, persons appointed to His Majesty's Consular Service in China were required to serve.

(3) In this section the expression "a member of His Majesty's Consular Service in China" means a

person holding, by virtue of his appointment to His Majesty's Consular Service in China, an office at any place (whether in or outside China) at which persons appointed to that Consular Service may for the time being be required to serve.

Approved
employ-
ment.

8.—(1) Where any person who, being a civil servant, has (whether before or after the commencement of this Act) been transferred to approved employment with the consent of 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 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, or
- (b) grant to him, within six months after the date of his retirement from the approved employment (if requested by him so to do), 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 paragraph (a) of this subsection.

(2) Where a civil servant who, after the commencement of this Act, is transferred to approved employment with the consent of the head officer of his department, dies while in that employment, and 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 dying while in that employment, the Treasury may grant to his legal 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 such a system of superannuation, in respect of his death.

(3) Where a civil servant who, having served as such for not less than five years, is, after the commencement of this Act, 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 section four of the Superannuation Act, 1914, or under subsection (1) of this section, then if—

- (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 legal 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 legal personal representatives a gratuity equal to the difference.

(4) In this section the expression “ approved employment ” has the same meaning as in section four of the Superannuation Act, 1914.

9.—(1) Within twelve months after the commencement of this Act the Treasury may, after consultation with the Minister of Health and with the Secretary of State for Scotland, make rules with respect to the superannuation benefits of persons who, being pensionable officers or servants of a local authority to which the rules apply, become civil servants, or who, being civil servants, become pensionable officers or servants of such a local authority.

Super-
annuation
of persons
transferring
from or to
local
authority
service to or
from Civil
Service.

(2) Rules under this section may provide, as respects any person who, being a pensionable officer or servant

of a local authority to which the rules apply, becomes a civil servant in such circumstances as may be specified in the rules,—

- (a) that the Superannuation Acts shall, in relation to the said person, have effect subject to such modifications as may be prescribed by the rules with respect to the minimum periods of service which qualify persons for the benefits of those Acts, and with respect to the gratuity which may be granted under subsection (2) of section two of the Superannuation Act, 1909; and
- (b) that on his retirement from the civil service of the State in such circumstances as qualify him for the grant of an annual superannuation, compensation or retiring allowance under the Superannuation Acts as modified by the rules, he shall be qualified or entitled, in respect of his pensionable local authority service, to receive from the local authority such payments by way of annual allowance, lump sum or return of contributions (with or without interest) as may be prescribed by the rules :

Provided that nothing in any rules made in pursuance of this subsection shall affect the superannuation benefits of any person who, being an officer or servant of a local authority with respect to which rules under section fifty-one of the Unemployment Act, 1934, are in force, becomes an officer or servant of the Unemployment Assistance Board.

24 & 25
Geo. 5. c. 29.

(3) Rules under this section may provide, as respects any person who, being a civil servant, becomes, in such circumstances as may be specified in the rules, a pensionable officer or servant of a local authority to which the rules apply,—

- (a) that the enactments relating to the superannuation of officers or servants of that local authority or any other such local authority as aforesaid of which the said person subsequently becomes a pensionable officer or servant shall, in relation to him, have effect subject to such modifications as may be prescribed by the rules with respect to the

minimum periods of service which qualify persons for, or entitle them to, the benefits of the said enactments; and

- (b) that on his retirement from the service of such a local authority as aforesaid in such circumstances as qualify or entitle him to receive from that local authority an annual superannuation allowance, the Treasury may grant to him, in respect of his service in the capacity of a civil servant, such superannuation allowance and additional allowance, if any, as may be prescribed by the rules.

(4) Rules under this section may provide for such further modifications of the enactments relating to the superannuation of officers and servants of a local authority as may be necessary for giving effect to the rules.

(5) Any rules under this section shall apply to a local authority if, but only if, the Treasury, upon the application of that local authority, have directed that the rules shall apply to it.

(6) In this section—

- (a) the expression “local authority” means any body having power to levy a rate or to issue a precept to a rating authority; and “rate” and, except in relation to London, “rating authority” have respectively the same meanings as in the Rating and Valuation Act, 1925;

15 & 16
Geo. 5. c. 90.

- (b) the expression “pensionable officer or servant” means, in relation to a local authority, any officer or servant of that local authority whose service qualifies or entitles him, or would if it continued for a sufficient period qualify or entitle him, to receive from the local authority, on retiring from its service, an annual superannuation allowance, and the expression “pensionable local authority service” has the meaning assigned to that expression by section fifty-one of the Unemployment Act, 1934; and

(c) the expression “enactments” includes, in relation to a local authority, any scheme relating to the superannuation of officers or servants of that local authority made under or in pursuance of any enactment.

(7) In the application of this section to Scotland for the definition of “local authority” the following definition shall be substituted:—

“local authority” has the same meaning as in the Local Authorities Loans (Scotland) Act, 1891.

54 & 55 Vict.
c. 34.

Application
of Super-
annuation
Acts to
officers in
institutions
maintained
by Board
of Control.

10. Section one of the Superannuation (Prison Officers) Act, 1919, shall, in relation to civil servants who, after the commencement of this Act, retire from the service or die while in the service, have effect as if the reference in that section to officers employed in prisons and criminal lunatic asylums of such classes as the Secretary of State with the approval of the Treasury may from time to time prescribe, included a reference to officers employed in institutions maintained by the Board of Control under sections twenty-five and thirty-five of the Mental Deficiency Act, 1913, being officers of such classes as the Minister of Health, with the approval of the Treasury, may from time to time prescribe.

3 & 4 Geo. 5.
c. 28.

Gratuity
or allow-
ance in
case of
injury.

11. Section one of the Superannuation Act, 1887, shall have effect—

(1) in relation to persons injured after the commencement of this Act, as if in subsection (1) of that section—

(a) there were substituted for the words “or, if he dies from the injury” the words “and, “if, within seven years after the date of the “injury, he dies as a direct result thereof,” and

(b) the reference to the widow of the person injured included, in a case where that person is a female, a reference to her widowed husband, and

(c) the expression “children” included illegitimate children and step-children, and children adopted by the injured person in pursuance of an adoption order made under the Adoption

of Children Act, 1926, the Adoption of 20 & 21
Children (Scotland) Act, 1930, or any corre- Geo. 5. c. 37.
sponding enactment of the Parliament of
Northern Ireland, or adopted by that person in
accordance with the law of the place where he
was domiciled at the time of the injury; and

- (2) in relation to persons injured after the end of June, nineteen hundred and thirty-four, as if for subsection (3) of that section there were substituted the following subsection:—

“(3) Any allowance granted under this section to an injured person shall not, together with any superannuation allowance for which he is otherwise qualified, exceed five-sixths of the annual salary and emoluments of the office held by him at the date of the injury.

“In this subsection the expression ‘superannuation allowance’ includes, in relation to any person, an annual compensation or retiring allowance under the Superannuation Acts, and the annuity value of any additional allowance under those Acts, the said value being computed in accordance with the tables for immediate life annuities framed under Part II of the Government Annuities Act, 1929, which were in force at the time of his retirement.” 19 & 20
Geo. 5. c. 29.

12.—(1) Any annual superannuation, compensation or retiring allowance granted under the Superannuation Acts, 1834 to 1919, to a civil servant who retired from the service during the period between the end of August, nineteen hundred and thirty-one, and the beginning of July, nineteen hundred and thirty-four, may be increased by the Treasury to the amount which might have been granted by way of such allowance if— Adjustment of superannuation benefits in relation to bonus.

- (a) any cost-of-living bonus received by him under the Civil Service Bonus Scheme in respect of the last three years of his service had been the bonus related to the cost-of-living figure applicable, in accordance with that scheme, to the month of June, nineteen hundred and thirty-one, and

(b) any other bonus received by him under the authority of the Treasury in respect of service in any office after the end of September, nineteen hundred and thirty-one, had been paid to him at the rate appropriate to service in that office during the month of July, nineteen hundred and thirty-four.

(2) Any annual allowance granted by virtue of section one of the Superannuation Act, 1887, as amended by section five of the Superannuation Act, 1909, in respect of an injury sustained during the period between the end of August, nineteen hundred and thirty-one, and the beginning of July, nineteen hundred and thirty-four, by a person who, at the date of the injury, was in receipt of a cost-of-living bonus under the Civil Service Bonus Scheme, may be increased by the Treasury to the amount which might have been granted by way of such allowance if the said bonus had been the bonus related to the cost-of-living figure applicable, in accordance with that scheme, to the month of June, nineteen hundred and thirty-one.

(3) Any annual allowance granted by virtue of section one of the Superannuation Act, 1887, as amended by section five of the Superannuation Act, 1909, in respect of an injury sustained during the period between the end of September, nineteen hundred and thirty-one, and the beginning of July, nineteen hundred and thirty-four, by a person who, at the date of the injury, was in receipt of a bonus payable under the authority of the Treasury (other than a cost-of-living bonus under the Civil Service Bonus Scheme) may be increased by the Treasury to the amount which might have been granted by way of such allowance if the first-mentioned bonus had been paid to him at the rate appropriate to service during the month of July, nineteen hundred and thirty-four, in the office held by him at the date of the injury.

(4) Where, for the purpose of computing any superannuation allowance, compensation allowance, retiring allowance, additional allowance or gratuity which has been or may be granted under the Superannuation Acts to, or in respect of, a civil servant who, after the end of June, nineteen hundred and thirty-four, has retired from the service or died while in the service, there has been or has to be taken into account any cost-of-living bonus

received by him under the Civil Service Bonus Scheme or any other bonus received by him under the authority of the Treasury, the amount of the allowance or gratuity may be re-calculated or calculated, as the case may be, by the Treasury and paid as if—

- (a) the bonus under the Civil Service Bonus Scheme had been the bonus related to the cost-of-living figure applicable, in accordance with that scheme, to the month of June, nineteen hundred and thirty-one, or (as the case may be)
- (b) the other bonus (in so far as it was paid to him in respect of service in any office after the end of September, nineteen hundred and thirty-one) had been paid at the rate appropriate to service in that office during the month of July, nineteen hundred and thirty-four.

(5) Where, under subsection (1), subsection (3) or subsection (4) of this section, the amount of any annual allowance which has been or may be granted to, or in respect of, any person has been or may be computed as if a bonus received by him in respect of service in any office had been paid to him at the rate appropriate to service in that office during the month of July, nineteen hundred and thirty-four, then if, after the commencement of this Act, the Treasury give a general direction whereby the aforesaid bonus in respect of service in that office becomes payable at a higher rate than the first-mentioned rate, the amount of the allowance may be re-calculated or calculated, as the case may be, by the Treasury and paid as if that bonus (in so far as it was paid to the said person in respect of service after the end of September, nineteen hundred and thirty-one) had been paid at the said higher rate or, if that rate exceeds the rate appropriate to service in the said office during the month of September, nineteen hundred and thirty-one, at the last-mentioned rate.

The preceding provisions of this subsection shall apply in relation to any lump sum that may be granted by way of additional allowance or gratuity to or in respect of a civil servant who, after the said general direction of the Treasury takes effect, retires from the service or dies while in the service, as those provisions apply in relation to an annual allowance.

(6) Any annual allowance which, in consequence of a general direction of the Treasury, is increased under the last preceding subsection shall be payable at the increased rate as from the date on which the direction takes effect or the date of the retirement of the person concerned, whichever is the later; but, save as aforesaid, any annual allowance which is increased under this section shall be deemed to have become payable at the increased rate as from the first day of July, nineteen hundred and thirty-four, or the date of the retirement of the person concerned, whichever is the later.

(7) In this section the expression "the Civil Service Bonus Scheme" means the scheme for the payment of a cost-of-living bonus related to cost-of-living figures to persons employed in the civil service, which operated in respect of the period between the end of February, nineteen hundred and twenty, and the beginning of July, nineteen hundred and thirty-four.

Disregard,
for super-
annuation
purposes, of
certain
abatements
from
salaries.

13. For the removal of doubts it is hereby declared that any reference in the Superannuation Acts 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 fixed for that office has been made under a general direction of 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; and section twelve of the Superannuation Act, 1834, and section six of the Superannuation Act, 1859, shall, in their application to any person from whose salary and emoluments any temporary abatement has been so made as aforesaid, have effect, and be deemed always to have had effect, as if any reference in the first-mentioned section to the salary enjoyed or the salary received by him, and any reference in the last-mentioned section to pay, were referres to the salary and emoluments of his office.

Nothing in this section shall be taken to affect the operation of the last preceding section.

Amendment
of certain
enactments
referring to

14.—(1) Any reference in any enactment passed before the commencement of this Act, except subsection (2) of section fifty-five of the Government of Ireland Act,

1920, to the Superannuation Acts, 1834 to 1919, or to any group of Acts included among the Acts which may be cited together as the Superannuation Acts, 1834 to 1919, shall be construed as a reference to the Superannuation Acts:

Provided that section four of this Act shall not apply to a person holding—

- (a) any of the offices specified in Part I of the Third Schedule to the Supreme Court of Judicature (Consolidation) Act, 1925, or 15 & 16
Geo. 5. c. 49.
- (b) the office of registrar of the district registry of the High Court at Liverpool or Manchester, or
- (c) the office of a whole-time registrar within the meaning of the County Courts Act, 1924, or of the County Courts Act, 1934, 14 & 15
Geo. 5. c. 17.
24 & 25
Geo. 5. c. 53.

not being a person in whose case any superannuation allowance that may be granted on retirement is to be calculated in accordance with the provisions of the Superannuation Acts.

(2) Paragraph 4 of Part IV of the Third Schedule to the Supreme Court of Judicature (Consolidation) Act, 1925, shall have effect, and be deemed always to have had effect, as if in that paragraph for the words “actually received by him up to the time of his death” there were substituted the words “paid or payable to him at the time of his death.”

15.—(1) The Treasury may make rules modifying or revoking the rules made under section six of the Superannuation Act, 1887, as modified under any subsequent Act (hereinafter referred to as “the existing rules”); and the power of the Treasury under the preceding provisions of this section shall extend to the making of rules consolidating, with or without modifications, the existing rules and any rules made under this section. Modifica-
tion or
revocation
of rules
made under
s. 6 of
Super-
annuation
Act, 1887.

(2) So much of subsection (2) of section six of the Superannuation Act, 1887, as requires the rules under that section to provide for the laying before Parliament of the returns of such officers accepting employment as are affected by the rules, is hereby repealed.

16. Any rules made by the Treasury under this Act shall, as soon as may be after the making thereof, be laid before Parliament. Laying of
rules before
Parliament.

Definition
of "retiring
age" and
"Super-
annuation
Acts."

17. In this Act the expression "the retiring age" means, in relation to any civil servant, the age which, in accordance with section ten of the Superannuation Act, 1859, as amended by, or by virtue of, the Superannuation (Prison Officers) Act, 1919, or this Act, that civil servant must attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate, and the expression "the Superannuation Acts" means the Superannuation Acts, 1834 to 1919, and this Act.

Short title,
citation,
construc-
tion and
extent.

18.—(1) This Act may be cited as the Superannuation Act, 1935, and the Superannuation Acts, 1834 to 1919, and this Act may be cited together as the Superannuation Acts, 1834 to 1935; and the Superannuation Act, 1914, and this Act shall be construed as one with the Superannuation Acts, 1834 to 1909.

(2) His Majesty may, by an Order in Council made in pursuance of a Resolution passed by both Houses of the Parliament of Northern Ireland, direct that this Act or any provisions thereof shall, subject to such exceptions and adaptations as may be specified in the Order, apply to existing Irish officers within the meaning of the Government of Ireland Act, 1920, to whom the Superannuation Acts, 1834 to 1914, apply by virtue of subsection (2) of section fifty-five of that Act; but save as aforesaid this Act shall not apply to any of the said officers.

CHAPTER 24.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. [10th July 1935.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to

defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

1.—(1) As respects payments for admission to entertainments held on or after the first day of July, nineteen hundred and thirty-five, entertainments duty within the meaning of the Finance (New Duties) Act 1916, shall be chargeable subject to the amendments hereafter specified in this section. Amendments as to entertainments duty. 6 & 7 Geo. 5. c. 11.

(2) The said duty shall cease to be charged on payments not exceeding sixpence.

(3) The said duty shall be charged at the reduced rates set out in the First Schedule to this Act in a case where all the performers whose words or actions constitute the entertainment are actually present and performing, and the entertainment consists solely of one or more of the following items, namely, a stage play, a ballet (whether a stage play or not), a performance of music (whether vocal or instrumental), a lecture, a recitation, a music hall or other variety entertainment, a circus or a travelling show.

(4) In this section the expression "stage play" has the meaning assigned to it by section twenty-three of the Theatres Act, 1843, except that it includes theatrical representations in booths and shows to which that Act does not apply by virtue of the proviso to that section. 6 & 7 Vict. c. 68.

(5) Where duty has been charged on any payment for admission to an entertainment held on or after the said first day of July at the rate applicable to payments for admission to entertainments held before the said date, the person by whom the duty was paid shall be entitled to repayment of the difference between the amount of

PART I.
—*cont.*

duty actually paid and the amount of duty, if any, chargeable on the payment by virtue of the provisions of this section.

Withdrawal
of rebate
on heavy
oils used
for road
transport.

2.—(1) On and after the eighth day of August, nineteen hundred and thirty-five, no heavy oils shall be used as fuel for a mechanically propelled vehicle constructed or adapted for use on roads, if rebate has been allowed on the delivery of the oils for home consumption and has not been repaid in accordance with regulations made under this section.

(2) If, on the delivery of any heavy oils for home consumption on or after the first day of August, nineteen hundred and thirty-five, it is intended to use the oils as fuel for such a vehicle as aforesaid, a declaration shall be made to that effect in the bill of entry, and thereupon no rebate shall be allowed in respect of those oils.

(3) On and after the eighth day of August, nineteen hundred and thirty-five—

(a) no heavy oils, other than oils in respect of which rebate has been allowed and not repaid, shall be bought or sold except from or by a person holding a licence granted in that behalf in accordance with regulations made under this section or exempted by those regulations from holding such a licence; and

(b) a person selling any heavy oils, other than oils in respect of which rebate has been allowed and not repaid, shall, on demand, furnish the buyer with a certificate stating either that no rebate has been allowed in respect of the oils or that rebate has been allowed in respect thereof but has been repaid and, unless he is exempted as aforesaid, produce to the buyer his licence to sell the oils.

(4) If any person—

(a) uses any heavy oils in contravention of subsection (1) of this section, or sells any such oils, having reason to believe that they will be so used; or

(b) contravenes or fails to comply with any provision of subsection (3) of this section or furnishes a false certificate under that subsection;

he shall be liable at the option of the Commissioners either to a customs penalty equal to three times the value of the oils in respect of which the offence was committed (including, in the case of imported oils, the full amount of duty chargeable thereon) or to a customs penalty of one hundred pounds, and the oils shall be forfeited.

PART I.
—*cont.*

(5) The Commissioners may make regulations for giving effect to this section and in particular—

- (a) requiring a person licensed under this section or owning or possessing a heavy oil vehicle to keep such accounts and records in such manner as may be prescribed by the regulations, and to preserve such books and documents relating to the sale, purchase, receipt and disposal by him of heavy oils for such period as may be so prescribed;
- (b) regulating the storage of heavy oils by such persons as may be so prescribed;
- (c) empowering officers of customs and excise to enter any premises occupied by a person dealing in hydrocarbon oils or owning or possessing a heavy oil vehicle and to inspect any hydrocarbon oils on those premises, and requiring any such person to produce to such an officer any books or documents of whatsoever nature relating to the sale, purchase, receipt or disposal by him of hydrocarbon oils or the use of any such vehicle;
- (d) empowering such officers to examine any heavy oil vehicle and any goods carried thereon, and requiring a person in charge of any such vehicle to produce to such an officer any books or documents of whatsoever nature carried by him or on the vehicle relating to the vehicle or the said goods.

(6) If any person contravenes or fails to comply with any provision of the regulations made under this section, or obstructs, molests or hinders an officer in the execution of any powers conferred upon him by any such provision, he shall for each offence be liable to a customs penalty of one hundred pounds.

PART I.
—*cont.*

(7) For the purposes of this section—

18 & 19
Geo. 5. c. 17.

(a) the expression “ heavy oils ” means any hydro-carbon oils as defined in subsection (9) of section two of the Finance Act, 1928, not being light oils as defined in subsection (3) of that section ;

(b) the expression “ heavy oil vehicle ” means a mechanically propelled vehicle which is constructed or adapted to use heavy oils as fuel ;

(c) the expression “ rebate ” means rebate under subsection (3) of the said section two ;

10 & 11
Geo. 5. c. 18.

23 & 24
Geo. 5. c. 19.

(d) the expression “ vehicle ” does not include any such vehicle as is mentioned in sub-paragraphs (a), (b) or (c) of paragraph 4 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, relate to agricultural and other machines), or any vehicle being a road roller ;

(e) oils shall be deemed to be used as fuel for a vehicle if they are used as fuel for any engine with which the vehicle is equipped, whether for the propulsion of the vehicle or not.

Reduced
licence
duties on
heavy oil
vehicles.

3.—(1) Sub-paragraph (c) of paragraph 3 of the Second Schedule to the Finance Act, 1920 (which as amended by the Seventh Schedule to the Finance Act, 1933, relates to hackney carriages not chargeable with duty under the foregoing provisions of that paragraph) shall cease to have effect and the hackney carriages to which it relates shall be chargeable with duty under sub-paragraph (b) of that paragraph, and accordingly the said sub-paragraph (b) shall have effect as if the words from “ which are propelled ” to “ light oils ” were omitted therefrom.

(2) Sub-paragraph (c) (iv) of paragraph 5 of the said Schedule (which as amended as aforesaid relates to goods vehicles not chargeable with duty under the foregoing provisions of sub-paragraph (c) of that paragraph) shall cease to have effect and the goods vehicles to which it relates shall be chargeable with duty under sub-paragraph (c) (iii) of that paragraph, and accordingly the said sub-paragraph (c) (iii) shall have effect as if the words “ which

“ are not chargeable with duty under the foregoing provisions of this sub-paragraph ” were substituted for the words “ which are not constructed or adapted to use as fuel any fuel other than light oils.”

PART I.
—cont.

(3) This section shall come into operation on the first day of August, nineteen hundred and thirty-five :

Provided that, where the amount of duty chargeable on a licence taken out for a vehicle for the year nineteen hundred and thirty-five, or any part thereof expiring after the said first day of August, exceeds the amount which would have been chargeable thereon if this section had come into operation on the first day of January, nineteen hundred and thirty-five, the following provisions shall have effect :—

- (a) if the licence has been taken out before and is in force on the said first day of August, the licence holder shall be entitled, on application made within six months after the passing of this Act to the council of the county or county borough with which the vehicle is for the time being registered, to be repaid by that council so much of the duty paid as bears to the said excess the same proportion as the period commencing on the said first day of August and ending on the date of the expiration of the licence bears to the whole period by reference to which the duty paid was computed ;
- (b) if the licence is taken out or surrendered on or after the said first day of August, this section shall, for the purpose of computing the amount of duty chargeable thereon, or the amount of rebate payable in respect thereof, as the case may be, be deemed to have come into operation on the said first day of January.

(4) All repayments made by a council under the last foregoing subsection shall be made in such manner as the Treasury may direct, and the amount of any such repayments shall be refunded to the council by the Minister of Transport out of the Road Fund constituted under the Roads Act, 1920, in such manner as the Treasury may direct.

10 & 11
Geo. 5. c. 72.

4.—(1) A mechanically propelled vehicle constructed or adapted for use and used for the conveyance of a machine or contrivance and no other load except articles

Amend-
ments as
to classi-
fication of

PART I.
—cont
certain
vehicles for
purposes of
duty.

used in connection with the machine or contrivance shall, notwithstanding that the machine or contrivance is built in as part thereof, be chargeable with duty under paragraph 5 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, relates to goods vehicles), as if the machine or contrivance were burden and were not to be included in the unladen weight of the vehicle for the purpose of computing the amount of the duty :

Provided that nothing in this subsection shall apply to any vehicle chargeable with duty under paragraph 4 of the said Schedule.

(2) Sub-paragraph (a) of paragraph 4 of the said Schedule (which, as amended as aforesaid, charges the minimum duty on certain agricultural vehicles) shall have effect as if after the words " farming implements " there were inserted the words " a living van for the accommodation of persons employed in connection with the vehicle."

(3) Sub-paragraph (b) of the said paragraph 4 (which as so amended charges the minimum duty on vehicles designed, constructed, and used for the purpose of trench digging and other excavation work) shall have effect as if for the words " and other excavation work " there were substituted the words " or any kind of excavating or shovelling work."

(4) A snow plough shall not be deemed to be a trailer for the purpose of the said paragraph 5.

(5) The provisions of this section which relate to snow ploughs shall come into operation on the first day of October, nineteen hundred and thirty-five, and the other provisions of this section shall come into operation on the first day of January, nineteen hundred and thirty-six.

Amend-
ments as to
duties of
excise on
beer.

5.—(1) Any excise duty chargeable on beer by reference to the worts thereof shall, in the case of a brewer for sale, be chargeable and be deemed always to have been chargeable as if priming and colouring solutions were worts.

(2) The Commissioners may make regulations for giving effect to the foregoing provision of this section, and in particular for regulating the preparation, use, storage and removal of such solutions as aforesaid, for enabling

such solutions to be warehoused without payment of duty, and for applying to such solutions (subject to such modifications and exceptions as may be prescribed by the regulations) any enactment relating to or containing provisions incidental to the excise duty on beer.

PART I.
—cont.

(3) For the purpose of securing the collection of the excise duty on beer, the Commissioners may also make regulations requiring a brewer for sale to produce to a person specially authorised by them for the purpose any books or documents whatsoever relating to his business as a brewer.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall for each offence be liable to an excise penalty of one hundred pounds.

6.—(1) Where the Commissioners are satisfied that any sugar chargeable with a duty of customs or excise has been so treated, whether by the addition of invert sugar or otherwise, as to reduce the polarisation thereof, the sugar shall be chargeable with the duty as if it were of a polarisation exceeding ninety-nine degrees.

Amend-
ment as to
polariscopic
test of
sugar.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and thirty-five.

7.—(1) No customs duty shall be charged on the importation into the United Kingdom of any cinematograph film which is certified by the Board of Education under this section.

Exemption
of educa-
tional
cinemato-
graph films
from
customs
duty.

(2) A cinematograph film produced by a person established in a foreign country shall be certified by the Board of Education under this section if the Board are satisfied that the film is entitled to exemption from customs duty under the Convention for facilitating the international circulation of films of an educational character which was signed on behalf of His Majesty at Geneva on the eleventh day of October, nineteen hundred and thirty-three.

(3) A cinematograph film produced by a person established in any country in the British Empire shall be certified by the Board of Education under this section if they are satisfied—

(a) that the film is of an educational character, and has been certified to be of such a character

PART I.
—*cont.*

by the Government of that country or by a person recognised for the purpose by that Government; and

- (b) that the laws of that country provide for a corresponding exemption from customs duty of films which have been produced by a person established in the United Kingdom.

(4) A cinematograph film produced by a person established in the United Kingdom shall be certified by the Board of Education under this section if the Board are satisfied that the film is of an educational character.

(5) Where on the importation of any cinematograph film the Commissioners are satisfied that an application has been or will be made to the Board of Education for a certificate under this section and—

- (a) in the case of a film produced by a person established in a foreign country, that it has been certified as being of an international educational character under Article IV of the said Convention; and
- (b) in the case of a film produced by a person established in a country in the British Empire, that it has been certified in accordance with the provisions of paragraph (a) of subsection (3) of this section;

the Commissioners shall, subject to such conditions as they think fit to impose for the protection of the revenue, allow the film to be imported without payment of duty.

(6) The Board of Education, after consultation with the Scottish Education Department and the Ministry of Education for Northern Ireland, may appoint a body of persons to give advice and assistance to the Board in connection with the discharge of their functions under this section, and the expenses of any such body, to such an amount as may be approved by the Treasury, shall be paid by the Board.

(7) The expenses of the Board of Education under this section shall be defrayed out of moneys provided by Parliament, but there shall be charged on applications for certificates under this section such fees as the Board, with the approval of the Treasury, may fix, and those fees shall be appropriated in aid of the moneys provided by Parliament as aforesaid.

(8) In this section—

(a) the expression “ the British Empire ” has the same meaning as in the Import Duties Act, 1932, except that it includes all territories in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom ;

(b) the expression “ cinematograph film ” means a developed negative or positive cinematograph film and includes both a gramophone record or other form of sound reproduction complementary to such a film and a developed negative or positive sound track ;

PART I.

—cont.

22 & 23
Geo 5. c. 8.

and for the purposes of this section a person carrying on business shall be deemed to be established in the country in which his principal place of business is situated, and any other person shall be deemed to be established in the country in which he is resident.

8.—(1) There shall be charged on the importation into the United Kingdom of rice in the husk a duty of customs at the rate of two-thirds of a penny per pound, and the Ottawa Agreements Act, 1932, shall have effect as if the said duty were chargeable under section one of that Act :

Customs
duty on
rice
in the husk.
22 & 23
Geo. 5. c. 53.

Provided that subsection (2) of the said section one shall not apply in relation to the said duty, but the foregoing provisions of this section shall be deemed not to be in force at any time when the agreement between His Majesty's Government in the United Kingdom and the Government of India, set out in Part VI of the First Schedule to the said Act, is not in force within the meaning of that Act.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and thirty-five.

9.—(1) Soya beans shall cease to be exempted from the general ad valorem duty chargeable under Part I of the Import Duties Act, 1932, and accordingly that Act shall have effect as if the words “ Soya beans ” were omitted from the First Schedule thereto.

Customs
duty on
soya beans.

(2) This section shall come into operation on the first day of August, nineteen hundred and thirty-five.

PART I.

—*cont.*Valuation of
goods for
purpose of
ad valorem
duties.

10.—(1) For the purposes of any enactment for the time being in force whereunder a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be the price which they would fetch on a sale in the open market at the time of importation, and duty shall be paid on that value as fixed by the Commissioners.

(2) For the purposes of computing the price aforesaid it shall be assumed—

- (a) that the goods to be valued are to be delivered to the buyer at the port or place of importation, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs) having been paid by the seller; and
- (b) that the price is the sole consideration for the sale of the said goods; and
- (c) that neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and
- (d) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) Where the goods to be valued are manufactured in accordance with a patented invention or are goods to which a registered design has been applied, it shall also be assumed for the purpose of computing the price aforesaid that the buyer is not the patentee or the proprietor of the design and has not paid any sum or given any consideration by way of royalty or otherwise in respect of the patent or design and, on payment of the price, will be entitled to deal with the goods free from any restriction as regards the patent or design.

(4) Where a trade mark is used in the United Kingdom in relation to goods of the class or description to which the goods to be valued belong for the purpose of indicating that goods in relation to which it is used are goods of a foreign supplier of the goods to be valued

or of a person to whom he has assigned the goodwill of the business in connection with which the trade mark is so used, it shall also be assumed for the purpose of computing the price aforesaid that the goods to be valued are sold under that trade mark, unless it is shown to the satisfaction of the Commissioners that the goods to be valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the foreign supplier or any such person as aforesaid.

(5) For the purposes of this section—

- (a) two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them;
- (b) the expression “foreign supplier,” in relation to any goods to be valued, means any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom, and includes any other person associated in business with such a person as aforesaid;
- (c) the expression “trade mark” includes a trade name and a get-up.

(6) Subsections (1) and (2) of section fifteen of the Import Duties Act, 1932, shall cease to have effect, and subsections (3) and (4) of that section (which relate to regulations) and section sixteen of that Act (which relates to the determination of disputes as to value) shall have effect for the purpose of this section as they had effect for the purpose of the said section fifteen.

11.—(1) If, as respects goods of any class or description which are chargeable or which it is apprehended will shortly become chargeable with the general ad valorem duty, it appears to the Import Duties Advisory Committee that, having regard to any exceptional circumstances, the said duty ought to be reduced, the Committee may recommend to the Treasury that, in lieu of being

Power to charge reduced duty in lieu of general ad valorem duty in exceptional cases.

PART I.
—cont.

charged with the said duty, the said goods ought to be charged—

- (a) with a duty equal to such percentage less than ten per cent. of the value of the goods as may be specified in the recommendation; or
- (b) with whichever is the lower of the following two duties, namely,—
 - (i) a duty chargeable by reference to weight or other measure of quantity at such rate as may be specified in the recommendation; or
 - (ii) a duty equal to such percentage not exceeding ten per cent. of the value of the goods as may be so specified.

(2) The Treasury, after receiving a recommendation under the last foregoing subsection, may, after consultation with the appropriate Department, by order direct that such duty of customs as is specified in the recommendation shall be charged under this section, in lieu of the general ad valorem duty, on the importation into the United Kingdom of goods of the class or description so specified, and references in any enactment to the general ad valorem duty or to duty chargeable under the Import Duties Act, 1932, or under Part I thereof shall, unless the context otherwise requires, be deemed to include, in relation to such goods, a reference to the duty chargeable under this section :

Provided that no order made under this section as respects goods which are not chargeable with the general ad valorem duty at the date when the order is made shall have effect until the date on which that duty would otherwise have become chargeable thereon.

(3) Subsections (1), (3), (4), and (5) of section nineteen of the Import Duties Act, 1932, shall apply to any order made under this section as if it were an order made by the Treasury under the said Act other than an order imposing a duty of customs, and in this section the expression “appropriate Department” has the same meaning as in that Act.

Reduction
of minimum
duty on
certain
liquor
licences.
10 Edw. 7
& 1 Geo. 5.
c. 8.

12.—(1) The minimum liquor licence duties payable under Scale 3 of the First Schedule to the Finance (1909–10) Act, 1910, in respect of premises in urban areas in Great Britain with a population of five thousand and upwards shall be reduced, in the case of a publican’s licence, to ten pounds and, in the case of a beer-house licence, to six pounds ten shillings.

(2) The foregoing provision of this section shall come into operation on the first day of October, nineteen hundred and thirty-five :

PART I.
—cont.

Provided that, where the amount of duty chargeable in respect of premises in Scotland for the full year commencing on the twenty-ninth day of May, nineteen hundred and thirty-five, exceeds the amount which would have been so chargeable if subsection (1) of this section had come into operation on the said twenty-ninth day of May, the following provisions shall have effect :—

- (a) if the licence is taken out for the said year or a part thereof commencing before the said first day of October, so much of the duty chargeable thereon as is equal to two-thirds of the said excess shall, on an application made to the Commissioners within six months after the passing of this Act, be refunded or, in so far as the duty has not been paid, remitted, and if the business for the purpose of which or in connection with which the licence was granted is discontinued before that date the amount to be refunded or remitted under this paragraph shall be deducted from the amount of the repayment or remission (if any) obtainable on the surrender of the licence ;
- (b) if the licence is taken out for a part of the year commencing on or after the said first day of October, or if the said business is discontinued on or after that date, subsection (1) of this section shall, for the purpose of computing the amount of the duty chargeable thereon or the amount of the repayment or remission (if any) obtainable on the surrender thereof, as the case may be, be deemed to have come into operation on the said twenty-ninth day of May.

13.—(1) Where the holder of any wholesale dealer's or retailer's licence taken out under Part II of the Finance (1909–10) Act, 1910, satisfies the Commissioners that the business for the purpose of which or in connection with which the licence was granted has been temporarily discontinued by reason of the licensed premises having been destroyed or seriously damaged or closed with a

Relief from
duty on
liquor
licences
when busi-
ness discon-
tinued.

PART I.
—*cont.*

view to their demolition or alteration, he shall, on making application as hereafter provided and surrendering the licence to the Commissioners, be entitled to obtain repayment, or, in so far as the duty has not been paid, remission, of such part of the duty for the year as bears to the full amount of that duty the same proportion as the period during which the business is not carried on, or the part thereof falling within the year, bears to a whole year.

(2) Where such an application is granted, the licence holder shall be entitled, at the expiration of the period aforesaid, to take out a wholesale dealer's or retailer's licence, as the case may be, on payment of such an amount in respect of excise duty as would have been payable by him had he been a new beginner at the expiration of that period.

(3) Any such application shall be made to the Commissioners within one month after the discontinuance of the business or within such longer period as the Commissioners may in any special case allow, and before making the application the licence holder shall give notice to the registered owner of the licensed premises of his intention to make it.

5 & 6 Geo. 5.
c. 62.

(4) Section three of the Finance Act, 1915, (which provides for repayment of duty on certain liquor licences as from the date of the surrender thereof in the case of a permanent discontinuance of business) shall have effect as if for the words "date of the surrender" there were substituted the words "date when the business was discontinued."

Penalty for
diluting
spirits
after
computation
of duty.

14. If any spirits delivered in bottle from a warehouse for home consumption are sold by a dealer in or retailer of spirits at a strength lower than that by reference to which the customs duty or the excise duty chargeable thereon was computed, he shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

Amendment
of penalty
under
39 & 40 Vict.
c. 36, s. 186.

15. Where a person is convicted of an offence under section one hundred and eighty-six of the Customs Consolidation Act, 1876, (which relates to evasions of duties of customs and of the laws and restrictions of the customs relating to the importation, unshipping, landing and delivery of goods) the court may, if it thinks fit, in lieu

of ordering him to pay a penalty, order him to be imprisoned for a term not exceeding two years.

PART I
—cont.

16.—(1) Where an entry of goods has been delivered for the purposes of any Act relating to the customs, an officer of customs and excise may, at any time within three years after the delivery, require any person concerned with the importation of the goods to furnish, in such form as the officer may require, any information relating to the goods, and to produce any books or documents of whatever nature relating to the goods.

Power to
require
production
of docu-
ments
relating to
imported
goods.

(2) If such a person fails to comply with any such requirement, he shall, for each offence, be liable to a customs penalty of fifty pounds.

(3) Section one of the Revenue Act, 1909, shall cease to have effect in so far as it relates to importers of goods and their agents, but save as aforesaid the powers conferred by this section shall be in addition to and not in derogation of any powers under any other Act relating to the customs to require information or the production of books or documents relating to imported goods.

9 Edw. 7.
c. 43.

PART II.

INCOME TAX.

17.—(1) Income tax for the year 1935-36 shall be charged at the standard rate of four shillings and sixpence in the pound, and, in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

Income tax
for
1935-36.

(2) All such enactments as had effect with respect to the income tax charged for the year 1934-35 shall have effect with respect to the income tax charged for the year 1935-36.

18. Income tax for the year 1934-35 in respect of the excess of the total income of an individual over two thousand pounds shall be charged at rates in the pound which respectively exceed the standard rate by amounts equal to the amounts by which the rates at which income tax was charged in respect of the said excess for the year 1933-34 respectively exceeded the standard rate for that year.

Higher
rates of
income
tax for
1934-35.

PART II.
—cont.

Exemption
from, and
reduction
of, tax in
certain
cases.

19.—(1) An individual who proves that his total income does not exceed one hundred and twenty-five pounds shall be entitled to exemption from income tax.

(2) An individual who, not being exempt as aforesaid, proves that his total income is less than one hundred and forty pounds, shall be entitled to have the amount of income tax payable in respect of his total income, if it would but for the provisions of this subsection exceed a sum equal to one-fifth of the amount by which his total income exceeds one hundred and twenty-five pounds, reduced to that sum.

17 & 18
Geo. 5. c. 10.

(3) All such provisions of the Income Tax Acts as apply in relation to deductions of tax under section forty of the Finance Act, 1927, shall, with any necessary modifications, apply in relation to exemptions from or reductions of tax under this section.

Personal
allowance of
married
persons.
21 & 22
Geo. 5. c. 49.

20. Subsection (1) of section eighteen of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, and section eight of the Finance (No. 2) Act, 1931, provides for a deduction of tax on one hundred and fifty pounds in the case of married persons) shall have effect as if the words "one hundred and seventy pounds" were substituted for the words "one hundred and fifty pounds."

Deduction
in respect of
children.

21. Subsection (1) of section twenty-one of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, and section eight of the Finance (No. 2) Act, 1931, provides for a deduction of tax on fifty pounds in respect of one child and on forty pounds in respect of each subsequent child) shall have effect as if the words "each such child" were substituted for the words "one child," and as if the words "and in respect of each subsequent child to a deduction of forty pounds" were omitted.

Relief from
balance
of tax
chargeable
after
allowance
of other
reliefs.

22. Subsection (2) of section forty of the Finance Act, 1927, (which, as amended by section eight of the Finance (No. 2) Act, 1931, provides for the reduction of the tax remaining chargeable after the allowance of other reliefs by a sum equal to half the amount so remaining chargeable or half the tax on one hundred and seventy-five pounds, whichever is the less) shall have effect as if the words "two thirds" were substituted for the words "one half" in both places where they

occur, and as if the words "one hundred and thirty-five pounds" were substituted for the words "one hundred and seventy-five pounds".

PART II.
—cont.

23. Subsection (3) of section thirty-two of the Income Tax Act, 1918, (which restricts the allowance of tax to be made under that section in respect of life insurance premiums and other payments) shall have effect as if at the end thereof there were inserted the following new paragraph:—

Amendment
as to relief
in respect of
life
insurance
premiums
&c.
8 & 9 Geo. 5.
c. 40.

"(f) shall be given at a rate of tax greater than one-third of the standard rate—

(i) where the taxable income of the claimant does not exceed one hundred and thirty-five pounds, in respect of any premiums or payments to which his claim relates; or

(ii) where the taxable income of the claimant exceeds one hundred and thirty-five pounds, in respect of the amount, if any, by which such premiums or payments exceed the amount by which his taxable income exceeds one hundred and thirty-five pounds.

In this paragraph the expression "taxable income" in relation to a claimant means his total income less any amount on which he is, by virtue of subsection (1) of section forty of the Finance Act, 1927, entitled to relief by way of a deduction of tax."

24. Section twenty-eight of the Finance Act, 1923, (which relates to the allowance for repairs and which was continued in force by section thirty of the Finance Act, 1933, until the fifth day of April, nineteen hundred and thirty-six) shall continue in force until the fifth day of April, nineteen hundred and thirty-seven.

Continuance
of allowance
for repairs
under
13 & 14
Geo. 5. c. 14.
s. 28.

25.—(1) Notwithstanding anything contained in Rule 3 of the Rules applicable to Cases I and II of Schedule D, where a person pays, wholly and exclusively for the purposes of a trade in respect of which he is chargeable under Case I of Schedule D, a contribution in furtherance of a scheme which is for the time being certified by the Board of Trade under this section, the contribution shall, in so far as it is paid in furtherance of the primary object of the scheme, be allowed to be deducted as an expense in computing the profits or gains of the said trade.

Deduction
from profits
of contri-
butions
paid to
rationalise
industry.

PART II.
—cont.

(2) The Board of Trade shall certify a scheme under this section if they are satisfied—

- (a) that the primary object of the scheme is the elimination of redundant works or machinery or plant from use in an industry in the United Kingdom; and
- (b) that the scheme is in the national interest and in the interest of the said industry as a whole; and
- (c) that such number of persons engaged in the said industry as are substantially representative of the industry are liable to pay contributions in furtherance of the primary object of the scheme by agreement between them and the body of persons carrying out the scheme.

References in this subsection to an industry in the United Kingdom shall include references to the business carried on by owners of ships or of a particular class of ships, wherever the business is carried on, and in relation to that business references in this subsection to works or machinery or plant shall include references to ships.

(3) The Board of Trade shall cancel any certificate granted under this section if they cease to be satisfied as to any of the matters referred to in the last foregoing subsection.

(4) In the event of the repayment, whether directly or by way of distribution of assets on a winding-up or otherwise, of a contribution or any part thereof which has been allowed to be deducted under this section, the deduction of the contribution, or of so much thereof as has been repaid, shall be deemed to be an unauthorised deduction in respect of which an additional assessment shall be made under subsection (1) of section one hundred and twenty-five of the Income Tax Act, 1918, and notwithstanding anything contained in the Income Tax Acts the time within which such an additional assessment and any consequential assessment to surtax may be made shall not expire before the end of the third year following the year of assessment in which the repayment was made.

(5) For the purpose of this section a sum received by any person by way of repayment of contributions shall be deemed to be by way of repayment of the last

contribution paid by him, and, if the sum exceeds the amount of that contribution, by way of repayment of the penultimate contribution so paid, and so on.

PART II.
—cont.

(6) In computing for the purposes of section thirty-three of the Finance Act, 1926 (which relates to relief in respect of certain losses), whether and to what extent a loss has been sustained by any person in the year 1934-35, or in the period which under section thirty-four of that Act would be taken to be the year preceding the year 1935-36, this section shall be deemed to have come into operation at the commencement of the year 1934-35, or of that period, as the case may be.

16 & 17
Geo. 5. c. 22.

(7) The Board of Trade may at any time require the body of persons carrying out a scheme certified under this section to produce any books or documents of whatever nature relating to the scheme, and, if the requirement is not complied with, the Board may cancel the certificate.

(8) Anything required or authorised to be done under this section by the Board of Trade may be done by the President, a secretary, under-secretary, or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

(9) In this section, the expression "contribution," in relation to a scheme, does not include a sum paid by a person by way of loan or subscription of share capital, or in consideration of the transfer of assets to him, or by way of a penalty for contravening or failing to comply with the scheme.

26.—(1) Where a person, on entering upon any office (in this section referred to as a "new office"), ceases to hold any other office (in this section referred to as an "old office") and—

Amendment
as to assess-
ment on
change of
office.

- (a) but for the provisions of this section the tax payable by him on the emoluments of the said offices would have been computed by reference to the provisions of subsections (4) and (5) of section forty-five of the Finance Act, 1927; and
- (b) his average monthly net emoluments arising from the new office for the first twelve months of his tenure thereof, or for such shorter period as his tenure thereof endures, do not exceed by more than twenty per cent. his average monthly

PART II.
—cont.

net emoluments arising from the old office for the last twelve months of his tenure thereof, or for such shorter period as his tenure thereof endured; and

- (c) the nature of the duties of the old and the new offices respectively was and is such as to require the holder thereof to devote substantially the whole of his time to the performance of those duties;

that person shall, on giving notice as hereinafter provided, be entitled to require that all his emoluments arising from the new office as well as from the old office shall be assessed as if they had arisen from one and the same office, and thereupon any assessment already made shall be adjusted accordingly and any tax overpaid shall be repaid.

(2) A person giving notice under this section shall give it in writing to the surveyor not later than the expiration of the eighteen months next after the end of the year of assessment within which he entered upon the new office.

(3) In this section—

(a) the expression “emoluments” has the same meaning as in section forty-five of the Finance Act, 1927;

(b) the expression “net emoluments” in relation to an office for any period means the emoluments of the office for that period after the deduction of any amount paid or borne for that period by the holder of the office which would be allowable under the provisions of the Income Tax Acts for the purpose of computing an assessment to income tax under Schedule E;

(c) the expression “office” means an office or an employment the emoluments of which are chargeable wholly under Schedule E.

(4) This section shall apply to any person who entered upon a new office in the year 1933-34 or the year 1934-35 as it applies to persons entering upon a new office in any subsequent year:

Provided that no assessment for any year before the year 1934-35 shall be adjusted under this section.

PART III.

NATIONAL DEBT AND LOCAL LOANS.

National Debt.

27.—(1) The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

Provisions as to permanent annual charge for the National Debt.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, for providing any sums required during the said financial year for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the said subsection (4) to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

9 & 10
Geo. 5. c. 37.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

Local Loans.

28. The Treasury may from time to time, in lieu of creating Local Loans stock under section eight of the National Debt and Local Loans Act, 1887, create and issue, for the purposes for which Local Loans stock may be created, such securities bearing such rate of interest and subject to such conditions as to redemption, repayment or otherwise as they think fit.

Power to issue new securities in lieu of Local Loans stock.
50 & 51
Vict. c. 16.

29.—(1) The Treasury may also from time to time create and issue such securities bearing such rate of interest and subject to such conditions as aforesaid for any of the following purposes—

Provision for redemption and conversion of Local Loans stock and new securities.

(a) for raising money for the redemption of any Local Loans stock or any securities created under this or the last foregoing section (hereafter referred to as “new Local Loans securities”);

PART III.
—cont.

(b) for the purpose of exchange, as hereafter provided, with any such stock or securities, and for raising such money (if any) as may be required as further consideration for any such exchange;

(c) for raising money for the repayment to the Exchequer of sums issued out of the Consolidated Fund as provided in the next following section.

(2) The notice of redemption of Local Loans stock referred to in subsection (3) of section eight of the National Debt and Local Loans Act, 1887, shall, instead of being a resolution of the House of Commons as provided in subsection (4) of that section, be a notice given by the Treasury and published in the London Gazette, and the mode of redemption shall be such as may be determined by the notice, but save as aforesaid nothing in this Act shall affect the provisions of the said subsections (3) and (4).

(3) Where it is proposed to redeem any Local Loans stock or any new Local Loans securities, the Treasury may arrange for giving an option, subject to such conditions and on such terms as the Treasury may determine and with or without payment of any further consideration, to any holders of the stock or securities to be redeemed to take in exchange securities created under this section.

(4) All stock or securities redeemed or surrendered for the purpose of an exchange under this section shall be cancelled forthwith.

(5) The Treasury may make rules with respect to the exchange of stock or securities as aforesaid, and may by those rules provide, with the necessary modifications, for any of the matters for which provision could be made under section twenty-nine of the National Debt (Conversion) Act, 1888, and may also by those rules apply, with the necessary modifications, any of the provisions of Part IV of that Act (whether repealed or not) which they think it expedient to apply.

51 & 52
Vict. c. 2.

Charge on
Consolidated Fund
and general
provisions
as to new
securities.

30.—(1) Any sums required to be paid in respect of the interest, or the expenses of issue or management, of new Local Loans securities shall be paid out of the income account of the Local Loans Fund, and any sums required to be paid in respect of the principal of such securities or in respect of the redemption of any Local Loans stock

shall be paid out of the capital account of that Fund, and any such sum, in so far as it cannot be paid as aforesaid, shall be charged on and issued out of the Consolidated Fund or the growing produce thereof.

PART III.
—cont.

(2) For the purpose of providing for the issue of sums out of the Consolidated Fund under the last foregoing subsection in respect of the principal of the said securities or the redemption of the said stock, the Treasury may raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

(3) The Bank of England may advance to the Treasury any sums which the Treasury have power to raise under the last foregoing subsection.

(4) The Treasury shall from time to time lay before Parliament a statement of any sums issued out of the Consolidated Fund under this section, and any sums so issued shall be repayable to the Exchequer out of such account of the Local Loans Fund in such manner and at such times as the Treasury may direct.

(5) New Local Loans securities in the form of stock or registered bonds shall be transferable in like manner as Local Loans stock, and any person having power to invest in Local Loans stock shall have the like power to invest in any new Local Loans securities.

(6) Section thirteen of the National Debt and Local Loans Act, 1887, section four of the Bank Act, 1892, and the First Schedule to the Savings Bank Act, 1893, shall have effect as if references to Local Loans stock included references to new Local Loans securities, and section sixteen and paragraph (9) of section seventeen of the National Debt and Local Loans Act, 1887, shall apply for the purposes of this Part of this Act as they apply for the purposes of that Act.

55 & 56 Vict.
c. 48;
56 & 57 Vict.
c. 69.

31. If, at any time after Local Loans stock has been exchanged or redeemed under this Part of this Act, the Treasury are satisfied that the assets of the Local Loans Fund exceed in value its liabilities by an amount not less than ten million pounds, they may, if they think fit, by notice published in the London Gazette direct that such relief shall be given from such outstanding

Power to
reduce obli-
gations to
the Local
Loans
Fund.

PART III. obligations to the Fund either in respect of interest or in
—*cont.* respect of capital as may be specified in the notice :

Provided that the Treasury shall not give such a direction as will, in their opinion, reduce the said excess to less than five million pounds.

PART IV.

MISCELLANEOUS AND GENERAL.

Transfer
of sum from
Road Fund
to Ex-
chequer.

32. There shall, in accordance with the directions of the Treasury, be transferred to the Exchequer from the Road Fund constituted under the Roads Act, 1920, the sum of four million, four hundred and seventy thousand pounds.

Further
relief
of small
annuities
from estate
duty.
57 & 58 Vict.
c. 30.

33.—(1) Subsection (1) of section fifteen of the Finance Act, 1894 (which exempts from estate duty certain annuities not exceeding twenty-five pounds) shall have effect, in the case of an annuity purchased or provided by a person dying after the passing of this Act, as if the words “fifty-two pounds” were substituted for the words “twenty-five pounds.”

(2) An annuity of less than one hundred and four pounds which would, but for the fact that it exceeds fifty-two pounds, be exempted from estate duty under the provisions of the said subsection as amended by this section, shall be chargeable with estate duty as if it were an annuity of twice the amount by which it exceeds fifty-two pounds and as if the said provisions were not in force.

Summary
proceedings
in revenue
cases in
Northern
Ireland.

34.—(1) The Summary Jurisdiction Acts (Northern Ireland) shall, notwithstanding any special provisions to the contrary contained in any enactment relating to His Majesty’s revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, apply to all informations, complaints, and other summary proceedings in Northern Ireland under or by virtue of any such enactment :

Provided that nothing in this subsection shall affect the provisions of section two hundred and fifty-seven of the Customs Consolidation Act, 1876 (which relates to the time within which proceedings may be brought).

PART IV.
—cont.

(2) A resident magistrate in Northern Ireland shall have power to reduce the amount of any pecuniary penalty which he has power to impose for an offence against any such enactment as aforesaid, notwithstanding that the amount of the penalty is prescribed by that enactment.

(3) Where any person arrested in Northern Ireland without a warrant for an offence against any enactment relating to the Customs is brought before a resident magistrate, or before a justice of the peace sitting out of petty sessions, the magistrate or justice may from time to time remand him in custody for such period (not exceeding eight clear days) as the magistrate or justice thinks fit, or may discharge him upon his entering into a recognizance, with or without sureties, to appear at the time and place named in the recognizance.

(4) In this section the expression "Summary Jurisdiction Acts (Northern Ireland)" means the Summary Jurisdiction (Ireland) Acts and any Act of the Parliament of Northern Ireland, whether passed before or after the date on which this section comes into operation, amending those Acts.

(5) The enactments set out in Part I of the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(6) The foregoing provisions of this section shall come into operation on such date as the Treasury may by order appoint.

35.—(1) This Act may be cited as the Finance Act, 1935.

Short title,
construc-
tion, extent
and repeals.

(2) Part I of this Act, so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties, and the expression "the Commissioners" in the said Part I means the Commissioners of Customs and Excise.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including (unless the context otherwise requires) this Act.

PART IV. (5) In this Act the expression "the United
—cont. Kingdom" does not include the Isle of Man.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(7) The enactments set out in Part II of the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

REDUCED RATES OF ENTERTAINMENTS DUTY IN CASE OF CERTAIN ENTERTAINMENTS.

<u>Amount of Payment.</u>	<u>Duty.</u>
Where the amount of the payment, excluding the amount of duty,—	
Exceeds 6 <i>d.</i> and does not exceed 8½ <i>d.</i> -	One half-penny.
Exceeds 8½ <i>d.</i> and does not exceed 11 <i>d.</i> -	One penny.
Exceeds 11 <i>d.</i> and does not exceed 1/1½ <i>d.</i> -	Three half-pence.
Exceeds 1/1½ <i>d.</i> and does not exceed 1/4 <i>d.</i> -	Two pence.
Exceeds 1/4 <i>d.</i> and does not exceed 1/6½ <i>d.</i> -	Two pence half-penny.
Exceeds 1/6½ <i>d.</i> and does not exceed 1/9 <i>d.</i> -	Three pence.
Exceeds 1/9 <i>d.</i> -	Three pence for the first 1/9 <i>d.</i> and one penny for every 5 <i>d.</i> or part of 5 <i>d.</i> over 1/9 <i>d.</i>

SECOND SCHEDULE.

Sections 34,
35.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS RELATING TO REVENUE PROCEEDINGS BEFORE
COURTS OF SUMMARY JURISDICTION IN NORTHERN IRELAND.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Vict. c. 93.	The Petty Sessions (Ireland) Act, 1851.	Section forty-two.
13 & 14 Geo. 5. c. 14.	The Finance Act, 1923	- Subsection (4) of section thirteen.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928	- Section twenty-two.
20 & 21 Geo. 5. c. 28.	The Finance Act, 1930	- In subsection (2) of section twenty-five the words from "and it is hereby declared" to the end of the subsection.
24 & 25 Geo. 5. c. 32.	The Finance Act, 1934	Section fifteen.

PART II.

MISCELLANEOUS ENACTMENTS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Edw. 7. c. 43.	The Revenue Act, 1909.	In subsection (1) of section one, the words "the importer of the goods or his agent, or" and the words "as the case may be," and in subsection (2) of that section the words "the importer or his agent, or".

2ND SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 Edw. 7 and 1 Geo. 5. c. 8.	The Finance (1909-10) Act, 1910.	As from the first day of October, nineteen hundred and thirty-five, in the first column of scale 3 in the First Schedule the words and figures from "and less" to "100,000" where it secondly occurs, in the second column of that scale the figures from "15 0" to "35 0," and in the third column the figures from "10 0" to "23 10".
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920.	In subsection (1) of section twenty-one, the words "and" in respect of each subsequent child to a deduction "of forty pounds".
21 & 22 Geo. 5. c. 49.	The Finance (No. 2) Act, 1931.	In the Second Schedule the words from "Exceeds 2d." to "One penny" where it first occurs.
22 & 23 Geo. 5. c. 8.	The Import Duties Act, 1932.	Subsections (1) and (2) of section fifteen; and as from the first day of August, nineteen hundred and thirty-five, in the First Schedule the words "Soya beans".
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933.	Section twelve; and, as from the first day of August, nineteen hundred and thirty-five, in the paragraph substituted by Part I of the Seventh Schedule the words in subparagraph (b) from "which are propelled" to "light oils," subparagraph (c) and the definition of light oils, and in the paragraph substituted by Part III of that Schedule subparagraph (c) (iv) and the words "light oils".

CHAPTER 25.

An Act to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His Majesty at Geneva on the twentieth day of April, nineteen hundred and twenty-nine, to apply to foreign coin certain enactments relating to British coin, and to assimilate the penalties for importing and exporting counterfeit coin.

[10th July 1935.]

WHEREAS a Convention for the Suppression of Counterfeiting Currency, was signed on behalf of His Majesty at Geneva on the twentieth day of April, nineteen hundred and twenty-nine :

And whereas it is expedient to give effect to the said Convention and to apply to foreign coin certain enactments relating to British coin, and to assimilate the penalties for importing and exporting counterfeit coin :

Be it therefore enacted by the King'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) Currency notes issued by or on behalf of the Government of any country outside the United Kingdom shall be deemed to be bank notes within the meaning of the Forgery Act, 1913, and this Act.

Forgery of
currency
notes issued
abroad.
3 & 4 Geo.5.
c. 27.

(2) In this section the expression "currency notes" includes any notes (by whatever name called) which are legal tender in the country in which they are issued.

2. Where any forged bank note, or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note, is lawfully seized under a warrant granted in pursuance of subsection (1) of section sixteen of the Forgery Act, 1913, or otherwise, the bank note, machinery, implement, utensil or material, as the case may be, shall, notwithstanding anything in

Disposal of
forged bank
notes and
plant used
for forging
bank notes.

subsection (2) of that section, be delivered up to the Secretary of State, or to any person authorised by him for the purpose, by order of the court before which the offender is tried or, if there is no trial, by order of a justice of the peace.

Application of enactments to foreign coin and assimilation of penalties for importing and exporting counterfeit coin.

3.—(1) Sections eighteen to twenty-three of the Coinage Offences Act, 1861, (which contain provisions as to foreign coin differing from the corresponding provisions as to His Majesty's coin) are hereby repealed, and the provisions of that Act shall apply in relation to foreign coin as they apply in relation to His Majesty's coin, and accordingly the provisions of that Act specified in the first column of Part I of the Schedule to this Act shall be amended in the manner shown in the second column of that Part of that Schedule.

24 & 25 Vict.
c. 99.

(2) There shall be substituted for the penalties provided in section seven and section eight of the Coinage Offences Act, 1861, (which respectively relate to the importation and exportation of counterfeit coin) a penalty of penal servitude for any term not exceeding fourteen years.

46 & 47 Vict.
c. 45.

(3) The Counterfeit Medal Act, 1883, shall apply in relation to foreign coin as it applies in relation to His Majesty's coin; and accordingly the provisions of that Act set out in the first column of Part II of the Schedule to this Act shall be amended in the manner shown in the second column of that Part of that Schedule.

52 & 53 Vict.
c. 42.

(4) Section two of the Revenue Act, 1889, (which prohibits the importation of imitation coin) shall apply to imitation foreign coin as it applies to imitation British coin; and accordingly the provisions of that section set out in the first column of Part III of the Schedule to this Act shall be amended in the manner shown in the second column of that Part of that Schedule.

Extradition for attempts to commit offences in connection with counterfeit currency.
33 & 34 Vict.
c. 52.

4. The Extradition Act, 1870, shall be construed as if there were included in the list of crimes in the First Schedule to that Act the following crimes, namely:—

- (a) attempts to forge bank notes, attempts to utter forged bank notes, and attempts to commit, in relation to bank notes, any indictable offence under the Forgery Act, 1913, or any Act

amending or substituted for that Act, which was not included in the said First Schedule as originally enacted; and

- (b) attempts to counterfeit or alter money, attempts to utter counterfeit or altered money, and attempts to commit any indictable offence under the Coinage Offences Act, 1861, or any Act amending or substituted for that Act, which was not included in the said First Schedule as originally enacted.

5. In the application of this Act to Scotland the following modifications shall be made:— Application
to Scotland.

- (a) The following provision shall be substituted for subsection (1) of section one of this Act:—

“(1) Currency notes issued by or on behalf of the Government of any country outside the United Kingdom shall be deemed to be bank notes within the meaning of this Act, and the provisions of sections two, six and seven of the Bank Notes (Forgery) Act, 1805, shall apply to any such currency notes in like manner as they apply to bank notes of the Bank of England with the substitution for any reference to the Governor and Company of the Bank of England of a reference to the person or body by whom such currency notes are issued.” 45 Geo. 3.
c. 89.

- (b) The following section shall be substituted for section two of this Act:—

“2. Where any court in pursuance of section forty-four of the Summary Jurisdiction (Scotland) Act, 1908, or of that section as applied to procedure under indictment by section seventy-seven of the said Act, orders the forfeiture of any bank note or any instrument or other article used, or calculated to be used, for the forgery of a bank note, such bank note, instrument or article shall, notwithstanding anything in the said section, be delivered up to the Secretary of State or to any person authorised by him for the purpose.” 8 Edw. 7.
c. 65.

Short title,
citation,
extent and
commence-
ment.

6.—(1) This Act may be cited as the Counterfeit Currency (Convention) Act, 1935.

(2) The provisions of this Act which amend the Forgery Act, 1913, may be cited together with that Act as the Forgery Acts, 1913 and 1935.

(3) The provisions of this Act which amend the Coinage Offences Act, 1861, may be cited together with that Act as the Coinage Offences Acts, 1861 and 1935.

(4) The provisions of this Act which amend the Extradition Act, 1870, may be cited together with the Extradition Acts, 1870 to 1932, as the Extradition Acts, 1870 to 1935.

(5) It is hereby declared that this Act extends to Northern Ireland, but nothing in this subsection shall be taken to affect the operation of section seventeen of the Extradition Act, 1870.

(6) This Act shall come into operation on the first day of January, nineteen hundred and thirty-six.

Section 3.

SCHEDULE.

AMENDMENTS OF ENACTMENTS CONSEQUENTIAL ON APPLICATION THEREOF TO FOREIGN COIN.

PART I.

AMENDMENTS OF THE COINAGE OFFENCES ACT, 1861. (24 & 25 Vict. c. 99.)

Provision of Act.	Amendments.
Section one	- - The words "the Queen's" and "of the Queen's" wherever they occur shall be repealed; after the word "otherwise" and after the word "Dominions" in the second place where each of those words occurs, there shall be inserted the words "or lawfully current in any foreign country"; for the words "any copper coin and any coin of bronze or mixed

Provision of Act.	Amendments.
	“ metal ” there shall be substituted the words “ any coin of any metal or mixed “ metal (not being a gold or silver “ coin) ” ; for the words “ and whether “ made of gold; silver, copper, bronze “ or mixed metal ” there shall be substituted the words “ or lawfully current in any foreign country ” ;
Sections two and three.	The words “ of the Queen’s ” wherever they occur shall be repealed.
Section four - -	The words “ of the Queen’s ” and “ the Queen’s ” shall be repealed.
Sections five, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen, and sixteen.	The words “ of the Queen’s ” wherever they occur shall be repealed.
Section twenty-four -	The words “ of the Queen’s ” and the words “ or of any coin of any foreign prince, state or country ” shall be repealed.
Section twenty-six -	The words “ the Queen’s ” shall be repealed.
Section twenty-seven	The following words shall be repealed, that is to say—the words “ of the Queen’s ” in both places where they occur; the words “ or any coin of any foreign prince, state or country ” ; the words “ the Queen’s ” and the words “ or any such foreign or other coin as in this Act before mentioned.”

PART II.

AMENDMENTS OF THE COUNTERFEIT MEDAL ACT, 1883.
(46 & 47 Vict. c. 45.)

Section two - -	The words “ of the Queen’s ” wherever they occur shall be repealed.
Section three - -	The words “ the Queen’s ” shall be repealed and there shall be inserted at the end of the section the words “ or “ lawfully current in any foreign “ country.”

PART III.

AMENDMENTS OF SECTION TWO OF THE
REVENUE ACT, 1889.
(52 & 53 Vict. c. 42.)

Provision of Act.	Amendments.
Subsection (3) -	- The words "or foreign" shall be inserted after the word "British" wherever that word occurs.
Subsection (4) -	- The following words shall be inserted at the end of the subsection "and the expression 'foreign coin' means any coin lawfully current in any foreign country, and the expression 'foreign money' means money expressed in the terms of any foreign coin."

CHAPTER 26.

An Act to repeal the proviso to section nineteen of the Defence Act, 1842. [10th July 1935.]

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

Repeal of
proviso to
s. 19 of
5 & 6 Vict.
c. 94.

1.—(1) The proviso to section nineteen of the Defence Act, 1842 (which prohibits the use for barracks of any lands, buildings or hereditaments taken compulsorily) is hereby repealed:

Provided that this repeal shall not affect any lands, buildings or hereditaments taken compulsorily before the fourth day of June, nineteen hundred and thirty-five.

(2) Any Act or Order in Council applying the said section in relation to the Admiralty or the President of

the Air Council shall have effect as if it applied the said section as amended by this Act.

2. This Act may be cited as the Defence (Barracks) Act, 1935, and this Act and the Defence Acts, 1842 to 1873, may be cited together as the Defence Acts, 1842 to 1935. Short title
and citation.

CHAPTER 27.

An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the twentieth day of June, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty. [10th July 1935.]

WHEREAS the agreement set out in the Schedule to this Act was made on the twentieth day of June, nineteen hundred and thirty-five, between the Treasury, the London Passenger Transport Board, the Great Western Railway Company and the London and North Eastern Railway Company :

And whereas, with a view to enabling effect to be given to the said agreement, it is expedient to authorise the Treasury to guarantee the payment of the principal of and interest on securities to be issued by the company to be formed in pursuance of clause 3 of the said agreement and to provide that stamp duty shall not be payable upon the agreements hereinafter mentioned :

Be it therefore enacted by the King'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 Treasury may guarantee in such manner and on such conditions as they think fit the payment of the principal of and the interest on securities issued as aforesaid : Power of
Treasury to
guarantee
securities.

Provided that the amount of the principal of the securities to be so guaranteed shall not in the aggregate exceed an amount sufficient to raise forty million pounds.

(2) Any sums required by the Treasury for fulfilling any guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums received by way of repayment of any sums so issued shall be paid into the Exchequer.

(3) As soon as may be after any guarantee is given under this Act, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this Act out of the Consolidated Fund or the growing produce thereof, the Treasury shall, as soon as may be after the end of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued and of all sums at any time received by way of repayment of any sums so issued, and a similar account shall be laid in like manner in every subsequent year unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

(5) If the said agreement is amended by any further agreement or by a certificate of the Minister of Transport, the Treasury shall, as soon as may be, lay a copy of the further agreement or certificate before both Houses of Parliament.

Exemption
of agree-
ments from
stamp duty.

2. Stamp duty shall not be chargeable and shall be deemed not to have been chargeable on the agreement set out in the Schedule to this Act or any other agreement mentioned in paragraph (b) of clause 2 thereof.

Short title.

3. This Act may be cited as the London Passenger Transport (Agreement) Act, 1935.

SCHEDULE.

Section 2.

AN AGREEMENT made this Twentieth day of June 1935 BETWEEN THE COMMISSIONERS OF HIS MAJESTY'S TREASURY (hereinafter called "the Treasury") of the first part THE LONDON PASSENGER TRANSPORT BOARD (hereinafter called "the Board") of the second part THE GREAT WESTERN RAILWAY COMPANY of the third part and THE LONDON AND NORTH EASTERN RAILWAY COMPANY of the fourth part.

WHEREAS His Majesty's Government are desirous that the facilities for passenger transport in the London Passenger Transport Area which will be provided by the construction of the works set out in the scheme of works contained in the First Schedule hereto should be made available as speedily as possible.

AND WHEREAS the Transport Undertakers concerned with the provision of those facilities are unable to undertake the whole of the said scheme at the present time without assistance from His Majesty's Government.

AND WHEREAS having regard to the public advantages accruing from the early execution of the works His Majesty's Government are willing subject to the sanction of Parliament to assist the Transport Undertakers in raising the capital sums necessary for the execution of the said works and for that purpose to give such guarantee as is hereinafter provided.

AND WHEREAS the Standing Joint Committee established under the provisions of section 31 of the London Passenger Transport Act 1933 (hereinafter referred to as "the Act of 1933") have in pursuance of the powers conferred on them by that section reported in favour of the execution of the said works as provided for in this Agreement.

NOW THEREFORE IT IS AGREED as follows:—

1. The parties hereto of the second third and fourth parts (in this Agreement referred to as "the Transport Undertakers") shall apply to Parliament as soon as practicable and in any case not later than in the next available Session for and use their best endeavours to obtain (insofar as they have not already obtained such powers) the statutory powers hereinafter referred to and all such other statutory powers (if any) as may be necessary to enable this Agreement to be carried into effect and insofar as the necessary statutory powers are obtained shall (subject to the provisions of Clauses 15, 16 and 17 hereof) execute the said works

as speedily as may be (subject to the due co-ordination of the various works as parts of a complete scheme for the handling of traffic) and shall complete such works within a period of five years from the 30th day of September 1935 or within such further period as the Minister of Transport may allow :

Provided that if the Transport Undertakers shall hereafter satisfy the Minister of Transport that it is desirable that any of the works comprised in the said scheme should be varied or that additional works should be added to the said scheme the First Schedule hereto shall be deemed to be amended to the extent to which the said Minister shall certify that he is so satisfied and shall have effect accordingly.

2. In consideration of the premises and of the further provisions of this Agreement the Treasury will in the present Session submit to Parliament a Bill—

- (a) conferring on the Treasury such statutory powers as may be necessary to enable the Treasury to guarantee the payment of the principal of a loan not exceeding £40,000,000 to be raised by a Company to be formed in accordance with Clause 3 of this Agreement (hereinafter referred to as "the Company") and interest thereon; and
- (b) providing that stamp duty shall not be payable upon this Agreement or upon any Agreement in variation of this Agreement or upon any Agreements which shall be made by the Transport Undertakers or any of them with the Company providing for or securing the repayment of the advances to be made by the Company to them respectively or otherwise for giving effect to the provisions of this Agreement.

3. As soon as the powers contemplated by the preceding clause have been obtained from Parliament the Treasury will cause a Company with a nominal share capital to be formed for the purpose of raising and lending to the Transport Undertakers a sum or sums not exceeding in the aggregate £40,000,000 as aforesaid.

The said sum or sums shall be raised at such time or times as the Treasury may determine by the issue of securities of the Company guaranteed as to principal and interest by the Treasury in accordance with the terms of an Agreement to be entered into between the Treasury and the Company. The said securities shall mature for repayment at par on such date as may be fixed by the Treasury not being less than fifteen nor more than twenty-five years from the date of issue thereof and shall be issued at such price and carry interest at such rate as may be approved by the Treasury and the Transport Undertakers and shall otherwise be issued upon such terms as the Company and the Treasury

may agree after consultation with the Transport Undertakers and such terms shall include an option to the Company to redeem the whole or any part of the securities at a date prior to the date fixed by the Treasury as aforesaid (upon notice to the holders of such securities) at any time after the expiration of such period from the date of such issue as the said terms may provide.

4. To the extent to which they have obtained or obtain the necessary powers herein provided for the respective Transport Undertakers shall borrow from the Company such sums not exceeding £40,000,000 in the aggregate as shall be raised by the Company under the foregoing provisions of this Agreement for the purposes of:—

- (a) the payment of the costs properly chargeable to capital of the said works which they respectively may be authorised to carry out and of such further works as they may undertake with the approval for this purpose of the Minister of Transport;
- (b) the payment of the costs and expenses for which they are liable under Clause 10 hereof so far as properly chargeable to capital;
- (c) the payment of interest on moneys borrowed which they may be authorised to pay out of or charge to capital or to pay or provide out of advances; and
- (d) the payment of any sums for which they are liable under the provisions of Clauses 8 and 9 hereof.

The said sums shall be borrowed by the respective Transport Undertakers in the percentage proportions set out opposite their respective names in the Second Schedule hereto which proportions may be varied by agreement between the Transport Undertakers with the approval of the Treasury the said proportions with such variations as aforesaid (if any) being hereinafter referred to as "the agreed proportions".

5. The respective Transport Undertakers shall pay interest on the moneys borrowed by them at the effective rate at which the moneys raised by the Company under Clause 3 hereof are raised taking into account any premium or discount at which the securities are issued. The first payment of interest shall be calculated from the date when the money is borrowed to the next half-yearly date for payment of interest by the Company on its securities and shall be payable three days in advance of such half-yearly date. Thereafter interest shall be payable by half-yearly instalments calculated up to the half-yearly dates for payment of interest by the Company on its securities but payable three days in advance thereof.

6. In the case of default in payment of any interest under the last preceding clause the Company may with the consent of the

Treasury give notice to the Transport Undertaker so defaulting and if such interest be not paid within seven days after receipt of such notice the whole of the moneys borrowed by that undertaker then outstanding shall become immediately due and payable.

7. So much of the sums raised under Clause 3 hereof as shall not for the time being be lent to the Transport Undertakers shall be invested by the Company to such an extent and in such a manner as the Company (after consultation with the Treasury and the said Standing Joint Committee) may think fit.

8. The Transport Undertakers shall pay to the Company such sums as together with the interest payable under Clause 5 hereof on the moneys borrowed by them and any receipts from the investment of the unborrowed moneys under Clause 7 hereof (including any realised profits on investments) will provide the amount required to discharge the interest payable by the Company to the holders of its securities Provided that in computing the sums payable by the Transport Undertakers under this clause no account shall be taken of any part of the amount which any of the Transport Undertakers is required to borrow under Clause 4 hereof (or of any of the receipts from investment as aforesaid which the Treasury determine to be fairly attributable to the investment of such part) if such part cannot be borrowed under this Agreement by reason of the refusal of Parliament to grant the borrowing powers in respect thereof in this Agreement provided for.

The sums payable under this clause shall be paid in the agreed proportions and shall be due three days before the interest payable by the Company on its securities becomes due. The Company shall be at liberty to deduct any sum payable under this clause from the unborrowed proceeds of its securities and may as soon as the requisite borrowing powers have been obtained either recover the sum from the Transport Undertaker by whom it is payable or treat such sum as money borrowed by that Transport Undertaker.

9. Any losses on capital account which may be made by the Company in the investment of the unborrowed proceeds of its securities (except such losses as the Treasury may determine to be fairly attributable to the investment of moneys in respect of which Parliament has refused to grant borrowing powers) shall be treated as moneys borrowed by the Transport Undertakers to be apportioned between them in the agreed proportions.

10. The Transport Undertakers agree to defray the costs and expenses of and incidental to the formation administration and winding-up of the Company and to the creation issue underwriting (if any) and management of its securities. Such costs

and expenses shall be apportioned between the Transport Undertakers in the agreed proportions. The Transport Undertakers shall receive credit for any stamp duty paid by them on any securities issued by the Company in respect of any moneys which the Transport Undertakers are unable to borrow by reason of the refusal of Parliament to grant borrowing powers in respect thereof.

11. The Transport Undertakers shall respectively deposit in an account to be opened at the Bank of England in the joint names of the Company and such respective Undertakers all moneys borrowed by them and then outstanding one calendar month before the date of final maturity of the securities issued by the Company out of the proceeds of which such moneys were advanced. Provided that if the Company has an option to redeem its securities in whole or in part at any prior date any of the Transport Undertakers may request the Company to exercise its option to such extent as such Undertaker may require and in that event will one calendar month before the date fixed by the Company for such redemption deposit in manner aforesaid such part of the moneys borrowed by such Undertaker as will enable the Company to redeem the securities in respect of which the option has been exercised. The moneys so deposited shall be released by the Transport Undertaker to the Company on the day prior to the date fixed for the redemption of such securities but such Transport Undertaker shall pay to the Company interest on the money so deposited at the rate provided for in Clause 5 hereof up to the date so fixed. Any interest earned by the moneys in the deposit account shall be for the account of the Transport Undertaker making the deposit. If the sums raised by the Company were raised by the issue of its securities at a discount the amount of such discount shall for the purposes of this clause and of Clauses 6 and 18 hereof be added to and be deemed to form part of the moneys borrowed.

12. The Board will apply to Parliament for and use its best endeavours to obtain in the present Session of Parliament such statutory powers and provisions as may be necessary :—

- (a) to enable the Board to borrow to the extent in the manner and for the purposes set out in this Agreement;
- (b) to provide that notwithstanding anything to the contrary in the Act of 1933 or any subsequent Act all interest payable by the Board to the Company shall be charged upon and payable out of the revenues of the Board as to one third thereof *pari passu* with the interest on all London Transport " A " Stock for the time being outstanding as to one other third part thereof *pari passu* with the interest on all London Transport " B " Stock for the time being outstanding and as to the remaining one-third thereof (subject as hereinafter provided)

pari passu with the interest on all London Transport "C" Stock for the time being outstanding. Provided that if and as often as and to the extent to which there would be any deficiency in the amount of the interest for any financial year or part of a financial year of the Board on any advance by the Company if such last-mentioned one-third of such interest were charged and paid in manner aforesaid the amount of such deficiency shall be charged and paid in priority to the interest on such London Transport "C" Stock for that financial year or part of that financial year;

- (c) to provide that interest on the sums so borrowed reckoned from the date from which the interest on the securities to be created by the Company commences to the respective dates of completion of the works to which such advances are to be applied may be charged to capital;
- (d) to provide that all sums payable under Clause 8 hereof may for the purposes of paragraphs (c) and (e) of this clause be treated in the same way as if they were interest on advances made to the Board under this Agreement; and
- (e) to enable the Board to charge to an interest reserve or suspense account during the 10 years next succeeding the obtaining of any further statutory powers which may be necessary for the provision of the works comprised in the First Schedule hereto such part of the interest payable upon any loan applicable to the provision of those works to such extent as the Board may determine not exceeding in the aggregate half the interest payable upon such loan during that period provided that during the currency of the loan any sums so charged to reserve or suspense shall be met in full by a corresponding charge against revenue in the subsequent years of the currency of such loan and may in the meantime be paid out of such loan or otherwise as the Board think fit.

13. The Board will apply to Parliament for and use their best endeavours to obtain in the next available Session of Parliament statutory powers enabling them to provide such of the works set out in the First Schedule hereto which it is intended that they should provide as are not authorised by the London Passenger Transport Act 1934 or by the Board's Bill now before Parliament when passed into an Act and to acquire compulsorily or by agreement such lands and properties easements or other interests in lands as may be necessary for the purpose and to borrow by the creation and issue of such amounts of London Transport Stocks as (excluding the sums which they are at the date of this Agreement authorised to borrow but including so much of the

£10,000,000 which they are by the said Bill now before Parliament seeking power to borrow as may properly be allocated to the works set out in the said Schedule) may be necessary to satisfy the provisions of Clause 18 hereof.

14. Each of them the Great Western Railway Company and the London and North Eastern Railway Company (each which said Railway Company in relation to the Bill to be promoted by it and the powers to be procured thereunder as hereinafter mentioned is except where otherwise expressed in this clause called "the Railway Company") will in the next available Session of Parliament promote a Bill and will use its best endeavours to procure it to be passed into law providing (inter alia):—

- (a) for the creation by virtue of the Act itself of such an amount of 4 per cent. Debenture Stock of the Railway Company as at its nominal or par value shall be equivalent to the total amount of moneys which the Railway Company shall borrow from the Company under this Agreement;
- (b) for the issue by the Railway Company to the Company from time to time of such Debenture Stock as collateral security for such moneys as shall be borrowed by the Railway Company as aforesaid and for such Debenture Stock to be issued at such time or times and in such amount or amounts as the Company with the consent of the Treasury first obtained may direct but also providing that the Railway Company shall not be required to issue to the Company in the aggregate a greater amount of the said Debenture Stock than at its nominal or par value is equivalent to the moneys so borrowed by the Railway Company as aforesaid and for the time being outstanding nor to issue any of the said Stock to the Company unless that Company first obtain the consent of the Treasury;
- (c) for power for the Railway Company to borrow to the extent in the manner and for the purposes set out in this Agreement;
- (d) for the redemption by the Railway Company of any of the said Debenture Stock so charged as collateral security as aforesaid upon payment under the terms of this Agreement of the whole of the moneys it may borrow as aforesaid and upon such redemption for the right and power to the Directors of the Railway Company to re-issue the whole or such part or parts as they may determine of the said Debenture Stock either as a redeemable or irredeemable Stock of any description and carrying such rate or varying rates of interest as they may think fit;

- (e) if and so far as such powers may be necessary or expedient for power to the Railway Company to carry out such of the works set out in the said First Schedule as it is intended the Railway Company shall provide and to acquire compulsorily or by agreement such lands and properties easements or other interests in lands as may be necessary for the purpose;
- (f) for power to the Railway Company to charge interest to capital during the construction of the said works and to treat all sums payable under Clause 8 of this Agreement as if they were interest on advances made under this Agreement;
- (g) that the Railway Company shall not be charged with or be liable to loan capital duty on the Debenture Stock to be created by them as aforesaid or with any duty in respect of the issue thereof as collateral security until upon such Debenture Stock being released from the said charge the Railway Company shall issue or re-issue such stock; and
- (h) for power to the London and North Eastern Railway Company during a period not exceeding five years from the date on which the works set out in the first part of the said First Schedule are brought into operation to charge to a suspense account the cost of rolling stock displaced by reason of the execution of those works in so far as such rolling stock is not utilised elsewhere upon the system of the London and North Eastern Railway Company provided that any sums so charged to suspense shall be met in full during the said period of five years by an equal annual charge against revenue and may in the meantime be payable out of any moneys which the London and North Eastern Railway Company may borrow under the terms of this Agreement or otherwise as the said Company may determine.

15. If the Board or the London and North Eastern Railway Company are refused by Parliament any of the statutory provisions referred to in Clause 12 or Clause 13 or Clause 14 (other than those in paragraph (d) thereof) in respect of any of the works comprised in Group 1 of the first part of the said First Schedule or of any money to be borrowed in respect thereof the Board and the London and North Eastern Railway Company shall be relieved of their obligations under this Agreement in respect of the works comprised in that Group.

Similarly if the Board or the London and North Eastern Railway Company are refused any of the said statutory provisions in respect of any of the works comprised in Group 2 of the first

part of the said First Schedule or of any money to be borrowed in respect thereof the Board and the London and North Eastern Railway Company shall be relieved of their obligations under this Agreement in respect of the works comprised in that Group.

16. If the Great Western Railway Company are refused by Parliament any of the powers referred to in Clause 14 hereof (other than those in paragraph (d) thereof) in respect of the works set out in the second part of the said First Schedule or any money to be borrowed in respect thereof the Great Western Railway Company shall be relieved of its obligations under this Agreement.

17. If the Board are refused by Parliament any of the powers in the Board's Bill now before Parliament in respect of the construction and financing of any part of the works comprised in the third part of the said First Schedule or any of the powers referred to in Clause 12 hereof in respect of any part of the works comprised in that part of the said Schedule the Board shall be relieved of its obligations under this Agreement as regards that part of the works in respect of which such powers have been refused.

18.—(1) As collateral security for the repayment of the moneys borrowed by the Board the Board shall if and when the Company with the consent of the Treasury by notice in writing to the Board so requires create and charge in favour of the Company London Transport "A" Stock (including 5 per cent. "A" Stock and $4\frac{1}{2}$ per cent. "A" Stock in the same proportion as the amounts of those Stocks issued at the date of this Agreement bear to one another) London Transport 5 per cent. "B" Stock and London Transport "C" Stock (in equal nominal amounts of each of such three classes of Stock) of such amounts as at their nominal value shall be equal in the aggregate to the principal moneys borrowed by the Board then outstanding. Provided that the above mentioned rates of interest borne by the London Transport "A" and "B" Stocks may prior to the creation of such Stocks be varied if the Treasury so agree. Such charge shall be in the usual form to be approved by the Treasury and shall provide for the issue of such Stocks to the Company or its nominees (as the request may direct) and for the usual power of sale of such Stock. The Board shall in the meantime keep their power under any Act or Acts subsequent to the said Act of 1933 to borrow by the creation and issue of London Transport Stocks unexercised to an extent sufficient to enable them to carry out the provisions of this Clause. Provided that the Board shall not be required so to create and issue any such stocks for securing any such advance more than 14 days before the date on which such advance is repayable. Provided also that the Board shall be at liberty to exercise such unexercised borrowing powers by

the creation issue and sale of London Transport Stocks to such extent as the Treasury may approve for the purpose of repaying in whole or in part such principal moneys as aforesaid. Provided further that if by any Act subsequent to the Act of 1933 the Board is prohibited from exercising any of its powers to borrow by the creation and issue of London Transport Stock so long as any of the said principal moneys are outstanding the obligation to keep the Board's borrowing powers unexercised under this clause shall be deemed to be fulfilled to the extent of such statutory prohibition.

(2) As collateral security for the repayment of the advances made by the Company to the Great Western Railway Company and the London and North Eastern Railway Company respectively each of them the said Railway Companies shall charge in favour of the Company the 4 per cent Debenture Stock to be created under the Bill to be promoted by such Railway Company under Clause 14 hereof. Such charge shall be in the usual form to be approved by the Treasury and shall provide for the issue at the request of the Company made with the consent of the Treasury of the said Stock to the Company or its nominees (as the request may direct) and for the usual power of sale of such Stock. †

19. In the execution of the works comprised in the First Schedule hereto the following conditions shall be observed by the Transport Undertakers :—

- (a) all plant machinery and materials required in connection with the said works shall so far as practicable be of United Kingdom origin and all manufactured articles shall (unless the Treasury shall otherwise agree in writing) be wholly manufactured in the United Kingdom (preference being given other things being equal to firms in the Special Areas as defined in the First Schedule to the Special Areas (Development and Improvement) Act 1934) and all contracts relating to the said works shall require the contractors to certify on their own behalf and on behalf of their sub-contractors that such stipulations shall be carried out and the Transport Undertakers shall take all reasonable steps to ensure that such stipulations are observed by their contractors and shall report to the Treasury any modification of or failure to give such certificate;
- (b) in all contracts connected with the carrying out of the said works a clause shall be inserted requiring all contractors and sub-contractors employed on any such works to pay rates of wages and to observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or in the absence of such recognised wages and hours those which in

practice prevail among good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of this clause are being observed. The Transport Undertakers shall take all reasonable steps to ensure the observance of the terms of this clause by all contractors and sub-contractors and for the exhibition of notices at the works of all contractors and sub-contractors regarding fair wages for the information of workpeople and for the inspection of wages books in order to see that the terms of this clause have been properly adhered to;

- (c) if work is carried out by a Transport Undertaker by direct labour the wages and other conditions of employment of such labour shall be those in force in the Undertaker's service on similar work;
- (d) all additional labour required for carrying out the said scheme shall be selected from suitable workpeople submitted by the Employment Exchange. Provided that whenever the Employment Exchange is unable to submit suitable workpeople within a reasonable period the Transport Undertakers may make other arrangements for the engagement of such workpeople. Provided also that the Transport Undertakers shall be entitled to engage direct for the purpose of these works any specially qualified workpeople usually employed by them to do work of a specialised character; and
- (e) if work is carried out by Contractors they shall be required to enter into contracts embodying provisions in terms similar *mutatis mutandis* to the two last preceding paragraphs of this clause.

20. The Transport Undertakers respectively shall give and so far as lies in their power procure to be given to the Treasury all such information as the Treasury may reasonably require with regard to the progress of the said works and the purchase of plant machinery and materials therefor the amount actually expended thereon the number of workmen of different trades or grades employed in connection therewith and generally all such other information as the Treasury may reasonably require and as the Transport Undertakers may be in a position to give or obtain.

21. The Transport Undertakers shall as soon as may be enter into such agreements with the Company as may be necessary to ensure that they are under such obligations to the Company as are specified in the foregoing provisions of this Agreement.

IN WITNESS whereof the Right Honourable Neville Chamberlain and James Blindell, Esquire, two of the Commissioners of His Majesty's Treasury have hereunto set their hands and seals and the respective common seals of the Board and of the respective Companies hereto of the third and fourth parts have been hereunto affixed the day and year first before written.

FIRST SCHEDULE.

SCHEME OF WORKS.

PART I.

Group 1.

1. Electrification of the London and North Eastern Railway from Liverpool Street to Shenfield and Loughton including the Grange Hill Loop line.
2. Construction of an extension of the Central London Railway from Liverpool Street eastwards to form junctions with the Loughton Branch and the Grange Hill Loop line.
3. Lengthening of platforms and other improvements of the Central London Railway.

Group 2.

4. Construction of a tube railway in extension of the existing tube railway from Highgate to East Finchley to form a junction with the railways of the London and North Eastern Railway Company to High Barnet and Edgware, and to provide an interchange station with the Alexandra Palace Branch at Highgate Station on the London and North Eastern Railway and improvements to the Edgware-Morden Railway.

5. Electrification of the London and North Eastern Railway from a point north of Finsbury Park Station to High Barnet Edgware and Alexandra Palace and the doubling of the London and North Eastern Railway Company's branch line to Edgware.

6. Construction of an extension of the Great Northern and City Railway to connect with the London and North Eastern Railway and improvements to the Great Northern and City Railway.

PART II.

7. Construction and electrification of two additional tracks to the Great Western Railway from North Acton to Ruislip.

PART III.

8. Improvements of junctions at Aldgate and reconstruction of Aldgate East Station.

9. Construction of a tube railway from Finchley Road to connect with the Bakerloo Railway and the rebuilding of Baker Street Station.

10. Re-alignment of tracks and improvements to stations on the Metropolitan Railway between Finchley Road and Harrow.

11. Improvements to the Metropolitan Railway to Uxbridge and rebuilding of Uxbridge Station.

12. Improvements on the Bakerloo Railway including re-signalling.

13. Reconstruction of the Board's King's Cross and Post Office Stations and improvements to other stations of the Board in the Central area.

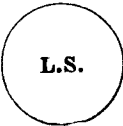
14. Substitution of trolley vehicles for tramcars on not less than 148 route miles of tramway.

15. The enlargement and improvement of the Power supply of the Board and other ancillary works.

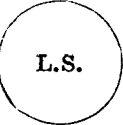
In this Schedule the works are to be taken to include the provision of the necessary rolling stock and other equipment.

SECOND SCHEDULE.

	<i>Per cent.</i>	
The London Passenger Transport Board... ..	70	
The Great Western Railway Company	5	
The London and North Eastern Railway Company	25	

SIGNED, SEALED AND DELIVERED by the Right Honourable Neville Chamberlain, one of the Commissioners of His Majesty's Treasury in the presence of: } N. CHAMBERLAIN 

J. D. B. FERGUSSON,
Civil Servant.

SIGNED, SEALED AND DELIVERED by James Blindell, Esq., one of the Commissioners of His Majesty's Treasury in the presence of: } JAMES BLINDELL 

T. L. ROWAN,
Civil Servant.

THE COMMON SEAL of the London Passenger Transport Board was hereunto affixed in the presence of: } Seal.

ASHFIELD,
Member.

J. S. ANDERSON,
Secretary.

THE COMMON SEAL of the
Great Western Railway
Company was hereunto
affixed in the presence of :



F. R. DAVIS,
Secretary.
15840

THE COMMON SEAL of the
London and North East-
ern Railway Company was
hereunto affixed in the
presence of :



P. J. DOWSETT,
Assistant Secretary.
6725.

CHAPTER 28.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament.

[2nd August 1935.]

Most Gracious Sovereign,

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

this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of
£349,067,746
out of the
Consoli-
dated Fund.

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

Power for
the Trea-
sury to
borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole three hundred and forty-nine million, sixty-seven thousand, seven hundred and forty-six pounds.

40 & 41 Vict.
c. 2.

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

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

APPROPRIATION OF GRANTS.

Appropriation of sums
voted for
supply ser-
vices.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the

supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of five hundred and eighty-seven million, four hundred and three thousand, two hundred and fifty-nine pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict.
c. 24.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any

temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction
for navy,
army and air
expenditure
for 1933
unprovided
for.

23 & 24
Geo. 5. c. 34.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1933, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the statement set out in Schedule (C) to this Act :

It is enacted that the application of those surpluses as shown in the said statement is hereby sanctioned.

Declaration
required in
certain cases
before
receipt of
sums appro-
priated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant :

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

(a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case allow ; or

(b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1935.

A B S T R A C T
OF
SCHEDULES (A) and (B) to which this
Act refers.

SCHEDULE (A.)

Section 3.

	£	s.	d.
Grants out of the Consolidated Fund -	587,403,259	0	0

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1934.	£	s.	d.	£	s.	d.
Part 1. Navy (Supplementary), 1934	150,000	0	0	100,000	0	0
„ 2. Army (Supplementary), 1934	250,000	0	0	158,000	0	0
„ 3. Air (Supplementary), 1934	200,000	0	0	—		
„ 4. Civil and Revenue Departments (Supplementary), 1934	14,293,363	0	0	475,355	0	0
£	14,893,363	0	0	733,355	0	0
1935.						
Part 5. Navy - -	60,050,000	0	0	2,865,380	0	0
„ 6. Army - -	43,550,000	0	0	6,157,000	0	0
Army (Ordnance Factories) -	100	0	0	3,241,400	0	0
„ 7. Air Force - -	25,985,000	0	0	3,201,100	0	0
£	129,585,100	0	0	15,464,880	0	0

SCHED. (B.) APPROPRIATIONS OF GRANTS—*cont.*

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
Part 8. Civil, Class I -	2,017,236	0	0	2,988,113	0	0
„ 9. Civil, Class II -	8,570,224	0	0	750,072	0	0
„ 10. Civil, Class III -	17,311,655	0	0	2,377,858	0	0
„ 11. Civil, Class IV -	55,911,759	0	0	6,337,187	0	0
„ 12. Civil, Class V -	164,637,964	0	0	9,925,808	0	0
„ 13. Civil, Class VI -	18,095,839	0	0	3,617,245	0	0
„ 14. Civil, Class VII -	7,870,195	0	0	2,403,460	0	0
„ 15. Civil, Class VIII -	45,989,595	0	0	12,364	0	0
„ 16. Civil, Class IX -	45,289,027	0	0	6,458,573	0	0
TOTAL, CIVIL £	365,693,494	0	0	34,870,680	0	0
Part 17. Revenue Departments, &c. -	77,231,302	0	0	3,324,217	0	0
GRAND TOTAL £	587,403,259	0	0	54,393,132	0	0

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ending on the 31st day of March 1935—			
Under Act 25 Geo. 5. c. 4 - - -	8,659,450	0	0
For the service of the year ending on the 31st day of March 1935—			
Under Act 25 Geo. 5. c. 10 - - -	6,233,913	0	0
For the service of the year ending on the 31st day of March 1936—			
Under Act 25 Geo. 5. c. 10 - - -	223,442,150	0	0
Under this Act - - - - -	349,067,746	0	0
TOTAL - - - - - £	587,403,259	0	0

SCHEDULE (B.)—PART 1.

SCHED. (B.)
PART 1.
Navy
(Supple-
mentary),
1934.

NAVY (SUPPLEMENTARY), 1934.

SUM granted to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
<i>Vote.</i>		
1. Wages, &c., of officers and men of the Royal Navy, and Royal Marines, &c. - - - - -	£ 39,000	£ 24,000
2. Victualling and clothing for the Navy	22,900	—
3. Medical establishments and services	4,100	—
5. Educational services - - -	3,000	—
6. Scientific services - - -	3,900	—
7. Royal naval reserves - - -	3,200	—
8. Shipbuilding repairs, maintenance, &c.—		
Section I—Personnel - -	69,000	—
Section II—Matériel - -	4,000	—
Section III—Contract work -	1,500	—
9. Naval armaments - - - -	20,400	—
10. Works, buildings, and repairs at home and abroad - - - -	7,600	—
11. Miscellaneous effective services -	<i>Cr.</i> 76,000	76,000
12. Admiralty office - - - -	10,500	—
13. Non-effective services (naval and marine)—officers - - -	20,200	—
15. Civil superannuation, compensation allowances and gratuities - -	16,700	—
TOTAL, NAVY (SUPPLEMENTARY)		
1934 - - - - - £	150,000	100,000

SCHED. (B.)
PART 2.
Army
(Supple-
mentary),
1934.

SCHEDULE (B.)—PART 2.

ARMY (SUPPLEMENTARY), 1934.

SUM granted to meet the additional charges to Army Votes consequent upon the restoration of half the emergency reductions in the remuneration of Ministers and Civil Servants (including the arrangements for consolidating the salaries of Civil Servants), and in the pay, half-pay, pensions, &c., of officers and other ranks of the Army, the despatch of British troops to the Saar, additional purchases of blankets, the completion of certain land purchases, and an *ex gratia* grant to the Government of Kenya, which were not provided for in the Estimates of the year ended on the 31st day of March 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. Pay, &c., of the Army - - -	103,000	55,000
2. Territorial Army and Reserve forces	137,600	—
3. Medical services - - - -	11,000	—
4. Educational establishments + - -	13,000	—
5. Quartering and movements - - -	Cr. 43,700	51,000
6. Supplies, road transport and remounts	Cr. 39,300	—
7. Clothing - - - - -	35,000	—
8. General stores - - - - -	63,800	—
9. Warlike stores - - - - -	Cr. 141,000	52,000
10. Works, buildings and lands - - -	55,600	—
11. Miscellaneous effective services -	28,000	—
12. War Office - - - - -	9,000	—
13. Half-pay, retired pay and other non-effective charges for officers -	12,000	—
14. Pensions and other non-effective charges for warrant officers, non-commissioned officers, men, and others - - - - -	6,000	—
TOTAL, ARMY (SUPPLEMENTARY) 1934 - - - - -	£ 250,000	158,000

SCHEDULE (B.)—PART 3.

SCHED. (B.)
PART 3.
Air Services
(Supple-
mentary),
1934.

AIR SERVICES (SUPPLEMENTARY), 1934.

SUM granted to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. Pay, &c., of the Royal Air Force -	36,000	—
2. Quartering, stores (except technical), supplies and transportation -	<i>Cr.</i> 20,000	—
4. Works, buildings and lands - -	150,000	—
10. Air Ministry - - - - -	34,000	—
TOTAL, AIR SERVICES (SUPPLEMENTARY) 1934 - - - £	200,000	—

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1934.

SCHEDULE (B.)—PART 4.

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY),
1934.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1935, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.		
Vote.	£	£
8. For the salaries and expenses of the Civil Service Commission - - -	10	1,250
26. For such of the charges for restoration of half the emergency reductions in Ministerial Salaries and Civil Service Remuneration, &c., as have not been otherwise provided (including the arrangements for consolidating the Salaries of Civil Servants) - - - - -	100,000	—
CLASS II.		
9. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - - -	15,000	—
11. For a contribution towards the cost of the Department of His Majesty's Secretary of State for India in Council, including a grant in aid, and a grant in aid of the defence of India - - - - -	958	—
Carried forward - - -	£ 115,968	1,250

SCHEDULE (B.)—PART 4—*continued.*

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1934.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>	£	£
Brought forward - - - -	115,968	1,250
CLASS III.		
Vote. 5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes -	12,000	—
8. For the salaries and expenses of the Office of Land Registry - -	10	8,990
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics - - -	2,955	*— 1,690
14. For grants in respect of the expenses of the managers of approved schools and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	1,250	—
CLASS IV.		
9. For sundry grants in aid of scientific investigation, &c., and other grants - - - - -	1,900	—
Carried forward - - - £	134,083	8,550

* Deficit.

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1934.

SCHEDULE (B.)—PART 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - -	134,083	8,550
CLASS V.		
Vote.		
1A. For special grants to local authorities in distressed areas in England and Wales - - -	403,500	—
8. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including sums payable by the Exchequer to the Unemployment Fund, grants to associations, local authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of training and removal of workers and their dependants; grants for assisting the voluntary provision of occupation for unemployed persons; and sundry services, including services arising out of the war - - -	1,190,000	200,000
8A. For the salaries and expenses of the Department of the Unemployment Assistance Board and of the Appeal Tribunals constituted under the Unemployment Assistance Act, 1934; and sums payable by the Exchequer to the Unemployment Assistance Fund under the Unemployment Assistance Act, 1934 -	5,000,000	—
Carried forward - - - £	6,727,583	208,550

SCHEDULE (B.)—PART 4—*continued.*

SCHED. (B.)
PART 4
Civil and
Revenue
Departments
(Supple-
mentary),
1934.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - - -	6,727,583	208,550
Vote.		
13. For special grants to local authorities in distressed areas in Scotland	55,000	—
14. For a grant in aid of the Special Areas Fund - - - -	2,000,000	—
CLASS VI.		
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland	50,950	*— 8,000
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans and expenses in respect of improvement of breeding, &c., of live stock, land settlement, cultivation, improvement, drainage, &c., regulation of agricultural wages, agricultural credits, co-operation, and marketing, fishery development; also for loans for the purchase of herring drift nets and assistance in respect of expenditure on fitting out herring drifters; and sundry other services - - - -	73,000	2,260
Carried forward - £	8,906,533	202,810

* Deficit.

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary).
1934.

SCHEDULE (B.)—PART 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - -	8,906,533	202,810
Vote.		
9. For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - -	1,150,000	—
12. For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924, the London Passenger Transport Act, 1933, and the Road and Rail Traffic Act, 1933; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal, and Menai Bridge; advances to meet deficit in Ramsgate Harbour Fund - - - - -	10	2,990
21. For a grant to the Cattle Fund -	2,146,300	—
22. For grants in aid of the general administrative and other expenses of the Herring Industry Board and the Herring Fund Advances Account - - - - -	602,000	—
CLASS VII.		
3. For expenditure in respect of Labour and Health buildings, Great Britain - - - - -	10	126,715
6. For the salaries and expenses of the Commissioners of His Majesty's Works and Public Buildings -	10	9,340
Carried forward - £	12,804,863	341,855

SCHEDULE (B.)—PART 4—*continued.*

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1934.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—<i>cont.</i>	£	£
Brought forward - -	12,804,863	341,855
Vote. 8. For expenditure in respect of public buildings overseas - - -	5,500	- 5,000
13. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscella- neous services, including reports of Parliamentary Debates - - -	32,000	29,500
CLASS VIII.		
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services - - -	181,000	29,000
REVENUE DEPARTMENTS.		
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	1,270,000	80,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS [SUPPLEMEN- TARY] - - - -	£ 14,293,363	475,355



* Deficit.

SCHED. (B.)
PART 5.
Navy.

SCHEDULE (B.)—PART 5.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936; viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., to 95,370 officers, seamen, and boys, and royal marines, and civilians employed on fleet services - - - -	12,868,000	72,200
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - - -	3,281,400	623,585
3. For medical services, including the cost of medical establishments at home and abroad - - - -	376,200	70,040
4. For the fleet air arm - - - -	1,873,000	—
5. For educational services - - - -	195,100	64,360
6. For scientific services - - - -	474,000	63,220
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. -	350,500	190
8. Section 1. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - -	6,806,500	60,590
„ Section 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - -	4,827,200	557,200
„ Section 3. For contract work for shipbuilding, repairs, maintenance, &c. - - - - -	10,723,600	572,620
Carried forward - - - -	£ 41,775,500	2,084,005

SCHEDULE (B.)—PART 5—*continued.*SCHED. (B.)
PART 5.
Navy.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	41,775,500	2,084,005
Vote.		
9. For naval armaments - - -	4,800,000	386,500
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	2,209,750	209,200
11. For various miscellaneous effective services - - - - -	626,750	62,250
12. For the Admiralty Office - -	1,130,000	10,291
13. For non-effective services (naval and marine)—officers - - -	3,200,000	16,021
14. For non-effective services (naval and marine)—men - - - - -	5,137,000	94,550
15. For civil superannuation, compensation allowances and gratuities -	1,171,000	2,563
TOTAL, NAVY SERVICES £	60,050,000	2,865,380

SCHED. (B.)
PART 6.
Army.

SCHEDULE (B.)—PART 6.

ARMY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1936; viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 152,200) at home and abroad (excluding His Majesty's Indian Possessions, other than Aden) -	9,779,000	2,499,000
2. For the Army Reserve (to a number not exceeding 113,000), the Supplementary Reserve (to a number not exceeding 24,978), the Territorial Army (to a number not exceeding 175,094), the Officers' Training Corps, and Colonial Militia, &c. - - - - -	4,991,000	40,000
3. For medical services - - - - -	950,000	35,700
4. For educational establishments - - - - -	903,000	141,000
5. For quartering and movements - - - - -	1,280,000	770,000
6. For supplies, road transport and remounts - - - - -	4,055,000	287,000
7. For clothing - - - - -	1,089,000	93,000
8. For general stores - - - - -	1,549,000	145,000
9. For warlike stores, including technical establishments - - - - -	5,115,000	741,000
Carried forward - - - - -	£ 29,711,000	4,751,700

SCHEDULE (B.)—PART 6—*continued.*SCHED. (B.)
PART 6.
Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	29,711,000	4,751,700
Vote. 10. For works, buildings, and lands, including military and civilian staff and other charges in connec- tion therewith - - - -	3,730,000	170,000
11. For miscellaneous effective services -	,977,000	220,000
12. For the War Office - - - -	849,000	10,000
13. For rewards, half-pay, retired pay, widows' pensions and other non- effective charges for officers - -	3,558,000	464,000
14. For the Royal Hospital, Chelsea; out-pensions, rewards for distin- guished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - - -	4,510,000	536,000
15. For civil superannuation, compen- sation and additional allowances, gratuities, injury grants, &c. -	215,000	5,300
TOTAL, ARMY SERVICES - £	43,550,000	6,157,000
ARMY (ROYAL ORDNANCE FACTORIES).		
For the Royal ordnance factories, the cost of productions of which will be charged to the army, navy, air force, &c. - - - -	100	3,166,400
Together with a sum to be trans- ferred from the Supplies Suspense Account - - - -	—	75,000
TOTAL ARMY SERVICES } (INCLUDING ORDNANCE } FACTORIES) - - - - }	£ 43,550,100	9,398,400

SCHED. (B.)
PART 7.
Air.

SCHEDULE (B.)—PART 7.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the pay, &c., of 45,000 of all ranks of the Royal Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) (including a Supplementary sum of £455,000 and an additional number of 12,000) - - - - -	5,002,000	609,000
2. For quartering, stores (except technical), supplies and transportation (including a Supplementary sum of £411,000) - - - - -	2,044,000	104,000
3. For technical and warlike stores (including experimental and research services) (including a Supplementary sum of £3,150,000)	11,152,000	2,049,000
4. For works, buildings, repairs, and lands, including civilian staff and other charges connected therewith (including a Supplementary sum of £947,500) - - - - -	4,092,500	183,000
5. For medical services (including a Supplementary sum of £18,000)	316,000	17,000
Carried forward - - - - -	£ 22,606,500	2,962,000

SCHEDULE (B.)—PART 7—*continued.*SCHED. (B.)
PART 7.
Air.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward	22,606,500	2,962,000
Vote. 6. For technical training and educational services (including a Supplementary sum of £66,000)	488,000	13,000
7. For auxiliary and reserve forces (to a number not exceeding 13,250 of all ranks of the Royal Air Force Reserve, 527 of all ranks of the Special Reserve and 1,449 of all ranks of the Auxiliary Air Force and Auxiliary Air Force Reserve) (including a Supplementary sum of £57,000) -	527,000	100
8. For Civil Aviation (including a Supplementary sum of £500) -	595,500	153,000
9. For the meteorological and miscellaneous effective services (including a Supplementary sum of £165,000) -	546,000	28,000
10. For the Air Ministry (including a Supplementary sum of £80,000) -	832,000	5,500
11. For rewards, half-pay, retired pay, pensions, and other non-effective services (including a reduction of £15,000 by Supplementary Estimate) -	390,000	39,500
TOTAL AIR SERVICES -	£ 25,985,000	3,201,100

SCHED. (B.)
PART 8.
Civil.
Class I.

SCHEDULE (B.)—PART 8.

CIVIL.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the offices of the House of Lords -	50,904	13,580
2. For the salaries and expenses of the House of Commons - - -	331,878	13,000
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	240,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments, and the salary of a Minister without Portfolio (including a Supplementary sum of £7,226) -	340,632	9,839
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	12,125	3,690
6. For the salaries of the office of the Lord Privy Seal - - - -	2,871	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	40,877	2,400
8. For the salaries and expenses of the Civil Service Commission - -	22,830	42,400
9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	138,510	17,276
Carried forward - - - £	1,180,627	102,185

SCHEDULE (B.)—PART 8—*continued.*SCHED. (B.)
PART 8.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	1,180,627	102,185
Vote.		
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - - -	5,614	—
11. For the salaries and expenses of the department of the Government Actuary - - - - -	32,271	3,500
12. For the salaries and expenses of the department of the Government Chemist - - - - -	77,582	700
13. For a grant in aid of the Government Hospitality Fund - - -	6,000	—
14. For the salaries and expenses of the Import Duties Advisory Committee - - - - -	58,243	—
15. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - -	100,000	2,820,000
16. For the salaries and expenses of the National Debt Office - - - -	2,709	24,125
17. For the salaries and expenses of the National Savings Committee -	107,148	—
18. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	38,091	560
19. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	100	22,073
Carried forward - - - £	1,608,385	2,973,143

SCHED. (B.)
PART 8.
Civil.
Class I.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,608,385	2,973,143
Vote. 20. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and for making good certain sums written off from the assets of the Local Loans Fund - - -	73,852	
21. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand; and the expenses of surplus stores, &c. liquidation - - -	36,500	1,070
22. For certain miscellaneous expenses, including certain grants in aid and supplement to certain statutory salaries - - -	21,507	12,200
23. For His Majesty's foreign and other secret services - - -	180,000	—
24. For the salaries and expenses of the offices of His Majesty's Secretary of State for Scotland in London and Edinburgh; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; and contributions towards the expenses of Probation, and of Remand Homes -	89,806	1,700
25. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - -	7,186	—
TOTAL, CIVIL, CLASS I - £	2,017,236	2,988,113

SCHEDULE (B.)—PART 9.

SCHED. (B.)
PART 9.
Civil.
Class II.

CIVIL.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs and the salary of a Minister without Portfolio (including a Supplementary sum of £7,660) -	181,560	122,435
2. For the expenses in connection with His Majesty's embassies, missions and consular establishments abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including grants in aid; and sundry services arising out of the War - - - - -	1,279,865	414,541
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including United Kingdom Representation before the Permanent Court of International Justice - - - - -	166,500	—
Carried forward - £	1,627,925	536,976

SCHED. (B.)
PART 9.
Civil,
Class II.

SCHEDULE (B.)—PART 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,627,925	536,976
Vote.		
4. For the salaries and expenses of the department of His Majesty's Secretary of State for Dominion Affairs - - - - -	52,133	1,240
5. For sundry Dominion services, including certain grants in aid, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant in aid to the Irish Free State in respect of compensation to transferred officers -	590,940	22,220
6. In substitution for payments due from the Government of the Irish Free State - - - - -	2,293,643	—
7. For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 - - - - -	40,850	15,000
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	157,719	2,506
9. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid	718,401	172,130
Carried forward - £	5,481,611	750,072

SCHEDULE (B.)—PART 9—*continued.*SCHED. (B.)
PART 9.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	5,481,611	750,072
Vote. 10. For a grant in aid of the Colonial Development Fund - - -	900,000	—
11. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid, a grant in aid of the defence of India and a grant in aid of relief of distress at Quetta (including a Supplementary sum of £50,000) - - - -	1,666,550	—
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 21 May 1917, and a contribution towards an endowment fund - - -	522,063	—
TOTAL, CIVIL, CLASS II - £	8,570,224	750,072

SCHED. (B.)
PART 10.
Civil.
Class III.

SCHEDULE (B.)—PART 10.

CIVIL.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	593,253	47,893
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	70,259	4,492
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; supplement to Metropolitan Police Magistrates; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special Services and other grants in respect of Police Expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission (including a Supplementary sum of £230,000)	11,377,041	255
Carried forward - - -	£ 12,040,553	52,640

SCHEDULE (B.)—PART 10—*continued.*SCH. (B.)
PART 10.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	12,040,553	52,640
Vote. 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -	1,078,090	213,508
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes - - -	268,150	13,000
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including a supplement to certain statutory salaries and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - -	100	515,284
7. For the salaries and expenses connected with the County Courts, including a supplement to County Court Judges - - - - -	100	767,266
8. For the salaries and expenses of the office of Land Registry - - -	100	260,165
9. For the salaries and expenses of the office of Public Trustee - - -	100	248,460
Carried forward - - - £	13,387,193	2,070,323

SCHED. (B.)
PART 10.
Civil.
Class III.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	13,387,193	2,070,323
<i>Vote.</i>		
10. For the salaries and expenses of the Law Officers department; the salaries and expenses of the departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	118,061	37,000
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society -	39,932	6,950
12. For the salary and expenses of the Inspector of Constabulary; grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland (including a Supplementary sum of £30,550) - - - -	1,155,038	—
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics - - -	124,694	16,190
Carried forward - - - £	14,824,918	2,130,463

SCHEDULE (B.)—PART 10—*continued*,SCHED. (B.)
PART 10.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	14,824,918	2,130,463
<i>Vote.</i> 14. For grants in respect of the expenses of the managers of approved schools, and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	54,230	3,640
15. For the salaries and expenses of the office of the Scottish Land Court, including a supplement to members of the Court - - - -	8,754	390
16. For the salaries and expenses of the Lord Advocate's department, and other law charges, the salaries and expenses of the Courts of Law and Justice, and of pensions appeals tribunals in Scotland -	39,270	144,800
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	61,585
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and a supplement to certain statutory salaries - -	7,914	6,800
Carried forward - - £	14,935,186	2,347,678

SCHED. (B.)
PART 10.
Civil.
Class III.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	14,935,186	2,347,678
Vote. 19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - - -	18,290	30,010
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,358,179	170
TOTAL, CIVIL, CLASS III - £	17,311,655	2,377,858

SCHEDULE (B.)—PART 11.

SCHED. (B.)
PART 11.
Civil.
Class IV.

CIVIL.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid (including a Supplementary sum of £1,590,000) - - -	46,146,787	5,511,100
2. For the salaries and other expenses of the British Museum, including a grant in aid - - -	179,604	28,313
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	108,061	1,990
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid of purchases - -	11,290	735
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - -	5,605	1,080
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank - -	28,965	1,833
Carried forward - - -	£ 46,480,312	5,545,051

SCHED. (B.)
PART 11.
Civil.
Class IV.

SCHEDULE (B.)—PART 11—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	46,480,312	5,545,051
Vote. 7. For the salaries and other expenses of the National Maritime Museum	7,258	10
8. For the salaries and expenses of the National Portrait Gallery, includ- ing a grant in aid for the purchase of portraits - - - - -	8,637	1,245
9. For the salaries and expenses of the Wallace Collection - - - -	10,880	1,285
10. For sundry grants in aid of scien- tific investigation, &c., and other grants - - - - -	226,373	20,000
11. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and for a grant in aid of the British Post Graduate Medical School - - - - -	1,912,000	—
12. For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including sundry grants in aid (including a Supplementary sum of £217,800) -	7,253,193	764,288
13. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - -	10,684	291
14. For the salaries and expenses of the National Library, Scotland, in- cluding a grant in aid - - - -	2,422	5,017
TOTAL, CIVIL, CLASS IV	£ 55,911,759	6,337,187

SCHEDULE (B.)—PART 12.

SCHED. (B.)
PART 12.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly* mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, certain grants to local authorities, &c., grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services (including a Supplementary sum of £314,800) - - -	20,416,840	1,425,450
1A. For grants to Public Assistance Authorities in England and Wales	2,450,000	—
2. For the salaries and expenses of the Board of Control, including expenses under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients	147,364	13,073
3. For the salaries and expenses of the department of the Registrar-General of Births, &c. - - -	96,750	23,900
Carried forward - - -	£ 23,110,954	1,462,423



SCHED. (B.)
PART 12.
Civil.
Class V.

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	23,110,954	1,462,423
Vote. 4. For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1932 - - - - -	164,705	3,960
5. For the salaries and expenses of the Registry of Friendly Societies -	47,307	4,750
6. For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - -	43,319,000	12,000
7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - -	14,000,000	—
8. For the salaries and expenses of the Ministry of Labour, including sums payable by the Exchequer to the Unemployment Fund, grants to local authorities, associations and other bodies under the Unemployment Insurance, Labour Exchanges and other Acts; grant in aid of the National Council of Social Service; expenses of training, transfer and resettlement; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of the Industrial Court; and sundry services - - - -	23,390,000	6,353,000
Carried forward - - - £	104,031,966	7,836,133

SCHEDULE (B.)—PART 12—*continued.*SCHED. (B.)
PART 12.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	104,031,966	7,836,133
Vote. 9. For grants to the Unemployment Fund and grants to the Unemployment Assistance Fund in respect of Unemployment Assistance Allowances (including Supplementary Allowances), payments to Public Assistance Authorities under the Eighth Schedule to the Unemployment Act, 1934, the relative cost of administration under the said Act and the Unemployment Assistance (Temporary Provisions) Act, 1935, and for special payments to recipients of Unemployment Assistance Allowances on the occasion of the Twenty-fifth Anniversary of His Majesty's Accession (including a Supplementary sum of £130,000) -	50,130,000	---
10. For grants to local authorities, &c., made prior to the 31st day of August 1929, towards employment schemes; and for grants in respect of schemes approved under Part II of the Development (Loan Guarantees and Grants) Act, 1929, including adjustments of grant in certain cases - -	4,200,000	—
11. For the salaries and expenses of the Office of the Commissioner for Special Areas (England and Wales), and the expenses of the Commissioner under the Special Areas (Development and Improvement) Act, 1934, including grants in aid - - - - -	100	1,400,000
Carried forward - - -	£ 158,362,066	9,236,133

SCHED. (B.)
PART 12.
Civil.
Class V.

SCHEDULE (B.)—PART 12—*continued.* *

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	158,362,066	9,236,133
Vote.		
12. For the salaries and expenses of the Department of the Unemployment Assistance Board and of the Appeal Tribunals constituted under the Unemployment Assistance Act, 1934; and sums payable by the Exchequer to the Unemployment Assistance Fund under the Unemployment Assistance Act, 1934, for direct administration - - -	2,100,000	—
13. For the salaries and expenses of the Department of Health for Scotland; including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts; certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services (including a Supplementary sum of £34,900) - - -	3,197,624	194,535
14. For the salaries and expenses of the Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - - -	15,605	490
Carried forward	£ 163,675,295	9,431,158

SCHEDULE (B.)—PART 12—*continued*.SCHED. (B.)
PART 12.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	163,675,295	9,431,158
Vote. 15. For the salaries and expenses of the department of the Registrar-General of Births, &c., in Scotland	17,569	1,400
16. For the salaries and expenses of the Office of the Commissioner for Special Areas (Scotland) and the expenses of the Commissioner under the Special Areas (Development and Improvement) Act, 1934, including grants in aid - -	100	493,250
17. For grants to Public Assistance Authorities in Scotland - -	945,000	—
TOTAL, CIVIL, CLASS V	£ 164,637,964	9,925,808

SCHED. (B.)
PART 13.
Civil.
Class VI.

SCHEDULE (B.)—PART 13.

CIVIL—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	239,912	570,929
2. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including services under the British Shipping (Assistance) Act, 1935, the Coastguard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - - -	389,636	192,689
3. For subsidies in respect of Tramp voyages and expenses of administration - - - - -	1,999,000	—
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - - - - -	417,827	156,428
Carried forward - - - - -	£ 3,046,375	920,046

SCHEDULE (B.)—PART 13—*continued.*

SCHED. (B.)
PART 13.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	3,046,375	920,046
Vote. 5. For guarantees in connection with the export of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - - - - -	100	250,886
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - -	205,124	23,530
7. For the salaries and expenses of the office of Commissioners of Crown Lands, including a supplement to Commissioner and Secretary - - - - -	34,100	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans, and expenses in respect of improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing, fishery development; and sundry other services - - - - -	2,139,987	550,498
Carried forward - £	5,425,686	1,744,960

SCHED. (B.)
PART 13.
Civil.
Class VI.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	5,425,686	1,744,960
<i>Vote.</i>		
9. For a subsidy on sugar and molasses manufactured from beet grown in Great Britain (including a Supplementary sum of £2,788,000) - - -	2,878,000	—
10. For payments in respect of milk used for manufacture in England and Wales and Northern Ireland, payments for improving the quality of the milk supply in England and Wales, and contributions towards certain expenses of the Milk Marketing Board in England and Wales - - - - -	1,895,000	—
11. For a grant to the Cattle Fund (including a Supplementary sum of £3,889,650) - - - - -	3,990,800	—
12. For the expenses of the survey of Great Britain and of minor services connected therewith -	184,160	139,575
13. For a grant in aid of the Forestry Fund - - - - -	450,000	—
14. For the salaries and expenses of the Ministry of Transport, under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924, the London Passenger Transport Act, 1933, and the Road and Rail Traffic Act, 1933; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal and Menai Bridge -	109,098	680,581
Carried forward - - - £	14,932,744	2,565,116

SCHEDULE (B.)—PART 13—*continued.*SCHED. (B.)
PART 13.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	14,932,744	2,565,116
Vote. 15. For a grant in aid of the Development Fund - - -	540,000	—
16. For grants to public utility undertakings in Great Britain - -	990,000	—
17. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - -	599,177	193,095
18. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - -	100	508,450
19. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, a grant under the Agricultural Credits (Scotland) Act, 1929, and certain grants in aid - - -	650,441	88,515
Carried forward - £	17,712,462	3,355,176

SCHED. (B.)
PART 13.
£ Civil. Class VI.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	17,712,462	3,355,176
Vote.		
20. For payments in respect of milk used for manufacture in Scotland, payments for improving the quality of the milk supply in Scotland, and contributions towards certain expenses of milk marketing boards in Scotland - - - - -	220,000	—
21. For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and a grant in aid of piers or quays - - - -	128,377	12,069
22. For grants in aid of the general administrative and other expenses of the Herring Industry Board and of the Herring Marketing Fund (including a Supplementary sum of £22,000) - - - - -	35,000	250,000
TOTAL, CIVIL, CLASS VI	£ 18,095,839	3,617,245

SCHEDULE (B.)—PART 14.

SCHED. (B.)
PART 14.
Civil.
Class VII.

CIVIL.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For expenditure in respect of Art and Science buildings, Great Britain	385,130	42,645
2. For expenditure in respect of Houses of Parliament buildings -	112,065	900
3. For expenditure in respect of Labour and Health buildings, Great Britain - - - -	224,960	723,670
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - - - -	161,605	1,250
5. For expenditure in respect of Osborne - - - -	11,420	5,330
6. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - -	529,403	270,600
7. For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery and certain Housing Estates - - - -	1,120,200	147,200
Carried forward - - - £	2,544,783	1,191,595

SCHED. (B.)
PART 14.
Civil.
Class VII.

SCHEDULE (B.)—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	2,544,783	1,191,595
Vote.		
7A. For expenses connected with the celebration of the Twenty-fifth Anniversary of His Majesty's Accession - - - - -	50,000	15,000
8. For expenditure in respect of public buildings overseas - - -	112,500	18,590
9. For expenditure in respect of royal palaces, including a grant in aid -	83,085	10,850
10. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - -	1,453,270	24,630
11. For expenditure in respect of royal parks and pleasure gardens - -	189,245	62,100
12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	1,972,212	111,295
Carried forward - - - £	6,405,095	1,434,060

SCHEDULE (B.)—PART 14—*continued.*SCHED. (B.)
PART 14.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	6,405,095	1,434,060
Vote. 13. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - - -	1,405,570	967,000
14. For constructing a new harbour of refuge at Peterhead - - -	26,000	—
15. For expenditure in respect of public works and buildings in Ireland -	33,530	2,400
TOTAL, CIVIL, CLASS VII £	7,870,195	2,403,460

SCHEDULE (B.)—PART 15.

SCHED. (B.)
PART 15.
Civil.
Class VIII.

CIVIL.—CLASS VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - - - - -	291,679	—
Carried forward - £	291,679	—

SCHEDULE (B.)—PART 15—*continued.*

SCHED. (B.)
PART 15.
Civil.
Class VIII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	291,679	---
Vote.		
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	42,400,000	12,000
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - - -	1,513,437	---
4. For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes; compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,784,479	364
TOTAL, CLASS VIII -	£ 45,989,595	12,364

SCHEDULE (B.)—PART 16.

SCHED. (B.)
PART 16.
Civil.
Class IX.

CIVIL.—CLASS IX.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - - -	39,569,947	5,775,053
2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - - - -	5,719,080	683,520
TOTAL, CLASS IX - £	45,289,027	6,458,573

SCHED. (B.)
PART 17.
Revenue
Depart-
ments, &c.

SCHEDULE (B.)—PART 17.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the Customs and Excise Department -	5,633,400	221,000
2. For the salaries and expenses of the Inland Revenue Department -	7,527,902	218,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	64,070,000	2,885,217
TOTAL, REVENUE DEPARTMENTS -	£ 77,231,302	3,324,217

SCHEDULE (C.)—PART I.

SCHED. (C.)
PART I.
Navy
Services.
Section 5.

NAVY SERVICES, 1933, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services.	—	5,007 3 1	83,519 9 6	—
2. Victualling and Clothing -	80,279 5 8	2,350 7 11	—	—
3. Medical Establishments and Services.	5,123 7 8	1,304 17 2	—	—
4. Fleet Air Arm - - -	—	—	—	—
5. Educational Services - -	—	—	3,403 14 1	354 12 8
6. Scientific Services - - -	—	—	14,728 9 4	4,952 14 9
7. Royal Naval Reserves - -	17,840 8 2	251 0 9	—	—
8. Shipbuilding, Repairs, Maintenance, &c.				
Section I.—Personnel - -	10,955 11 4	5,231 14 10	—	—
Section II.—Matériel - -	—	—	159,040 5 2	68,493 15 6
Section III.—Contract Work - -	276,112 10 5	—	—	6,585 2 4
9. Naval Armaments - - -	—	—	182,651 16 8	74,092 16 0
10. Works, Buildings and Repairs	4,674 15 10	54,589 12 3	—	—
11. Miscellaneous Effective Services.	25,619 7 5	—	—	12,897 5 5
12. Admiralty Office - - -	—	—	9,945 18 10	1,039 18 3
13. Non-effective Services (Naval and Marine)—Officers.	53,230 16 10	—	—	259 4 0
14. Non-effective Services (Naval and Marine)—Men.	—	1,131 5 8	32,409 0 10	—
15. Civil Superannuation, Compensation Allowances and Gratuities.	—	37 7 4	17,527 11 9	—
Balances Irrecoverable and Claims Abandoned.	1,706 16 1	—	—	—
	475,542 19 5	69,903 9 0	503,226 6 2	168,675 8 11
	Total Deficits : £545,446 8s. 5d.		Total Surpluses : £671,901 15s. 1d.	
	Net Surplus : £126,455 6s. 8d.			

SCHED. (C.)
PART II.
Army
Services.
Section 5.

SCHEDULE (C.)—PART II.

ARMY SERVICES, 1933, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Army -	—	163,178 10 7	31,193 6 7	—
2. Territorial Army and Reserve Forces.	—	—	19,141 7 4	301 15 9
3. Medical Services - - -	—	—	15,813 7 11	236 16 1
4. Educational Establishments -	16,707 10 0	—	—	9,965 5 3
5. Quartering and Movements -	—	38,772 12 4	66,097 2 10	—
6. Supplies, Road Transport and Remounts.	—	—	194,415 8 5	6,062 3 2
7. Clothing - - - -	—	—	6,201 2 1	8,983 13 2
8. General Stores - - -	631 14 8	16,184 4 10	—	—
9. Warlike Stores - - -	—	66,516 17 4	202,357 3 11	—
10. Works, Buildings and Lands	29,508 19 8	12,675 10 1	—	—
11. Miscellaneous Effective Ser- vices.	—	9,051 18 9	175,721 8 7	—
12. War Office - - - -	—	1,004 11 10	1,911 6 6	—
13. Half-pay, Retired Pay and other Non-Effective Charges for Officers.	—	21,064 7 7	50,178 4 8	—
14. Pensions and other Non- effective Charges for War- rant Officers, Non-commis- sioned Officers, men and others.	—	—	28,378 9 9	45,908 12 1
15. Civil Superannuation, Com- pensation and Gratuities.	3,340 15 0	979 4 1	—	—
Balances Irrecoverable and Claims Abandoned.	2,219 13 11	—	—	—
	52,408 13 3	329,427 17 5	791,408 8 7	71,458 5 6
	Total Deficits: £381,836 10s. 8d.		Total Surpluses: £862,866 14s. 1d.	
	Net Surplus: £481,030 3s. 5d.			

SCHEDULE (C.)—PART III.

SCHED. (C.)
PART III.
Air
Services.
Section 5.

AIR SERVICES, 1933, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Royal Air Force.	—	—	11,463 7 9	78,449 19 2
2. Quarters-Stores (except Technical), Supplies and Transportation.	—	5,351 13 4	92,859 12 7	—
3. Technical and Warlike Stores (including Experimental and Research Services).	—	—	196,675 15 5	53,468 11 2
4. Works, Buildings and Lands	—	—	68,377 19 5	151,683 13 7
5. Medical Services - - -	—	—	3,330 11 9	3,186 11 1
6. Technical Training and Educational Services.	4,355 2 5	51 10 11	—	—
7. Auxiliary and Reserve Forces	—	—	182 0 4	27 4 9
8. Civil Aviation - - -	—	—	25,472 6 11	4,441 9 10
9. Meteorological Services -	—	29 1 11	6,008 9 4	—
Miscellaneous Effective Services.	—	—	25,275 19 1	547 7 8
10. Air Ministry - - -	—	—	125 5 0	1,392 14 7
11. Half-Pay, Pensions and other Non-effective Services.	—	—	11,941 18 6	484 6 3
Balances Irrecoverable and Claims Abandoned.	401 12 0	—	—	—
	4,756 14 5	5,432 6 2	441,713 6 1	293,681 18 1
	Total Deficits : £10,189 0s. 7d.		Total Surpluses : £735,395 4s. 2d.	
	Net Surplus : £725,206 3s. 7d.			

CHAPTER 29.

An Act to make further provision with respect to the University of Durham and its constituent divisions and colleges. [2nd August 1935.]

WHEREAS by His Warrant dated the sixteenth day of March, nineteen hundred and thirty-four, His Majesty was pleased to appoint a Commission to inquire into the organisation and work of the University of Durham (in this Act referred to as "the University") and its constituent colleges and into the relation of the University to those colleges, and to report in what respects the present organisation could be improved and what changes, if any, were desirable in the constitutions, functions and powers of the University and its constituent colleges:

And whereas in their report (in this Act referred to as "the report of the Commission") the said Commission have made recommendations with respect to the matters aforesaid and in particular have recommended that Statutory Commissioners should be appointed to make new statutes for the University and to provide for the detailed organisation and administration of the University and its constituent parts:

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

1.—(1) There shall be a body of Commissioners to be styled "the University of Durham Commissioners" consisting in the first instance of the following persons, namely:—

The Reverend Frederick Homes Dudden, Doctor in Divinity, Master of Pembroke College in the University of Oxford, Canon of the Cathedral Church of Gloucester;

The Right Honourable Mabel Laura Georgiana, Countess Grey, C.B.E.;

Sir Wilberforce Ross Barker, K.C.I.E., C.B.;

Appoint-
ment of
Commis-
sioners.

Joseph Hubert Priestley, Esquire, D.S.O., Professor of Botany in the University of Leeds ;

Charles Williams, Esquire, O.B.E., Master of Arts, of Monkseaton, in the county of Northumberland ;

George Redmayne Murray, Esquire, Doctor of Medicine, Doctor of Civil Law, Fellow of the Royal College of Physicians ;

Thomas Franklin Sibly, Esquire, Doctor of Science, Doctor of Laws, Vice-Chancellor of the University of Reading ;

Alexander Wood, Esquire, Doctor of Science, Fellow and Tutor of Emmanuel College in the University of Cambridge.

(2) If and whenever a vacancy occurs among the Commissioners, His Majesty may by Order in Council appoint a person to fill the vacancy, but every such Order shall be laid before both Houses of Parliament within ten days after it is made if Parliament be then sitting or, if not, then within ten days after the next sitting of Parliament.

2.—(1) The Commissioners may, with the consent of the Treasury as to number, employ such persons as they think necessary for the execution of their duties under this Act.

Staff and expenses of Commissioners.

(2) There shall be paid to any person employed by the Commissioners such remuneration as the Treasury may determine, and all expenses incurred by the Commissioners in the execution of this Act, including the remuneration aforesaid, shall to an amount approved by the Treasury be paid out of moneys provided by Parliament.

3.—(1) Subject as hereinafter provided, the powers of the Commissioners shall continue in force until the end of the year nineteen hundred and thirty-six and no longer :

Duration of powers of Commissioners and proceedings thereof.

Provided that His Majesty in Council may, on the application of the Commissioners, continue their powers for such period as His Majesty may think fit, but not beyond the end of the year nineteen hundred and thirty-seven.

(2) The Commissioner first named in this Act shall be the chairman of the Commissioners, and, in case of his ceasing from any cause to be a Commissioner or of his absence at any meeting, the Commissioners present at each meeting shall choose a chairman.

(3) The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

(4) In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

(5) The Commissioners shall have a common seal which shall be judicially noticed.

(6) An act of the Commissioners shall not be invalid by reason only of any vacancy in their number, but, if at any time and so long as the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

Power and
duties of
Commis-
sioners.

4.—(1) Subject to the provisions of this Act, the Commissioners shall make statutes for the University, for the Durham and Newcastle divisions thereof, and for the colleges of the Newcastle division, in general accordance with the recommendations contained in the report of the Commission, subject to any modifications which may appear to them to be expedient, and, so far as may be necessary for giving effect to any of the said recommendations, the Commissioners may make statutes for any college of the Durham division of the University, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) the Commissioners may make statutes—

- (a) dissolving the two corporations known as the University of Durham College of Medicine and Armstrong College, Newcastle-upon-Tyne, in the University of Durham, and constituting one corporation in lieu thereof, and transferring to the last-mentioned corporation the property and liabilities (including any property and liabilities vested or arising under any trust) of the dissolved corporations, and providing for any matter incidental to or consequential on the

dissolution or constitution of those corporations or the said transfer; and

- (b) providing for the transfer of any other property so far as is necessary for giving effect to any of the said recommendations.

(2) The Commissioners shall, before adopting any final resolution for the making of a statute under this Act, take such steps as are in their opinion best adapted for facilitating the making of representations with respect to the proposed statute, and shall in particular consider any representations made to them by or on behalf of any persons appearing to the Commissioners to be directly affected by the proposed statute.

(3) The Commissioners shall have power to take such evidence as they may think necessary for the exercise of their powers and for the performance of their duties under this Act.

5.—(1) No statute or part of a statute made under this Act shall have effect until it has been approved by His Majesty in Council, but every statute or part of a statute so approved shall have effect notwithstanding anything in any Act of Parliament, charter, deed, or other instrument whatsoever.

Approval and effect of statutes.

(2) The provisions contained in the Schedule to this Act shall have effect with respect to the submission of statutes made under this Act for the approval of His Majesty in Council and with respect to statutes so submitted.

6.—(1) Statutes made by the Commissioners shall contain provisions enabling the University after the cesser of the powers of the Commissioners to alter or supplement any provision of any statute made by them or by any other authority, except the enabling provisions aforesaid.

Power to amend and supplement statutes.

(2) The provisions contained in this Act with respect to the making of statutes by the Commissioners and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and, subject as may be provided by any statutes made by the Commissioners, to the effect thereof after approval shall, with the necessary substitutions,

apply to the making of statutes by the University and to the proceedings to be taken in connection with statutes made by the University, and, subject as aforesaid, to the effect of such statutes.

Short title.

7. This Act may be cited as the University of Durham Act, 1935.

Section 5.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE SUBMISSION OF STATUTES FOR THE APPROVAL OF HIS MAJESTY IN COUNCIL AND WITH RESPECT TO STATUTES SO SUBMITTED.

1. The Commissioners within one month after making a statute shall cause it to be submitted to His Majesty in Council, and notice of the submission of the statute and of the place where copies of it can be obtained shall be published in the London Gazette (in this Act referred to as the gazetting of a statute), and if after a statute has been so gazetted the powers of the Commissioners under this Act cease to be in force, the cesser of the powers of the Commissioners shall not affect the subsequent proceedings under this Act respecting the statute.

2. At any time within eight weeks (exclusive of any University vacation) after the gazetting of a statute any person directly affected by the statute may petition His Majesty in Council for disallowance of the statute or of any part thereof.

3.—(1) It shall be lawful for His Majesty in Council to refer any statute petitioned against under this Act to a committee of the Privy Council with a direction that the committee hear the petitioner personally or by counsel and report specially to His Majesty in Council on the matter of the petition.

(2) The costs of any such petition as aforesaid may be regulated by the committee to which the petition is referred, and any order of the committee respecting costs shall be enforceable as if it were an order made in proceedings in the Supreme Court.

4. Subject as hereinafter provided, every statute made under this Act shall be laid before both Houses of Parliament as

soon as may be after the expiration of the time for petitioning against it, or, in the case of a statute referred under this Act to a committee of the Privy Council, as soon as may be after the report of the committee thereon, and if either House within four weeks (exclusive of any period of prorogation) after a statute has been laid before it presents an Address praying His Majesty to withhold his approval from a statute or any part thereof no further proceedings shall be taken on the statute or on the part thereof to which the Address relates, but this provision shall be without prejudice to the making of a new statute :

Provided that, if His Majesty, on the report of a committee of the Privy Council, declares his disapproval of any statute, it shall not be necessary to lay that statute before Parliament, and if His Majesty so declares his disapproval of a part only of any statute, that part may be omitted from the statute as laid before Parliament.

5. His Majesty's approval or disapproval of any statute or of any part of a statute made under this Act may be declared by Order in Council, and any such disapproval shall be without prejudice to the making of a new statute.

CHAPTER 30.

An Act to amend the law relating to the capacity, property, and liabilities of married women, and the liabilities of husbands; and to amend the law relating to proceedings against, and contribution between, tort-feasors.

[2nd August 1935.]

BE it enacted by the King'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.

CAPACITY, PROPERTY, AND LIABILITIES OF MARRIED WOMEN; AND LIABILITIES OF HUSBANDS.

1. Subject to the provisions of this Part of this Act, and subject, as respects actions in tort between husband Capacity of
married
women.

PART I. and wife, to the provisions of section twelve of the
 .—*cont.* Married Women's Property Act, 1882, a married woman
 45 & 46 Vict. shall—
 c. 75.

- (a) be capable of acquiring, holding, and disposing of, any property; and
- (b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt, or obligation; and
- (c) be capable of suing and being sued, either in tort or in contract or otherwise; and
- (d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a feme sole.

Property of
 married
 women.

2.—(1) Subject to the provisions of this Part of this Act all property which—

- (a) immediately before the passing of this Act was the separate property of a married woman or held for her separate use in equity; or
- (b) belongs at the time of her marriage to a woman married after the passing of this Act; or
- (c) after the passing of this Act is acquired by or devolves upon a married woman,

shall belong to her in all respects as if she were a feme sole and may be disposed of accordingly :

Provided that nothing in this subsection shall interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of any provision attaching such a restriction, contained in any Act passed before the passing of this Act, or in any instrument executed before the first day of January nineteen hundred and thirty-six.

(2) Any instrument executed on or after the first day of January, nineteen hundred and thirty-six, shall, in so far as it purports to attach to the enjoyment of any property by a woman any restriction upon anticipation or alienation which could not have been attached to the enjoyment of that property by a man, be void.

(3) For the purposes of the provisions of this section relating to restrictions upon anticipation or alienation—

PART I.
—cont.

- (a) an instrument attaching such a restriction as aforesaid executed on or after the first day of January, nineteen hundred and thirty-six, in pursuance of an obligation imposed before that date to attach such a restriction shall be deemed to have been executed before the said first day of January;
- (b) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and
- (c) the will of any testator who dies after the thirty-first day of December, nineteen hundred and forty-five, shall (notwithstanding the actual date of the execution thereof) be deemed to have been executed after the first day of January, nineteen hundred and thirty-six.

3. Subject to the provisions of this Part of this Act, the husband of a married woman shall not, by reason only of his being her husband, be liable—

Abolition of husband's liability for wife's torts and ante-nuptial contracts debts and obligations.

- (a) in respect of any tort committed by her whether before or after the marriage, or in respect of any contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued, or made a party to any legal proceeding brought, in respect of any such tort, contract, debt, or obligation.

4.—(1) Nothing in this Part of this Act shall—

Savings.

- (a) during coverture which began before the first day of January eighteen hundred and eighty-three, affect any property to which the title (whether vested or contingent, and whether in possession, reversion, or remainder) of a married woman accrued before that date, except property held for her separate use in equity;

PART I.
—cont.

- (b) affect any legal proceeding in respect of any tort if proceedings had been instituted in respect thereof before the passing of this Act;
- (c) enable any judgment or order against a married woman in respect of a contract entered into, or debt or obligation incurred, before the passing of this Act, to be enforced in bankruptcy or to be enforced otherwise than against her property.

(2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act—

- (a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation incurred, by her after the marriage in respect of which he would not have been liable if this Act had not been passed;
- (b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this Act had not been passed;
- (c) prevents a husband and wife from acquiring, holding, and disposing of, any property jointly or as tenants in common, or from rendering themselves, or being rendered, jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued either in tort or in contract or otherwise, in like manner as if they were not married;
- (d) prevents the exercise of any joint power given to a husband and wife.

Consequen-
tial amend-
ments and
repeals.

5.—(1) The enactments mentioned in the first column of the First Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule.

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

PART II.

PROCEEDINGS AGAINST, AND CONTRIBUTION BETWEEN,
TORT-FEASORS.

6.—(1) Where damage is suffered by any person as a result of a tort (whether a crime or not)—

Proceedings against, and contribution between, joint and several tort-feasors.

- (a) judgment recovered against any tort-feasor liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tort-feasor in respect of the same damage;
- (b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the wife, husband, parent or child, of that person, against tort-feasors liable in respect of the damage (whether as joint tort-feasors or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the court is of opinion that there was reasonable ground for bringing the action;
- (c) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tort-feasor or otherwise, so, however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

(2) In any proceedings for contribution under this section the amount of the contribution recoverable from any person shall be such as may be found by the court to be just and equitable having regard to the extent of that person's responsibility for the damage; and the court shall have power to exempt any person from liability to make contribution, or to direct that the

PART II.
—cont.

contribution to be recovered from any person shall amount to a complete indemnity.

(3) For the purposes of this section—

(a) the expressions “parent” and “child” have the same meanings as they have for the purposes of the Fatal Accidents Acts, 1846 to 1908; and

(b) the reference in this section to “the judgment first given” shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed and, in a case where a judgment is varied on appeal, be construed as a reference to that judgment as so varied.

(4) Nothing in this section shall—

(a) apply with respect to any tort committed before the commencement of this Part of this Act; or

(b) affect any criminal proceedings against any person in respect of any wrongful act; or

(c) render enforceable any agreement for indemnity which would not have been enforceable if this section had not been passed.

Commence-
ment of
Part II.

7. This Part of this Act shall come into operation on such date as the Lord Chancellor may by order appoint.

PART III.

SUPPLEMENTARY.

Short title,
extent and
construc-
tion of
references.

8.—(1) This Act may be cited as the Law Reform (Married Women and Tortfeasors) Act, 1935.

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

(3) Any reference in this Act to any other enactment or to any provision of any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment, or that provision, as the case may be, as amended by any subsequent enactment including this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

**CONSEQUENTIAL AMENDMENTS EFFECTED BY
 PART I OF ACT.**

<u>Enactments to be Amended.</u>	<u>Amendment.</u>
The Married Women's Property Act, 1882.	<p>In section seven for the words "her separate estate" there shall be substituted the word "she."</p> <p>In section eleven, for the words "separate use" there shall be substituted the words "own benefit."</p> <p>In section twelve for the words "such property belonged to her as" there shall be substituted the words "she were."</p>
The Larceny Act, 1916	<p>In subsection (1) of section thirty-six, for the words "such property belonged to her as" there shall be substituted the words "she were."</p>
The Supreme Court of Judicature (Consolidation) Act, 1925.	<p>For subsection (1) of section one hundred and ninety-four there shall be substituted the following subsection:—</p> <p style="margin-left: 2em;">“(1) In every case of judicial separation—</p> <p style="margin-left: 4em;">(a) as from the date of the decree and so long as the separation continues any property which is acquired by or devolves upon the wife shall not be affected by any restraint upon anticipation attached to the enjoyment by the wife of any property under any settlement, agreement for a settlement, will, or other instrument; and if she dies intestate shall devolve as if her husband had been then dead;</p>

1ST SCH.
 —cont.

Enactments to be Amended.

Amendment.

The Supreme Court of Judica-
 ture (Consolidation) Act, 1925
 —cont.

(b) if alimony has been ordered to be paid and has not been duly paid by the husband he shall be liable for necessaries supplied for the use of the wife."

Section 5.

SECOND SCHEDULE.

ENACTMENTS REPEALED BY PART I OF ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Anne, c. 20.	An Act the title of which begins with the words " An Act for the " making more effectually" and ends with the words " for the same purpose."	In section six the words " or " women covert without " their husbands."
43 Geo. 3. c. 108.	The Gifts for Churches Act, 1803.	In section one the words " nor women covert without their husbands."
55 Geo. 3. c. 147.	The Glebe Exchange Act, 1815.	In section five the words " or femes covert without their husbands"; in section twelve the words " husbands", " feme coverts", and " feme covert"; in section thirteen the word " husbands", and the words " femes covert"; and in section seventeen the words " or feme covert," " or husband," " or she," and " or feme sole."
3 & 4 Will. 4. c. 74.	The Fines and Recoveries Act, 1833.	Section twenty-four.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 20.	The Excise Management Act, 1841.	In section seven the words “ whose husband shall be- “ come insane or idiot or be “ otherwise rendered in- “ capable of transacting his “ affairs or whose hus- “ band shall be separated “ from her and be out of the “ limits of the United King- “ dom ” and the proviso.
4 & 5 Vict. c. 38.	The School Sites Act, 1841.	In section five the words “ and her husband ”.
36 & 37 Vict. c. 50.	The Places of Worship Sites Act, 1873.	In section one the words “ or a married woman ” and the word “ husband ”; and in section three the words “ and her husband ”.
45 & 46 Vict. c. 75.	The Married Women's Property Act, 1882.	Sections one to five; in section six the word “ separate ” where that word first occurs; and the words “ for her separate use ”; in section seven the word “ separate ” where that word first occurs, and the words from “ whether the same ” to “ recorded, or not ”; in section eleven the words “ by virtue of the power of making contracts here- inbefore contained ”; in section twelve the word “ separate ”; in section thirteen the words “ in respect and to the extent of her separate property ” and the words from “ and all sums recovered ” to “ recovered in respect thereof ”; sections fourteen and fifteen; in section twenty-three the word “ separate.”
56 & 57 Vict. c. 63.	The Married Women's Property Act, 1893.	Section one.

2ND SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Edw. 7. c. 18	The Married Women's Property Act, 1907.	In section three the words "which is by virtue of the " Married Women's Property Act, 1882, made " her separate property."
1 & 2 Geo. 5. c. 46.	The Copyright Act, 1911.	In section sixteen, in subsection (4) thereof, the word "separate."
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914.	In section fifty-two, the word "separate"; and section one hundred and twenty-five.
6 & 7 Geo. 5. c. 50.	The Larceny Act, 1916.	In section thirty-six, in subsection (1) thereof the word "separate."
20 & 21 Geo. 5. c. 17	The Poor Law Act, 1930	In section fourteen, in subsection (4) thereof, the word "separate."

CHAPTER 31.

An Act to make provision for the application of the enactments relating to diseases of animals as respects poultry, to amend those enactments, to provide for the regulation of the manufacture, sale and importation of certain therapeutic substances capable of being used for veterinary purposes, to extend Part I of the Ministry of Agriculture and Fisheries Act, 1919, to Scotland; and for purposes connected with the matters aforesaid. [2nd August 1935.]

BE it enacted by the King'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.

APPLICATION OF DISEASES OF ANIMALS ACTS TO
POULTRY AND AMENDMENT OF THOSE ACTS.

Application to Poultry.

1.—(1) Subject to the provisions of this Act, the Diseases of Animals Acts, 1894 to 1927, shall have effect in relation to poultry as they have effect in relation to animals. General application of Acts to poultry.

(2) In this Act unless the context otherwise requires—

(a) the expression “poultry” means birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea fowls and pigeons; and

(b) the expression “disease” means, in relation to poultry, fowl pest in any of its forms including Newcastle disease and fowl plague;

and, for the purposes of the application of the Diseases of Animals Acts, 1894 to 1927, to poultry, the definitions of “animals” and of “disease” contained in section fifty-nine of the principal Act shall not have effect, but references in the said Acts to animals shall be construed as references to poultry as defined in this subsection and references therein to disease shall be construed as references to disease as so defined:

Provided that the Minister may, for all or any of the purposes of this Act and for the purposes of the application of all or any of the provisions of the Diseases of Animals Acts, 1894 to 1927, to poultry, by order extend the definitions of “poultry” and of “disease” contained in this subsection so that the same shall, for those purposes or any of them, comprise any species of bird and any disease of birds respectively, in addition to the species and diseases mentioned in the said definitions.

2.—(1) The Minister may by order prescribe and regulate the separation of diseased poultry from poultry Separation of diseased poultry and notification.

PART I.
—*cont.*

not affected with disease and the notification of disease in, or illness of, poultry.

(2) Section four of the principal Act (which relates to the separation of diseased animals and notification of disease) shall not have effect in relation to poultry.

Slaughter of
poultry in
case of
disease
and com-
pensation.

3.—(1) The Minister may, if he thinks fit, cause to be slaughtered—

(a) any diseased or suspected poultry; or

(b) any poultry which are or have been in the same field, pen, shed or other place, or otherwise in contact with diseased poultry or which appear to the Minister to have been in any way exposed to the infection of disease.

(2) Subject to the provisions of this Part of this Act with respect to birds slaughtered in an imported poultry quarantine station, an approved landing place or an export quarantine station, the Minister shall, for poultry, other than diseased poultry, slaughtered under this section pay compensation, which shall be the value of the bird immediately before it was slaughtered.

(3) The Minister may by order prescribe the payment of compensation in accordance with a scale approved by the Treasury for diseased poultry slaughtered under this section, being poultry affected with a disease (other than fowl pest in any of its forms, including Newcastle disease and fowl plague) to which the definition of disease is for the purposes of this section extended by an order.

(4) For the purposes of the execution of this section, the Minister may employ such additional inspectors, valuers and other persons and at such remuneration, and may incur such expenses as, subject to the sanction of the Treasury, the Minister thinks necessary.

(5) Any sum received by the Minister on the sale of carcasses of poultry slaughtered under this section (after deducting any amount payable thereout under subsection (3) of section twenty of the principal Act as excess to the owners of the poultry) shall be paid into the Cattle Pleuro-Pneumonia Account for Great Britain.

4.—(1) The power to make orders conferred on the Minister by section thirty of the principal Act shall include power to make, for the purpose of preventing the introduction or spreading of disease, orders—

- (a) for prohibiting the importation or bringing into Great Britain of poultry, or for regulating the importation or bringing into Great Britain of poultry, whether by defining quarantine stations for the reception of poultry and applying any of the provisions of Part II of the Third Schedule to the principal Act or otherwise; and
- (b) for prohibiting or regulating the importation or bringing into Great Britain of poultry eggs intended for hatching, or the use for hatching of poultry eggs imported or brought into Great Britain.

(2) The following enactments relating to the importation or bringing into Great Britain of animals shall not have effect in relation to poultry, that is to say, sections twenty-four, twenty-five, twenty-seven and twenty-eight of the principal Act, section two of the Importation of Animals Act, 1922 (Session 2), and section three of the Diseases of Animals Act, 1927.

(3) Section six of the Importation of Animals Act, 1922 (Session 2), which provides for the charging of fees, not exceeding as respects any one animal the sum of sixpence, to meet the expenses of the examination of imported animals by veterinary inspectors, shall, in the application thereof to poultry, have effect with the substitution of a reference to a sum of one penny as respects any one bird for the reference to sixpence as respects any one animal.

5.—(1) The Minister may by order prescribe and regulate the cleansing and disinfection of receptacles or vehicles used for the conveyance or exposure for sale of poultry.

(2) The Minister may make orders for protecting poultry from unnecessary suffering in connection with their exposure for sale and their disposal after sale.

(3) For the purpose of enforcing any order for protecting poultry from unnecessary suffering, an

PART I.
—*cont.*
Control of
import of
poultry and
eggs.

13 Geo. 5.
c. 5.
17 & 18
Geo. 5. c. 13.

Cleansing,
disinfection,
and
protection
from un-
necessary
suffering,
of poultry.

PART I.
—*cont.*

inspector may examine poultry in any circumstances to which the order relates and any receptacle or vehicle used for their conveyance or exposure for sale, and may enter any premises or vessel in which he has reasonable ground for supposing that there are poultry exposed for sale, or in course of conveyance, or packed for conveyance or exposure for sale.

1 & 2 Geo. 5.
c. 11.

(4) The Poultry Act, 1911, shall cease to have effect :

Provided that nothing in this repeal shall affect any order made under the said Act, but any such order shall have effect as if it had been made under section twenty-two of the principal Act, and may be amended, varied, repealed, revoked or enforced accordingly.

Power to enter premises where poultry kept.

6. An inspector of the Ministry and, if so authorised by an order of the Minister, an inspector of a local authority may at any time enter any pen, shed, land or other place in which he has reasonable grounds for supposing that poultry are or have been kept, for the purpose of ascertaining whether disease exists or has existed therein.

Amendments of Diseases of Animals Acts.

Power of the Minister to provide or approve export quarantine stations.

7.—(1) For the purpose of preventing the conveyance of disease by animals or poultry exported from Great Britain, the Minister may, with the consent of the Treasury, provide facilities for the examination of animals and poultry intended for export and provide or approve one or more quarantine stations for the reception, isolation and examination of such animals and poultry.

A quarantine station so provided or approved is in this Part of this Act referred to as an “export quarantine station.”

(2) For the purpose of defraying the costs and expenses incurred by him in the execution of this section or any part thereof, the Minister may charge in respect of the examination of animals and poultry intended for export and the issue of certificates in relation thereto, the user of an export quarantine station, and the reception of animals and poultry thereat, such fees as may be approved by the Treasury. Any fees so charged shall be paid to the Minister on demand and, if so required

by the Minister, in advance or before the animals or poultry are moved from the export quarantine station.

PART I.
—cont.

8. For the purpose of preventing the spread of disease, the Minister may cause to be treated with serum or vaccine, or with both serum and vaccine, any animal or bird which has been in contact with a diseased animal or bird or which appears to the Minister to be or to have been in any way exposed to the infection of disease.

Treatment
with serum
or vaccine.

9. Compensation shall not be payable under the Diseases of Animals Acts, 1894 to 1927, or under this Act, in respect of—

Compensa-
tion not to
be paid for
slaughter
on import
or export.

- (a) any imported animal or bird which is, by reason of its being diseased or suspected, or of its having been exposed to the infection of any disease, slaughtered in an imported animals or poultry quarantine station, an imported animals wharf or an approved landing place; or
- (b) any animal or bird intended for export which is, by reason of any such matter as aforesaid, slaughtered in an export quarantine station.

Expenses.

10.—(1) Any costs and expenses incurred by the Minister—

Expenses of
Part I.

- (a) in the execution of section three of this Act or of any order prescribing the payment of compensation for poultry slaughtered under that section;
- (b) in the execution of section eight of this Act; or
- (c) in respect of such measures under the Diseases of Animals Acts 1894 to 1927 or this Part of this Act as may seem to the Minister necessary for preventing the spread of disease among poultry;

shall be paid by the Minister out of the money standing to the credit of the Cattle Pleuro-Pneumonia Account for Great Britain.

(2) Subparagraph (1) of paragraph 1 of the Third Schedule to the Local Government Act, 1929, (which provides for the payment out of moneys provided by Parliament of any sum by which the money standing to the credit of the Cattle Pleuro-Pneumonia Account for

19 & 20
Geo. 5. c. 17.

PART I.
—*cont.*

Great Britain is insufficient to defray the costs and expenses of the Diseases of Animals Acts, 1894 to 1927) shall have effect as if the reference therein to the costs and expenses of those Acts included a reference to the costs and expenses made payable out of the said account by the last foregoing subsection.

(3) Subject to the foregoing provisions of this Part of this Act, any costs and expenses incurred by the Minister in the execution of this Part of this Act, or in the execution as respects poultry of the Diseases of Animals Acts, 1894 to 1927, shall be defrayed out of moneys provided by Parliament.

PART II.

REGULATION OF MANUFACTURE &C. OF VETERINARY THERAPEUTIC SUBSTANCES.

Substances to which Part II applies.

11.—(1) Subject to the provisions of subsection (2) of this section, this Part of this Act shall apply to the therapeutic substances specified in the First Schedule to this Act and to any other therapeutic substances capable of being used for veterinary purposes which may from time to time be added to that Schedule as being substances the purity or potency of which cannot be adequately tested by chemical means.

15 & 16
Geo. 5. c. 61.

(2) In the case of any such substance as aforesaid which is a substance to which the Therapeutic Substances Act, 1925, applies, this Part of this Act shall apply thereto in so far only as the substance is excluded from the operation of that Act, as being intended to be used solely for veterinary purposes, by regulations made under paragraph (g) of subsection (1) of section five of that Act.

Power to make regulations as to substances to which Part II applies.

12.—(1) The Minister may make orders for the following purposes:—

(a) for adding to the First Schedule to this Act any therapeutic substance capable of being used for veterinary purposes, the purity or potency of which cannot be adequately tested by chemical means;

(b) for prohibiting, except under a licence for the purpose issued by the Minister and in accordance with any conditions subject to which the licence is issued, the manufacture for sale or the

importation into Great Britain of any such substance to which this Part of this Act applies as may be specified in the order;

- (c) for prescribing the standard of strength, quality and purity of any substance in respect of which an order made for the purpose last aforesaid is in force;
- (d) for prescribing the tests to be used for determining whether the standard prescribed as aforesaid has been attained;
- (e) for prescribing units of standardisation;
- (f) for prescribing the form of licences and of applications therefor, and of notices to be given in connection therewith;
- (g) for prescribing the conditions subject to which licences may be issued, including, in the case of a licence to manufacture, conditions that the manufacture shall be carried on only upon the premises specified in the licence and that the licensee shall allow any inspector authorised by the Minister in that behalf to enter any premises where the manufacture is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples thereof;
- (h) for prescribing any other matter which under this Part of this Act is to be prescribed.

(2) The Minister may make orders as respects any such substance to which this Part of this Act applies as may be specified therein—

- (a) requiring that, if advertised or sold as a proprietary medicine or contained in such medicine, such accepted scientific name or name descriptive of the true nature or origin of the substance as may be prescribed shall appear on the label;
- (b) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiration of the prescribed period from the date of manufacture;

PART II.
—cont.

- (c) prohibiting the sale or the offering for sale or the importation of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to such vessel or container.

Licences to
manufacture.

13.—(1) The following provisions shall have effect with respect to licences to manufacture for sale a substance the manufacture of which otherwise than under a licence is prohibited by an order, that is to say—

- (a) the licence shall be issued subject to such conditions as may be prescribed, may extend to all such substances or to such one or more of them as may be specified in the licence, shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period ;
- (b) an applicant for a licence or the renewal of a licence must satisfy the Minister that the conditions under which the substance is to be manufactured by him and the premises in which it is to be manufactured are such as to comply with any order in force for the purposes of the last foregoing section, and an applicant who so satisfies the Minister shall be entitled to the grant or renewal of the licence ;
- (c) the Minister may revoke a licence or suspend it for such period as he thinks fit, if in his opinion the licensee has failed to comply with the conditions subject to which the licence was issued or with any such order as aforesaid as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the substances to which the licence extends or to some one or more of them :

Provided that a person who is aggrieved by the revocation or suspension of his licence may, subject to rules of court, appeal to the court, whose decision shall be final.

(2) Nothing in any order prohibiting or regulating the manufacture for sale of any substance to which

this Part of this Act applies shall apply to the preparation by a registered veterinary surgeon for the treatment of any animal or poultry under his care, or for and at the request of another such surgeon, of any such substance, if it is specially prepared with reference to the condition and for the treatment of an individual animal or bird.

PART II.
—cont.

(3) In this section, the expression “the court” means, as respects England, the High Court and, as respects Scotland, the Court of Session, and the expression “registered” means registered in pursuance of the Veterinary Surgeons Act, 1881, either in the register of veterinary surgeons or in the register of existing practitioners. 44 & 45 Vict.
c. 62.

14. The issue of a licence to import a substance the importation of which otherwise than under a licence is prohibited by an order shall be subject to such conditions, including conditions as to the strength, quality and purity of the substance and as to the suspension or revocation of the licence, as may be prescribed. Licences to
import.

15. If any person—

- (a) contravenes or fails to comply with any condition subject to which any such licence as aforesaid is issued;
- (b) sells or offers for sale or has in his possession for sale any substance to which this Part of this Act applies knowing it to have been manufactured or imported in contravention of an order in force for any of the purposes of section twelve of this Act;
- (c) contravenes or fails to comply with the provisions of any such order as aforesaid;

Offences
under
Part II.

he shall be guilty of an offence against this Part of this Act and liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent conviction, to such a fine or to imprisonment with or without hard labour for a time not exceeding two months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice, if the offender is the holder of a licence, to the power of the Minister to revoke or suspend the licence.

PART II.
—*cont.*
Expenses of
Part II.

16. Any costs and expenses incurred by the Minister in the execution of this Part of this Act shall be defrayed out of moneys provided by Parliament.

PART III.

GENERAL.

Extension
of 9 & 10
Geo. 5.
c. 91 to
Scotland.

17. Part I of the Ministry of Agriculture and Fisheries Act, 1919, shall extend, and shall be deemed always to have extended, to Scotland, and accordingly in subsection (2) of section eleven of the said Act (which provides that the said Act shall not extend to Scotland or Ireland), the words “Scotland or” shall be omitted and at the end of the subsection there shall be inserted the words “and Parts II and III of this Act shall not extend to Scotland.”

Interpreta-
tion.

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

57 & 58 Vict.
c. 57.

“The principal Act” means the Diseases of Animals Act, 1894;

“The Minister” means the Minister of Agriculture and Fisheries, and “the Ministry” has a corresponding meaning.

Short title,
citation,
construc-
tion, repeal
and extent.

19.—(1) This Act may be cited as the Diseases of Animals Act, 1935, and this Act and the Diseases of Animals Acts, 1894 to 1927, may be cited together as the Diseases of Animals Acts, 1894 to 1935.

(2) Save as respects Northern Ireland, this Act (except section seventeen thereof) shall be construed as one with the principal Act.

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

10 & 11
Geo. 5. c. 67.

(4) This Act shall not extend to Northern Ireland, and for the purposes of the Government of Ireland Act, 1920, the enactment of legislation for purposes similar to the purposes of Part II of this Act shall not be deemed to be beyond the powers of the Parliament of Northern Ireland by reason only of the restriction of those powers mentioned in section four of the said Act.

SCHEDULES.**FIRST SCHEDULE.**Sections 11
and 12.**THERAPEUTIC SUBSTANCES TO WHICH PART II
OF THIS ACT APPLIES.**

- (1) The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.
- (2) The substance commonly known as salvarsan (Dioxy-diamino-arseno-benzol-di-hydrochloride) and analogous substances used for the specific treatment of infective disease.
- (3) Extract of the pituitary body.

SECOND SCHEDULE.

Section 19.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 57	The Diseases of Animals Act, 1894.	In the Third Schedule, in Part II, in paragraph 5, the words "and to compensation or other payment in respect of animals so slaughtered."
1 & 2 Geo. 5. c. 11	The Poultry Act, 1911	The whole Act.
13 Geo. 5. c. 5	The Importation of Animals Act, 1922 (Session 2).	Section five.
15 & 16 Geo. 5. c. 30	The Importation of Pedigree Animals Act, 1925.	In section one, subsection (3).

CHAPTER 32.

An Act to make provision for the establishment of a criminal lunatic asylum in Scotland, and for purposes connected therewith.

[2nd August 1935.]

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

Establishment and maintenance of criminal lunatic asylum in Scotland.

1.—(1) It shall be lawful for the Secretary of State, with the sanction of the Treasury, to authorise the Prisons Department for Scotland (hereinafter referred to as the Department) to establish, maintain and manage a criminal lunatic asylum in Scotland, and for that purpose to acquire land and to provide and equip buildings.

(2) The criminal lunatic asylum established in pursuance of this Act (hereinafter referred to as the criminal lunatic asylum) shall be deemed not to be an asylum within the meaning of the Lunacy (Scotland) Acts, 1857 to 1919.

Secretary of State may appoint officers for asylum.

2. The Secretary of State may appoint for the purpose of the maintenance and management of the criminal lunatic asylum a resident medical superintendent, and such other officers and servants as he may, with the concurrence of the Treasury, deem necessary and such resident medical superintendent and other officers and servants shall receive such salaries or remuneration as the Secretary of State may, with the consent of the Treasury, determine.

Appointment of Advisory Committee.

3.—(1) For the purpose of advising and assisting the Department with regard to the maintenance and management of the criminal lunatic asylum, the Secretary of State shall appoint an Advisory Committee consisting of not less than three nor more than six persons, one of whom the Secretary of State shall appoint to be chairman.

(2) The chairman and the members of the Advisory Committee shall hold office for three years from the date of their appointment. The Department may require any of its officers to act as clerk to the committee.

(3) Any vacancy in the office of chairman or member of the Advisory Committee shall be filled by the Secretary of State as soon as practicable, and the person so appointed shall hold office only so long as the person in whose place he is appointed would have held office if the vacancy had not occurred.

(4) The Advisory Committee may authorise any member or members thereof to visit and inspect the criminal lunatic asylum, and the Department shall afford to the committee and to any member or members so authorised such information as may be necessary to enable them to carry out their duties.

4.—(1) It shall be lawful for the Department to order the removal to and detention in the criminal lunatic asylum of any person undergoing sentence of penal servitude, preventive detention or imprisonment (not being imprisonment under civil process) in whose case it is certified by two duly qualified medical practitioners that he is insane and that it is advisable that he should be detained in the criminal lunatic asylum rather than in any other asylum, and such person may thereupon be removed and detained accordingly until the expiry of his sentence: Provided that—

Removal of persons from prisons to criminal lunatic asylum and detention therein.

- (i) the Department shall, on application made by or on behalf of any person in whose case such an order as aforesaid has been made, afford an opportunity to a medical practitioner employed by such person or on his behalf to examine him not later than thirty days after the date of the order, and the Secretary of State shall consider any report by such medical practitioner which may be submitted to him, and shall take such action as may seem to him necessary in all the circumstances of the case;
- (ii) the Department shall, if any person detained in the criminal lunatic asylum in pursuance of this subsection recovers his sanity before the expiry of his sentence, cause him to be removed back to prison, to be there detained until the expiry of his sentence.

(2) Where it is certified by two duly qualified medical practitioners (one of whom shall be a medical practitioner who is not a salaried officer of the Department) within fourteen days before the expiry of the sentence imposed on any person detained in the criminal lunatic asylum in pursuance of the last foregoing subsection, that such person is insane, that he cannot be set at liberty without danger to the public or to himself, and that it is advisable that he should be detained after the expiry of his sentence in the criminal lunatic asylum rather than in any other asylum, the Secretary of State may order that he be detained accordingly, and thereupon such person may be dealt with in like manner in all respects as if such order were an order for his custody until His Majesty's pleasure be known :

Provided that—

- (i) the Department shall, on application made by or on behalf of any such person as aforesaid, afford an opportunity to a medical practitioner employed by him or on his behalf to examine him not later than fourteen days before the expiry of his sentence, and the Secretary of State, before making an order under this subsection for the detention of such person, shall consider any report by such medical practitioner which may be submitted to him not later than ten days before the said expiry ;
- (ii) the Department shall cause any person detained in the criminal lunatic asylum in pursuance of an order under this subsection to be medically examined at intervals as nearly as may be of three months and a report to be furnished to the Secretary of State whether such person is insane, whether he can be set at liberty without danger to the public or to himself and whether, if he is insane, it is advisable that he should be further detained in the criminal lunatic asylum rather than in any other asylum, and the Secretary of State shall, on receipt of such report, consider whether any and, if so, what further detention is necessary.

(3) If any person detained in the criminal lunatic asylum becomes afflicted with any contagious or infectious disease, which renders his removal necessary for the health of the other inmates of the asylum, or with any disease or condition which threatens immediate danger to his life or which cannot be suitably treated in the criminal lunatic asylum, the Department may cause him to be removed to a hospital or other fit place, and may cause him to be returned to the criminal lunatic asylum when he has recovered from such contagious or infectious disease or when there is no longer any immediate danger to his life, or when he can be suitably treated in the criminal lunatic asylum.

(4) Any enactment whether or not extending to Scotland only and relating to removal or transfer to or from, or^{*}reception or detention in, or liberation from, the prison at Perth or the lunatic department thereof, of an insane person shall, as from such date as the Secretary of State may appoint, have effect as if for any reference to the said prison or department there were substituted a reference to the criminal lunatic asylum.

(5) Sections nineteen and twenty-two of the Lunacy (Scotland) Act, 1862 (which sections relate to the detention of insane prisoners in the prison at Perth, and to the removal thereto of insane prisoners from other prisons) shall be repealed, as from such date as the Secretary of State may appoint: Provided that it shall be lawful to give any order for the safe custody of a person detained in the lunatic department of the said prison in pursuance of the said section nineteen which might have been given if this subsection had not been enacted.

25 & 26 Vict.
c. 54.

5.—(1) Any order or warrant for the removal, transfer or conveyance of any person to or from the criminal lunatic asylum may be executed by any officer or servant of the Department.

Execution of orders for removal to criminal lunatic asylum and apprehension of persons escaping therefrom.

(2) If a person detained in or ordered to be removed or transferred to or from the criminal lunatic asylum escapes therefrom or in the course of such removal or transfer, he may at any time be apprehended without warrant by any officer of police or by any officer or servant of the Department, and removed to the said asylum.

Sheriff's right
to visit
criminal
lunatic
asylum.

6. The sheriff within whose jurisdiction the criminal lunatic asylum is situate may from time to time visit and inspect the same.

Rules.

7.—(1) The Secretary of State may from time to time make rules for the government and management of the criminal lunatic asylum, and for the duties and conduct of the officers thereof and for the care and treatment of the persons detained therein.

(2) Any rules made under the foregoing subsection shall be laid before each House of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule is laid before it, praying that the rule shall be annulled, it shall thenceforth be void, without prejudice, however, to the validity of anything previously done thereunder or the making of a new rule.

Expenses
payable out
of moneys
provided by
Parliament.

8. There shall be paid out of moneys provided by Parliament—

(a) any expenses incurred in respect of the establishment, maintenance and management of the criminal lunatic asylum and of the maintenance and treatment of persons detained therein,

(b) to such extent as may be sanctioned by the Department with the consent of the Treasury, any expenditure incurred by the Advisory Committee (including such sums as the Department may think reasonable in respect of travelling and other personal expenses incurred by the members).

Citation
and extent.

9. This Act may be cited as the Criminal Lunatics (*Scotland*) Act, 1935, and, save as otherwise expressly provided, shall extend to Scotland only.



CHAPTER 33.

An Act to provide that regulations made under section seventy-five of the Unemployment Insurance Act, 1935, shall apply to persons otherwise qualified under that section who, at any time during the period of four months ending with the third day of September nineteen hundred and thirty-five, were continuing to receive whole-time education. [2nd August 1935.]

BE it enacted by the King'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. For the purposes of subsection (4) of section seventy-five of the Unemployment Insurance Act, 1935 (which provides that regulations made under that section as to the crediting of contributions shall apply to persons who, being persons otherwise qualified under that section, have continued, and are on the third day of September, nineteen hundred and thirty-five, continuing to receive whole-time education) any person who, during any part of the period of four months ending with the said third day of September, has continued to receive whole-time education, shall be deemed to have so continued until, and to have been so continuing on, that date.

Amendment
of 25 & 26
Geo. 5. c. 8.
s. 75 (4).

2.—(1) This Act may be cited as the Unemployment Insurance (Crediting of Contributions) Act, 1935.

Short title
and extent.

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



CHAPTER 34.

An Act to amend the law with respect to customs
in the Isle of Man. [2nd August 1935.]

BE it enacted by the King'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 :—

Duty on
rice in the
husk.

23 & 24
Geo. 5.
c. 40.

1.—(1) There shall be payable on the removal or
importation into the Isle of Man of rice in the husk
a duty of customs at the rate of two-thirds of a penny
per pound, and sections nine and ten of the Act of 1933,
and any other enactment relating to those sections shall
have effect as if the said duty were chargeable under
the said section nine.

22 & 23
Geo. 5.
c. 53.

(2) The foregoing provisions of this section shall be
deemed not to be in force at any time when the agreement
between His Majesty's Government in the United
Kingdom and the Government of India, set out in
Part VI of the First Schedule to the Ottawa Agreements
Act, 1932, is not in force within the meaning of that
Act.

(3) This section shall be deemed to have had effect
as from the twelfth day of June, nineteen hundred and
thirty-five.

Duty on
soya beans.

22 & 23
Geo. 5.
c. 16.

2. As from the first day of August, nineteen hundred
and thirty-five, soya beans shall cease to be exempted
from the general ad valorem duty, and accordingly
Part I of the first Act of 1932, as amended by any other
enactment, shall have effect as if the words "Soya
beans" were omitted from the First Schedule to that
Act.

Continua-
tion of
certain
annual
duties.

3. Subject as hereinafter provided, the duties of
customs imposed on goods removed or imported into the
Isle of Man, being goods of the descriptions set out in the
first column of the following table, by the respective
enactments set out in the second column of that
table shall continue to be payable as from the first
day of August, nineteen hundred and thirty-five,

until the first day of August, nineteen hundred and thirty-six :—

TABLE.

Description of Goods.	Enactment imposing Duty.
Ale and beer - - - -	Section 8 of the second Act of 1932. 22 & 23 Geo. 5. c. 41.
Cinematograph films - -	Section 6 of the Act of 1925, as 15 & 16 amended by section 12 of the Act of 1927 and section 14 of the Act of 1928. Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20.
Cocoa - - - -	Section 4 of the Act of 1924. 18 & 19
Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925, as 14 & 15 amended by section 5 of the Act of 1933. Geo. 5. c. 24.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
Hop oil - - - -	Section 3 of the Act of 1929. 20 & 21
Matches - - - -	Section 1 of the Act of 1933. Geo. 5. c. 1.
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925, as 16 & 17 amended by section 6 of the Act of 1926 and section 11 of the Act of 1927. Geo. 5. c. 27.
Musical instruments, including gramophones, pianolas and other similar instruments; and accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.
Silk and artificial silk and articles made wholly or in part of silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the second Act of 1932 and section 4 of the Act of 1933.
Spirits - - - -	Section 2 of the Act of 1930. 20 & 21
Sweets - - - -	Section 2 of the Act of 1929 as 14 & 15 amended by section 3 of the Act of 1933. Geo. 5. c. 42.
Tea - - - -	Section 7 of the second Act of 1932.
Tobacco - - - -	Section 19 of the first Act of 1932.
Wines - - - -	Section 1 of the Act of 1927 as amended by section 8 of the Act of 1933.

Provided that—

- (a) where any enactment set out in the second column of the foregoing table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and thirty-six, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force; and
- (b) the provisions of this section relating to cinematograph films and records and other means of reproducing music shall have effect subject to the next following section of this Act.

Exemption of educational films, &c., from duty. 25 & 26 Geo. 5. c. 24.

4. Section seven of the Finance Act, 1935 (which exempts from customs duty certain educational cinematograph films, gramophone records, sound tracks and other forms of sound reproduction), shall have effect as if references to importation into the United Kingdom included references to removal into the Isle of Man.

Continuation of duties on certain Irish Free State goods. 24 & 25 Geo. 5. c. 46.

5. Section nineteen of the Act of 1933 (which, as amended by section six of the Act of 1934, imposes duties on certain Irish Free State goods set out in the first column of the Schedule to the Act of 1934 until the first day of August, nineteen hundred and thirty-five) shall as so amended have effect as if for the reference in the third column of the said Schedule to the said first day of August, nineteen hundred and thirty-five, there were substituted a reference to the first day of August, nineteen hundred and thirty-six.

Valuation of goods for purposes

6.—(1) For the purposes of any enactment for the time being in force whereunder a duty of customs is chargeable on goods removed or imported into the Isle

of Man by reference to their value, the value of any such goods shall be taken to be— of ad
valorem
duties.

- (a) in the case of removed goods, the price which they would have fetched on a sale in the open market at the time of their importation into the United Kingdom; and
- (b) in the case of imported goods, the price which they would have fetched on a sale in the open market at the time of their importation into the Isle of Man;

and duty shall be paid on that value as fixed by the Commissioners.

(2) For the purposes of computing the price aforesaid it shall be assumed—

- (a) that the goods to be valued were to be delivered to the buyer at the port or place of importation into the United Kingdom or the Isle of Man, as the case may be, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs) having been paid by the seller; and
- (b) that the price was the sole consideration for the sale of the said goods; and
- (c) that neither the seller nor any person associated in business with him had any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and
- (d) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) Where the goods to be valued are manufactured in accordance with a patented invention or are goods to which a registered design has been applied, it shall also be assumed for the purpose of computing the price aforesaid that the buyer was not the patentee or the proprietor of the design and had not paid any

sum or given any consideration by way of royalty or otherwise in respect of the patent or design and, on payment of the price, would have been entitled to deal with the goods free from any restriction as regards the patent or design.

(4) Where a trade mark is used in the United Kingdom or the Isle of Man in relation to goods of the class or description to which the goods to be valued belong for the purpose of indicating that goods in relation to which it is used are goods of the foreign supplier of the goods to be valued or of a person to whom he has assigned the goodwill of the business in connection with which the trade mark is so used, it shall also be assumed for the purpose of computing the price aforesaid that the goods to be valued were sold under that trade mark, unless it is shown to the satisfaction of the Commissioners that the goods to be valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the foreign supplier or any such person as aforesaid.

(5) For the purposes of this section—

(a) two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them;

(b) the expression “foreign supplier,” in relation to any goods to be valued, means any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom and the Isle of Man and includes any other person associated in business with such a person as aforesaid;

(c) the expression “trade mark” includes a trade name and a get-up.

(6) The Commissioners may make regulations for the purpose of giving effect to the provisions of this section,

and in particular for requiring any person concerned with the removal or importation of goods into the Isle of Man to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, removal, importation or sale of the goods by that person.

(7) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

7. If, in ascertaining the amount of any duty chargeable under any enactment for the time being in force on any goods removed or imported into the Isle of Man, any dispute arises as to the value of the goods, the question shall be referred to the arbitration of a referee appointed by the Governor, who shall not be an official of any Government Department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the commencement of the action or suit mentioned in those sections.

Determina-
tion of
disputes as
to value
of goods.

39 & 40
Vict. c. 36.

8.—(1) If an order is made by the Treasury under section eleven of the Finance Act, 1935, directing that such duty of customs as is specified in the order shall be charged on the importation into the United Kingdom of goods of the classes and descriptions therein specified in lieu of the general ad valorem duty chargeable under Part I of the Import Duties Act, 1932, the Governor may by order direct that the like duty of customs shall be payable under this section on the removal or importation into the Isle of Man of goods of the like classes and descriptions in lieu of the general ad valorem duty chargeable under Part I of the first Act of 1932, and references in any enactments relating to customs in the Isle of Man to the general ad valorem duty or the duty payable under Part I of the first Act of 1932 shall, unless the context otherwise requires, be deemed to

Power to
charge
reduced
duty in
lieu of
general
ad valorem
duty in
exceptional
cases.
22 & 23
Geo. 5. c. 8.

include, in relation to such goods, a reference to the duty payable under this section.

(2) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

Short title
and repeals.

9.—(1) This Act may be cited as the *Isle of Man (Customs) Act, 1935*.

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

Section 9.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 16.	The <i>Isle of Man (Customs) Act, 1932</i> .	Sections seven and eight; and as from the first day of August, nineteen hundred and thirty-five, in the First Schedule the words " <i>Soya beans</i> ."
23 & 24 Geo. 5. c. 40.	The <i>Isle of Man (Customs) Act, 1933</i> .	Section eighteen; in paragraph 8 of Part V of the Third Schedule the words " <i>seven and eight</i> "; and paragraph 2 of Part II of the Fifth Schedule.

CHAPTER 35.

An Act to provide that the annual allowances which, under the enactments relating to the superannuation of teachers, accrue, after the thirtieth day of June nineteen hundred and thirty-five, to persons whose service included service during the period beginning on the first day of October nineteen hundred and thirty-one and ending with the said thirtieth day of June, shall not be less than ninety-eight per cent. of the annual allowances which would have so accrued if, during that period, no reduction had been made in their salaries on account of national economic conditions. [2nd August 1935.]

BE it enacted by the King'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. For the purpose of determining the amount of the annual allowance granted under paragraph (a) of subsection (3) of section three of the Teachers (Superannuation) Act, 1925, or under any scheme made under paragraph (b) or paragraph (c) of subsection (1) of section twenty-one of that Act, to any person whose service included service during the whole or any part of the period beginning on the first day of October nineteen hundred and thirty-one and ending with the thirtieth day of June nineteen hundred and thirty-five, there shall be ascertained the amount of the annual allowance which would have been payable to him if, during that period, no reduction had been made in his salary in pursuance of Article 2 of the National Economy (Education) Order, 1931, or otherwise on account of the national economic conditions by reason whereof that Order was made; and the annual allowance accruing to him after the said thirtieth day of June shall be increased by such amount, if any, as is necessary to secure that the allowance shall not be less than ninety-eight per cent. of the amount so ascertained.

Increase of
annual
allowances.
15 & 16
Geo. 5.
c. 59.

Application to Scotland. **2.** This Act shall apply to Scotland subject to the following modifications:—

(a) for references to the annual allowances mentioned in section one there shall be substituted references to annual allowances granted under any scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1925;

(b) for any reference to Article 2 of the National Economy (Education) Order, 1931, there shall be substituted a reference to Article 1 of the National Economy (Education) (Scotland) Order, 1931.

Short title, citation and extent.

3.—(1) This Act may be cited as the ^{*}Teachers (Superannuation) Act, 1935, and shall be construed, in its application to England and Wales, as one with the Teachers (Superannuation) Act, 1925, and, in its application to Scotland, as one with the Education (Scotland) (Superannuation) Acts, 1919 to 1925; and this Act and the Teachers (Superannuation) Acts, 1918 to 1933, may be cited together as the Teachers (Superannuation) Acts, 1918 to 1935, and this Act, the Education (Scotland) (Superannuation) Acts, 1919 to 1925, and the Teachers (Superannuation) Act, 1933, may be cited together as the Education (Scotland) (Superannuation) Acts, 1919 to 1935.

23 & 24
Geo. 5. c. 22.

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

CHAPTER 36.

AN Act to make provision for the extension of the period within which money borrowed by a local authority under the Public Health (Scotland) Act, 1897, for the purpose of sewers or water supply requires to be repaid, and of the period for which the Public Works Loan Commissioners may lend money to local authorities for the said purposes. [2nd August 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

1. The Public Health (Scotland) Act, 1897, shall be amended as follows:—

Amendment
of 60 & 61
Vict. c. 38,
ss. 139, 140,
142.

(1) In section one hundred and thirty-nine and in section one hundred and forty (which sections relate respectively to the power of local authorities to borrow for sewers and for water supply) there shall be inserted after the words “within thirty years from the date of the loan” the words “or within such longer period not exceeding sixty years from the date of the loan as the Board may authorise.”

(2) In section one hundred and forty-two (which section relates to the power of the Public Works Loan Commissioners to lend to local authorities for sanitary purposes) there shall be inserted after the words “such loan to be repaid within a period not exceeding thirty years” the words “or within such longer period as may have been authorised under the provisions of section one hundred and thirty-nine or of section one hundred and forty of this Act.”

2. This Act may be cited as the Public Health (Water and Sewerage) (Scotland) Act, 1935. Citation.

CHAPTER 37.

An Act to extend by twelve months the period in respect of which subsidy in respect of sugar is payable under the British Sugar (Subsidy) Act, 1925, and to make further provision as to the rate of such subsidy payable under the said Act as so amended. [2nd August 1935.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Extension of period in respect of which sugar subsidies are payable under 15 & 16 Geo. 5. c. 12.

1.—(1) The period during which sugar must have been manufactured in order that a subsidy may be payable in respect thereof under the British Sugar (Subsidy) Act, 1925 (in this Act referred to as “the principal Act”) shall be extended until the thirty-first day of August, nineteen hundred and thirty-six.

(2) The subsidy payable under the principal Act, as amended by the preceding subsection, in respect of sugar manufactured between the thirty-first day of August, nineteen hundred and thirty-five, and the first day of September, nineteen hundred and thirty-six, shall be payable at a rate ascertained in accordance with the provisions contained in the Schedule to this Act.

(3) In accordance with the foregoing provisions of this section there shall be inserted at the end of subsection (1) of section one of the principal Act the words “ and in respect of every hundredweight of sugar manufactured in Great Britain during a period of twelve months beginning on the first day of September, nineteen hundred and thirty-five, from home grown beet, a subsidy at a rate ascertained in accordance with the provisions contained in the Schedule to the British Sugar (Subsidy) Act, 1935.”

Subsidy to be paid by the Minister of Agriculture and Fisheries.

2.—Any subsidy which under the principal Act, as amended by this Act, may become payable in respect of any period after the thirty-first day of August, nineteen hundred and thirty-five, in respect of sugar manufactured in Scotland, shall be paid by the Minister of Agriculture and Fisheries and not otherwise.

Short title and construction. 24 & 25 Geo. 5. c. 39.

3.—(1) This Act may be cited as the British Sugar (Subsidy) Act, 1935, and this Act and the principal Act and the British Sugar (Subsidy) Act, 1934, may be cited together as the British Sugar (Subsidy) Acts 1925 to 1935.

(2) References in this Act to the principal Act shall be construed as references to that Act as amended by the British Sugar (Subsidy) Act, 1934, and this Act shall be construed as one with those Acts.

(3) In relation to subsidy payable in respect of sugar under the principal Act as amended by this Act references

in that Act, or in this Act to a "week" or to a "fortnight" shall be construed as references respectively to a period of seven days and a period of fourteen days, commencing on a Sunday.

SCHEDULE.

Section 1.

PROVISIONS FOR ASCERTAINING RATE OF SUBSIDY.

1. The Minister of Agriculture and Fisheries shall determine, in the manner prescribed by rules made by him after consultation with the Treasury, and certify, the sum which represents the average price per hundredweight at which, during the fortnight preceding the week in which any sugar was manufactured, a person who required sugar shipped during the calendar month next following the calendar month within which the last day of that fortnight fell, could have purchased raw cane sugar, first runnings, basis ninety-six degrees polarisation, c.i.f. London and/or Liverpool, under the contract terms of the United Terminal Sugar Market Association of London, and the sum so determined and certified is in this Schedule referred to in relation to that sugar as the "relevant market price."

2. Where the relevant market price in relation to any sugar is four shillings and sixpence per hundredweight the rate of subsidy per hundredweight in respect of that sugar shall be the rate specified in the second column of the following Table in relation to sugar of such a polarisation as is specified in the first column of that Table :—

TABLE.

Sugar which when tested by the polariscope indicates	s.	d.
a polarisation exceeding 98 degrees - - -	5	0
Sugar of a polarisation—		
exceeding 97 degrees and not exceeding 98 degrees -	4	7·2
" 96 " " " " 97 " " "	4	5·7
" 95 " " " " 96 " " "	4	4·3
" 94 " " " " 95 " " "	4	2·8
" 93 " " " " 94 " " "	4	1·4
" 92 " " " " 93 " " "	4	0
" 91 " " " " 92 " " "	3	10·5
" 90 " " " " 91 " " "	3	9·1
" 89 " " " " 90 " " "	3	7·6
" 88 " " " " 89 " " "	3	6·2
" 87 " " " " 88 " " "	3	5
" 86 " " " " 87 " " "	3	3·8

Sugar of a polarisation—		<i>s. d.</i>	
exceeding 85 degrees and not exceeding 86 degrees -		3	2·7
„ 84 „ „ „ 85 „ -		3	1·6
„ 83 „ „ „ 84 „ -		3	0·6
„ 82 „ „ „ 83 „ -		2	11·5
„ 81 „ „ „ 82 „ -		2	10·5
„ 80 „ „ „ 81 „ -		2	9·6
„ 79 „ „ „ 80 „ -		2	8·6
„ 78 „ „ „ 79 „ -		2	7·6
„ 77 „ „ „ 78 „ -		2	6·7
„ 76 „ „ „ 77 „ -		2	5·7

3. Where the relevant market price in relation to any sugar exceeds or falls short of four shillings and sixpence per hundredweight, the rate of subsidy per hundredweight in respect of that sugar shall be the rate specified as aforesaid decreased or increased, as the case may be, by one sixtieth in respect of every penny (fractions being treated as a complete penny) by which the relevant market price exceeds or falls short of four shillings and sixpence per hundredweight.

4. Where the amount of the sugar is less than one hundredweight, the rate of subsidy shall be proportionately reduced.

CHAPTER 38.

An Act to declare that there may be two Parliamentary Under Secretaries to the Secretary of State for Foreign Affairs and that in that case neither Under Secretary is disqualified for membership of the House of Commons; and to declare the effect of section two of the Re-election of Ministers Act, 1919, in relation to certain Ministers who have not the charge of any public department. [2nd August 1935.]

BE it enacted by the King'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:—

Provisions
as to certain
Ministers.

1. For the avoidance of doubt it is hereby declared that—

(a) so long as any limit imposed by law on the total number of Under Secretaries of State

Disqualification (Declaration of Law) Act, 1935.

who may sit and vote in the House of Commons is not exceeded, the Secretary of State for Foreign Affairs may have two Parliamentary Under Secretaries of State, and in that case neither Parliamentary Under Secretary is disqualified by his office from being elected to, or sitting and voting in, the House of Commons ;

- (b) for the purposes of section two of the Re-election of Ministers Act, 1919 (which enables certain Ministers to sit in the House of Commons), a Minister who has not the charge of any public department is not to be treated as having had an office assigned to him by reason that his appointment provides for his performing, or by reason that he performs, particular duties. 9 & 10
Geo. 5. c. 2.

2. This Act may be cited as the House of Commons Disqualification (Declaration of Law) Act, 1935. Short title.

CHAPTER 39.

An Act to provide for the further extension, by not more than thirteen months, of the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund ; and for purposes connected with the matter aforesaid. [2nd August 1935.]

BE it enacted by the King'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 period specified in subsection (1) of section two of the Cattle Industry (Emergency Provisions) Act, 1934 (as amended by the Cattle Industry (Emergency Provisions) Act, 1935), as the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund, is hereby extended so as to end Amend-
ments of
ss. 2 and 3
of 24 & 25
Geo. 5. c. 54.
25 & 26
Geo. 5 c. 12.

on the thirtieth day of June, nineteen hundred and thirty-six, and, if an order to that effect is, before the end of June, nineteen hundred and thirty-six, made by the appropriate Ministers and approved by a Resolution of each House of Parliament, shall be further extended so as to end on such day falling between the end of June, nineteen hundred and thirty-six, and the beginning of the next following November, as may be specified in the order.

(2) For the proviso to subsection (1) of section three of the Cattle Industry (Emergency Provisions) Act, 1934, as so amended (which section provides for the marking of imported cattle) there shall be substituted the following proviso :—

“ Provided that an order under this section shall not apply in relation to any cattle imported into the United Kingdom after the end of the period specified in subsection (1) of section two of this Act, as amended by any subsequent enactment.”

Short title,
construction
and
citation.

2. This Act may be cited as the Cattle Industry (Emergency Provisions) (No. 2) Act, 1935, and shall be construed as one with the Cattle Industry (Emergency Provisions) Act, 1934; and this Act shall be included among the Acts which may be cited together as the Cattle Industry (Emergency Provisions) Acts, 1934 and 1935.

CHAPTER 40.

An Act to make further and better provision for the abatement and prevention of overcrowding, the re-development of urban areas in connection with the provision of housing accommodation therein, and the reconditioning of buildings, to make provision for the establishment of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the

housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts, to amend the enactments relating to housing; and for purposes connected with the matters aforesaid. [2nd August 1935.]

BE it enacted by the King'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.

OVERCROWDING, RE-DEVELOPMENT AND RE-CONDITIONING.

Abatement of overcrowding.

1.—(1) It shall be the duty of every local authority before such dates as may be fixed by the Minister as respects their district, to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Minister a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in their district, and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

Duty of local authority to inspect and to make reports and proposals as to overcrowding.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Minister gives a direction under this subsection, he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

(3) Subsection (2) of section twenty-five of the Act of 1930 shall cease to have effect.

20 & 21
Geo. 5. c. 39.

PART I.

—*cont.*Definition
of over-
crowding.

2.—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or
- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the First Schedule to this Act.

(2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one half of a unit.

Offences in
relation
to over-
crowding.

3.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.

(2) The occupier of a dwelling-house which is occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and thereafter continuously live there, or children born after that day of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier after the appointed day and he fails to accept it; or
- (b) suitable alternative accommodation is so offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.

(3) Where after the appointed day a dwelling-house which would not otherwise be overcrowded becomes

overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
- (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.

(4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

(5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—

- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or

PART I.
—cont.

(b) if, when letting the house after the appointed day, the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house;

and not otherwise.

Power of
Minister to
increase the
permitted
number
temporarily
to meet
exceptional
conditions.

4.—(1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee appointed under this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the First Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.

(2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

Power of
local
authority to
authorise
the tempo-
rary use of
a house by
persons in
excess of

5.—(1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

PART I.
—cont.
the permitted
number.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

(6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

6.—(1) As from the expiration of six months from the appointed day, every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections two, three and five of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a fine not exceeding ten pounds. An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody

Entries in
rent books,
information
and certifi-
cates with
respect to
the per-
mitted
number.

PART I.
—cont.

of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

(2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

15 & 16
Geo. 5. c. 14.

(3) Section one hundred and twenty-seven of the Act of 1925 (which confers powers of entry for certain purposes) shall apply for the purpose of the measurement of the rooms of a dwelling-house with a view to the ascertainment of the permitted number of persons.

(4) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the First Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.

(5) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

Power of
local autho-
rity to publish
information
as to rights
and duties as
respects over-
crowding.

7. The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

Duty of
landlord to
inform local
authority of
over-
crowding.

8. Where after the appointed day it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days

after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds :

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

9.—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house.

Right of landlord to obtain possession of overcrowded house.

(2) Where a landlord comes into possession of a house by virtue only of the provisions of the foregoing subsection then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

13 & 14
Geo. 5. c. 32.

10.—(1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority :

Enforcement of foregoing provisions.

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

(2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may make complaint to a court of summary jurisdiction and thereupon

PART I.
 ---cont.
 1 & 2 Vict.
 c. 74.

the court shall, by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

(3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

Duty of
 medical
 officers to
 furnish
 particulars
 of over-
 crowding
 in their
 districts.
 23 & 24
 Geo. 5. c. 51.
 54 & 55
 Vict. c. 76.

11. Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and section one hundred and eight of the Public Health (London) Act, 1891, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

Definitions
 for purposes
 of provisions
 relating to
 over-
 crowding.

12. In this section and in the foregoing provisions of this Part of this Act, and in the First Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

“Dwelling-house” means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use;

“ Landlord ” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and “ agent ” means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

“ Room ” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“ Suitable alternative accommodation ” means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

(a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;

(b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means; and

(c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation having regard to the standard specified in paragraph (ii) of section thirty-seven of the Act of 1930.

Re-development areas.

13.—(1) If the local authority for any urban area (that is to say, the City of London, the rest of the administrative county of London, a county borough, a non-county borough, or an urban district) are satisfied, as a result of an inspection carried out under section one of this

Duty of local authority to secure re-development.

PART I.
—cont.

Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say—

- (a) that the area contains fifty or more working-class houses;
- (b) that at least one-third of the working-class houses in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;
- (c) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and
- (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

it shall be the duty of the local authority to cause the area to be defined on a map, and to pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Minister, and shall publish in one or more local newspapers circulating in their district a notice stating that the resolution has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.

Re-develop-
ment plan.

14.—(1) Within six months after a local authority have passed a resolution under the last foregoing section, or within such extended period as the Minister may allow, the authority shall prepare and submit to the Minister a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provision of houses for the working classes, for streets and for open spaces.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme

or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

PART I.
—cont.

(3) Before submitting the plan to the Minister the local authority shall—

- (a) publish in one or more local newspapers circulating in their district a notice stating that the plan has been prepared and is about to be submitted to the Minister, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and
- (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all statutory undertakers owning apparatus in that area.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, approve the plan, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.

(5) On receipt of notice of the Minister's approval the local authority shall publish in one or more local newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise

PART I.
—*cont.*

than as indicated in the plan, the authority shall prepare and submit to the Minister a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Minister shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(7) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

Purchase of
land for the
purposes of
re-develop-
ment.

15.—(1) When the Minister's approval of a re-development plan has become operative, the local authority may with the approval of the Minister purchase by agreement, or may be authorised by means of an order made and submitted to the Minister and confirmed by him in accordance with the Second Schedule to this Act to purchase compulsorily,—

- (a) land in the re-development area; and
- (b) any land outside that area which they may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Minister for the purchase, or to make and submit to the Minister orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

- (a) in the case of land shown in the re-development plan as intended for the provision of houses for

the working classes, six months from the date when the Minister's approval of the re-development plan becomes operative;

PART I.
—cont.

(b) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Minister may, on the application of the local authority, allow in respect of any land.

(3) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of a local authority or is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by the last foregoing subsection shall not apply with respect to any such land.

(4) Land purchased by a local authority under this section for the provision of houses for the working classes shall be deemed to have been acquired by them under Part III of the Act of 1925.

(5) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Minister, be sold or leased to any person, or exchanged for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(6) When the Minister's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

16.—(1) The provisions of section forty-one of the Act of 1925 (which relates to costs incurred in connection with certain orders) shall have effect in relation to a re-development plan and to a new plan and to the Minister's approval of any such plan and in relation to a compulsory purchase order made under the last foregoing section, as they have effect in relation to the orders mentioned in the said section.

Application of certain provisions of the Acts of 1925 and of 1930 for purposes of re-development provisions.

PART I.
—*cont.*

(2) The provisions of subsections (1) and (2) of section one hundred and six of the Act of 1925 relating to entry on land purchased for the purposes of Part III of the Act of 1925 shall have effect where a local authority are authorised by an order made under the last foregoing section to purchase land compulsorily, and where a local authority have agreed to purchase land thereunder, as they have effect in the cases mentioned in those subsections respectively.

(3) The provisions of subsections (3), (4) and (5) of section eleven of the Act of 1930 (which relate to the validity and date of operation of certain orders) shall have effect in relation to the Minister's approval of a re-development plan or a new plan and in relation to a compulsory purchase order made under the last foregoing section, as if references thereto had been substituted in the said subsections for references to the orders therein mentioned, and as if for references therein to the Act of 1930 and to confirmation of the orders therein mentioned and to publication of notice thereof under that Act there had been substituted references to this Part of this Act and to the Minister's approval of a re-development plan and of a new plan and to confirmation by him of a compulsory purchase order made under the last foregoing section and to publication of notice thereof under this Act.

(4) The provisions of sections thirteen and fourteen of the Act of 1930 (which relate respectively to the extinguishment of ways, easements, &c. and to the purchase of licensed premises) shall have effect in relation to land purchased under the last foregoing section as they have effect in relation to land purchased by a local authority under Part I of that Act.

Compensation in respect of land purchased for re-development.

17.—(1) Subject to the provisions of this section, where land is purchased compulsorily under section fifteen of this Act the compensation payable in respect thereof shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, subject to the modification that in paragraph 4, for the reference to increased value given by demolition of any buildings, there shall be substituted a reference to increased value given by the proposed re-development of the area in accordance with the re-development plan.

In assessing compensation the arbitrator may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

PART I.
—cont.

(2) Where a local authority submit to the Minister an order for the compulsory purchase under section fifteen of this Act of land which comprises or consists of a house which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the house is in that condition, and, if the Minister is of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(3) The compensation payable in respect of a house which a local authority are authorised to purchase as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be assessed in like manner as if it had been land comprised in a clearance area and purchased compulsorily under Part I of the Act of 1930.

18. In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the displacements from time to time becoming necessary as the re-development proceeds.

Provision of accommodation for persons displaced by re-development.

19.—(1) Subsection (1) of section seven of the Act of 1930 (which empowers a local authority to pass a resolution declaring such an area as is therein mentioned to be an improvement area) shall cease to have effect.

Repeal of certain provisions of the Act of 1930

(2) The obligation to make and enforce byelaws, to which a local authority, who before the commencement of this Act have passed a resolution declaring an area to be an improvement area, are subject by virtue of paragraph (iii) of subsection (1) of section eight of the Act of 1930, shall cease.

relating to improvement areas.

PART I.
—*cont.*

(3) Byelaws made by a local authority in pursuance of an obligation imposed upon them by the said paragraph (iii) and confirmed before the commencement of this Act shall, to the extent to which they would have had effect if made and confirmed under section six of the Act of 1925 after the commencement of this Act, have effect, as respects land in the improvement area, as if they had been so made and confirmed and not otherwise.

Re-conditioning of buildings.

Extension
of power
of local
authority
to acquire
houses and
other build-
ings for
housing
purposes.

20.—(1) With a view to facilitating the provision or improvement by local authorities of housing accommodation for the working classes by the alteration, enlargement, repair or improvement of houses or other buildings, a local authority may be authorised to acquire compulsorily, for the purposes of Part III of the Act of 1925—

- (a) houses which are, or may be made, suitable as dwelling-houses for the working classes, together with any lands occupied with such houses; and
- (b) other buildings which may be made suitable as dwelling-houses for the working classes, together with any lands occupied with such buildings;

and accordingly the amendments specified in the three next succeeding subsections shall be made in the said Part III.

(2) In subsection (1) of section fifty-seven of the Act of 1925 (which subsection prescribes the modes in which a local authority may provide housing accommodation for the working classes), for paragraph (d) there shall be substituted the following paragraph :—

“(d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.”

(3) In subsection (1) of section fifty-eight of the Act of 1925 (which subsection confers on a local authority power to acquire property for certain purposes), for paragraph (b) there shall be substituted the following paragraph :—

“(b) to acquire any houses or other buildings which are, or may be made, suitable as dwelling-

houses for the working classes, together with any lands occupied with such houses or other buildings, or any estate or interest in such houses or other buildings and lands.”

PART I.
—*cont.*

(4) Subsection (2) of the said section fifty-eight (which subsection empowers a local authority to acquire dwelling-houses suitable for the working classes by agreement but not otherwise) shall cease to have effect.

(5) Where a local authority acquire a house or other building which can be made suitable as a dwelling-house for the working classes, or an estate or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

General Provisions relating to Part I.

21.—(1) The local authority for the purposes of this Part of this Act shall—

Local
authority
for purposes
of Part I.

- (a) as respects the City of London, be the Common Council;
- (b) as respects any other part of the administrative county of London, be the London County Council or the metropolitan borough council as hereinafter provided;
- (c) elsewhere be the council of the borough or urban or rural district.

(2) For the purposes of the provisions of this Part of this Act relating to overcrowding (other than the provisions of section one of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding), a metropolitan borough council shall, subject as hereinafter provided, be the local authority as respects their borough to the exclusion of any other authority :

Provided that—

- (a) the metropolitan borough council shall, instead of submitting their report under section one

PART I.
—*cont.*

of this Act to the Minister, submit the report to the London County Council;

- (b) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;
- (c) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.

(3) For the purposes of the provisions of section one of this Act relating to the submission to the Minister of proposals for the provision of new houses required in order to abate overcrowding, the London County Council shall, subject as hereinafter provided, be the local authority as regards the administrative county of London other than the City of London:

Provided that—

- (a) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when submitting to the London County Council their report under section one of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses;
- (b) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable cost the number of new houses proposed by them, the county council

shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils;

- (c) the London County Council, when submitting their proposals under section one of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.

(4) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

(5) For the purposes of the provisions of this Part of this Act relating to re-development areas, the London County Council shall be the local authority as regards the administrative county of London other than the City of London to the exclusion of any other authority:

Provided that, where a metropolitan borough council give notice in writing to the London County Council that in their opinion their district comprises an area (the limits of which shall be specified) which ought to be defined as a proposed re-development area, and that they intend to pass such a resolution as is mentioned in subsection (1) of section thirteen of this Act, the metropolitan borough council shall, as respects that area and subject as hereinafter provided, be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas—

- (a) if the London County Council within two months after the date of the receipt by them of such notice do not notify the metropolitan borough council that they intend themselves to deal with the area as a re-development area or as part of a re-development area, or as a clearance area or part of a clearance area, or that they propose to acquire the area or any part thereof as a site for the erection of dwelling-houses for the working classes; or

PART I.
—cont.

(b) if the London County Council notify the metropolitan borough council that they do not so intend to deal with the area or any part thereof;

so, however, that—

(i) if a metropolitan borough council who become, in pursuance of this proviso, the local authority as respects that area do not submit to the Minister a re-development plan relating to that area within a period of two years after the date on which the metropolitan borough council so became the local authority, or such further period as may be approved by the Minister; or

(ii) if the Minister decides that the area is not a suitable one to be dealt with by the metropolitan borough council;

the metropolitan borough council shall cease to be, and the London County Council shall be, the local authority as aforesaid as respects that area without prejudice to the right of the metropolitan borough council to give a further notice under this proviso to the London County Council.

Contributions by London County Council to expenses of inspection, &c. and arrangements between authorities in London.

22.—(1) The London County Council shall, as respects the period from the sixteenth day of May, nineteen hundred and thirty-four, to the thirty-first day of March, nineteen hundred and forty-one, and may, as respects any period subsequent to the last-mentioned date, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a sanitary inspector in connection with—

(a) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and

(b) the enforcement of the provisions of this Part of this Act relating to overcrowding:

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following con-

ditions are satisfied in relation to that council, that is to say—

PART I.
—cont.

- (i) as respects any period before the passing of this Act, the amount of the expenses so incurred must be approved by the London County Council;
- (ii) as respects any period after the passing of this Act, the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;
- (iii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and
- (iv) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section eleven of this Act.

(2) The London County Council and the Common Council of the City of London or a metropolitan borough council may, at any time, enter into an agreement for the exercise by one of the parties to the agreement of any powers conferred under this Part of this Act on the other party thereto, or with respect to any action to be taken under this Part of this Act, or any action in connection with the provision of new houses to abate overcrowding, and with respect to the making of contributions by one of those councils towards the expenses incurred by the other of them in such exercise of powers or in such action as the case may be.

23. Section eighty-four of the Act of 1925 (which confers on local authorities power to borrow for certain purposes) shall have effect as if the purposes of this Part of this Act had been included amongst the purposes specified in subsection (1) of that section.

Borrowing
power for
purposes of
Part I.

PART II.

CENTRAL HOUSING ADVISORY COMMITTEE AND MANAGEMENT COMMISSIONS AND PROVISIONS AS TO HOUSING ASSOCIATIONS AND OTHER BODIES.

Advisory Committee and Management Commissions.

Central
Housing
Advisory
Committee.

24.—(1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—

- (a) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section four of this Act to consult the Committee;
- (b) advising Housing Management Commissions constituted under the next succeeding section on any matter as respects which such Commissions are required to consult the Committee;
- (c) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;
- (d) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.

(2) The Minister may by order make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order.

(3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

Power to
establish
Housing
Manage-
ment
Com-
missions.

25.—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and

control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

PART II.
—*cont.*

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—

- (a) as to the mode of appointment and term of office of the members of the Commission;
- (b) as to the payment of remuneration out of funds under the control of the Commission to the Chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or a representative of the local authority on a joint committee appointed by agreement between them and another body;
- (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
- (d) as to the financial relations between the local authority and the Commission;
- (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
- (f) for making the accounts of the Commission subject to audit by a district auditor or otherwise;
- (g) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and

PART II.
---cont.

the manner in which that vesting is to be effected, and as to the re-vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and

(h) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.

(3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933 (which relate to the transfer and compensation of officers of a local authority affected by a scheme or order under Part VI of that Act), shall have effect in relation to a scheme submitted under this section as they have effect in relation to a scheme or order under the said Part VI, and as if references therein to a local authority included references to the Commission.

(4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.

(6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely :—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;
 The Institute of Accountants and Actuaries in
 Glasgow;
 The Society of Accountants in Aberdeen;
 The London Association of Certified Accountants,
 Limited;
 The Corporation of Accountants, Limited.

PART II.
 —cont.

Housing Associations.

26. For references in the Act of 1925 and in the Act of 1930 to a public utility society there shall be substituted references to a "housing association," that is to say any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, company or body of trustees who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital.

Definition
 of housing
 association.

27.—(1) A local authority may with the approval of the Minister make arrangements with a housing association for the purpose of enabling the association to—

Power of
 local autho-
 rities to
 make ar-
 rangements
 with housing
 associations.

- (a) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part I or Part II of the Act of 1930 for dealing with clearance areas or for the demolition of insanitary houses or for the closing of parts of buildings;
- (b) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under Part I of this Act;
- (c) provide housing accommodation for persons of the working classes for the purpose of the abatement of overcrowding;

PART II.
—cont.

(d) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Minister.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be paid by the Minister to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution :

Provided that, if the Minister is satisfied that the association have made default in giving effect to the terms of any arrangements made between them and the local authority under this section, he may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as he thinks just.

(4) If the Minister reduces, or suspends, or discontinues the payment of, a contribution payable by him under the last foregoing subsection, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the authority to furnish him with

a report as to the matter stating the reasons for their refusal.

PART II.
—*cont.*

(6) Section twenty-nine of the Act of 1930 (which empowers a local authority to make arrangements for the provision of houses by public utility societies and other bodies) shall cease to have effect, but this repeal shall not affect any liability under any undertaking given before the commencement of this Act.

28. Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Minister shall have regard to the provisions of Part IV of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

Unification
of conditions
affecting
housing
associations'
houses.

29.—(1) The powers of promoting the formation or extension of, or assisting, public utility societies conferred on local authorities and county councils by section seventy of the Act of 1925 shall extend to promoting the formation or extension of, or assisting, any housing association.

Amend-
ments of
the Act of
1925 as to
housing
associations.

(2) In paragraph (c) of subsection (3) of section seventy of the Act of 1925 (which paragraph confers on certain authorities power to guarantee certain obligations of public utility societies), for the words "the payment of interest on money borrowed by the society, or of any share or loan capital issued by the society," there shall be substituted the words "the payment of the principal of and interest on any money borrowed by the association (including money borrowed by an issue of loan capital) or of interest on any share capital issued by the association."

PART II.
—*cont.*

(3) In section ninety of the Act of 1925 the following subsection shall be inserted after subsection (2):

“(2A) An advance for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by mortgage of the land and dwelling-houses in respect of which that purpose is to be carried out, and of such other land and dwelling-houses (being houses which have been constructed or made suitable for the working classes by the company, society, association or person receiving the advance), if any, as may be offered as security for the advance.”

(4) In the said section ninety the following subsection shall be substituted for subsection (5):

“(5) The proportion of such value as aforesaid authorised for the purpose of the advance shall be three-fourths:

Provided that—

(a) if the advance is to be made to a housing association within the meaning of the Housing Act, 1935, and payment of the principal of, and interest on, the advance is guaranteed by a local authority for the purposes of Part III of this Act, or by a county council, the said proportion shall be nine-tenths;

(b) in any other case, if the advance exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a mortgage as is mentioned in subsection (2A) of this section, such further security as they may think fit.”

Power of
Minister to
recognise
central
housing
association.

30.—(1) If a central association or other body has at the date of the commencement of this Act been established, or is thereafter established, for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, the Minister may, if he thinks fit, recognise such association or body for the purpose of this section.

(2) The Minister may, in any of the five years next following the date on which he recognises the said central association or body, make out of moneys provided by Parliament a grant in aid of the expenses thereof of such amount as he may with the approval of the Treasury determine.

PART II.
—cont.

PART III.

FINANCIAL PROVISIONS.

Contributions towards expenses of accommodation provided for the purposes of Part I.

31.—(1) The Minister shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

Exchequer contributions towards provision of flats on sites of high value.

(a) required for the purpose of the abatement of overcrowding, or

(b) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Minister in blocks of flats on sites the cost of which as developed (ascertained in accordance with the provisions of the Third Schedule to this Act) exceeds one thousand five hundred pounds per acre, being blocks of flats the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the appropriate sum as defined in the Third Schedule to this Act, payable annually for a period of forty years, in respect of each flat which is with the approval of the Minister provided for the purposes of such accommodation as aforesaid in such a block as aforesaid.

32.—(1) Where a local authority propose to provide the whole or part of such housing accommodation as is mentioned in the last foregoing section in new houses, or in new flats not being such as to render a contribution payable under the last foregoing section, then, if the Minister is satisfied that, having regard to the amount of the expenditure already incurred or to be incurred by the authority under the enactments relating

Exchequer contributions towards provision of accommodation otherwise than in flats on sites of high value.

PART III.
—*cont.*

to housing in relation to the financial resources of the district, the provision of such accommodation would impose an undue burden on the district, by reason either—

(a) of the amount of the rents which it will be practicable for the authority to charge for the accommodation having regard to the conditions which the authority are required by Part IV of this Act to observe; or

(b) of the necessity for providing an unusually high proportion of accommodation for large families;

he may, with the approval of the Treasury and subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by the local authority in providing such accommodation with his approval in new houses or flats.

(2) A contribution under this section shall be of such amount, not exceeding five pounds, payable annually for such period, not exceeding twenty years, as the Minister considers necessary, in respect of each such house or flat provided with his approval.

Exchequer
contribu-
tions
towards
expenses of
housing
members of
the agri-
cultural
population.

33.—(1) The Minister may, subject to the provisions of this Part of this Act and on the recommendation of a committee (hereinafter referred to as the Rural Housing Committee) appointed by him with the approval of the Treasury for the purposes of this section, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a rural district council in providing with the approval of the Minister new housing accommodation required for members of the agricultural population for the purpose of the abatement of overcrowding in the rural district.

(2) A contribution under this section shall be of such amount, not being less than two pounds nor more than eight pounds, as the Minister may determine, payable annually for a period of forty years, in respect of each new house provided with his approval.

(3) In considering applications the Rural Housing Committee shall be guided by any general directions which may be given to them by the Minister, with the approval of the Treasury, for the purposes of this section.

34.—(1) A local authority to whom the Minister has undertaken to make a contribution under the foregoing provisions of this Part of this Act in respect of any house shall make a contribution out of the general rate fund in respect thereof in accordance with the provisions of the next succeeding subsection.

PART III.
—*cont.*

Local authorities' contributions towards expenses of accommodation provided for the purposes of Part I.

(2) A contribution under the foregoing subsection shall be provided by equal annual instalments during a period of sixty years from the date of the completion of the house, and shall be of such amount as to be equivalent, when so provided, to the appropriate one of the following sums, namely :—

- (a) in the case of a flat in respect of which a contribution is to be made by the Minister under section thirty-one of this Act, a sum equal to one half of the amount of the Minister's contribution provided annually for a period of forty years;
- (b) in the case of a house or flat in respect of which a contribution is to be made by the Minister under section thirty-two of this Act, a sum equal to one half of the amount of the Minister's contribution provided annually for the period for which the Minister's contribution is payable;
- (c) in the case of a house provided for members of the agricultural population in respect of which a contribution is to be made by the Minister under section thirty-three of this Act, a sum of one pound provided annually for a period of forty years :

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Minister may on their application direct that this subsection shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Minister's contribution is payable, as he may think proper.

(3) Subject to the provisions of this Part of this Act, the county council shall, in respect of each house towards the cost of which the Minister has undertaken to make

PART III.
—*cont.*

a contribution under section thirty-three of this Act, make to the district council by whom the house is provided, during the period of forty years next following the completion of the house, an annual contribution of one pound.

Exchequer contributions in case of displacements from unfit houses in re-development area.

35.—(1) In respect of expenses incurred by a local authority in providing with the approval of the Minister accommodation rendered necessary by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit, and in maintaining accommodation so provided, contributions out of moneys provided by Parliament shall be made under section twenty-six of the Act of 1930, in like manner as if those expenses had been expenses incurred in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by the local authority under the Act of 1930 for one of the purposes mentioned in subsection (1) of the said section twenty-six.

(2) No contribution shall be made under section thirty-one, thirty-two or thirty-three of this Act towards any expenses in respect of which the Minister is required to make contributions by virtue of the said section twenty-six as originally enacted or as extended by this section.

Review of Exchequer contributions under certain enactments.

Review of Exchequer contributions in case of new houses provided at future times.

36.—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration, in connection with contributions which he is required or authorised to make under each of the following sections, that is to say, section twenty-six of the Act of 1930, and sections thirty-one, thirty-two and thirty-three of this Act, the amount of expenses, towards which contributions would be payable by him under that section, likely to be incurred in the period of three years from the first day of April then next following, and the amount of such expenses incurred in connection with operations already carried out.

(2) As soon as may be after considering the matters aforesaid in any year, the Minister shall prepare with the approval of the Treasury, and lay before the Commons House of Parliament, a draft of an order providing, in relation to contributions under each of the said sections, either—

- (a) for the cesser of his obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or
- (b) for the continuance thereof without alteration; or
- (c) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both;

and, if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Minister shall make an order in the terms of the draft, but in any other event he shall, as soon as may be after the expiration of that period, prepare and lay a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(3) The date to be specified in an order made under this section shall—

- (a) in the case of an order made in consequence of the consideration of the matters aforesaid in the year nineteen hundred and thirty-seven, be the thirty-first day of March nineteen hundred and thirty-eight; and
- (b) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(4) An order made under this section shall not provide for the alteration of the amount of any contributions, or of the period for which any contributions are to be payable, so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

PART III.
—cont.

(5) When taking into consideration the matters aforesaid, the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(6) An order under this section may make such consequential provision for the cesser of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to him to be necessary for the purpose of adjusting them to the cesser of Exchequer contributions or to alterations of the amount or duration of Exchequer contributions.

(7) Section twenty-eight of the Act of 1930 shall cease to have effect.

Housing (Rural Workers) Acts (Financial Provisions).

Amend-
ments
of 16 & 17
Geo. 5. c. 56.
21 & 22
Geo. 5. c. 22.

37.—(1) Subsection (2) of section two of the Housing (Rural Workers) Act, 1926, (which relates to the power of local authorities to make grants or loans under the said Act), as amended by the Housing (Rural Workers) Amendment Act, 1931, shall have effect as if the twenty-fourth day of June, nineteen hundred and thirty-eight, were therein substituted for the first day of October, nineteen hundred and thirty-six, and section four of the said Act (which relates to Government contributions to expenses of local authorities under the said Act) shall have effect accordingly.

(2) Subject to the provisions of any amending scheme made by a local authority with the approval of the Minister, any reference in a scheme under the said Act to any date in the year nineteen hundred and thirty-one, or in the year nineteen hundred and thirty-six, shall be construed as a reference to the twenty-fourth day of June nineteen hundred and thirty-eight.

(3) In subsection (5) of section two of the Housing (Rural Workers) Act, 1926, in paragraph (a) (which provides that a loan under the said section, together with interest thereon at the prescribed rate, shall be secured by a mortgage of the dwelling in respect of which the loan is made), there shall be substituted for the words “at the prescribed rate” the words “at a rate one quarter

per cent. in excess of the rate of interest which, one month before the date on which the terms of the loan are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Housing Act, 1925."

PART III.
—cont.

60 & 61 Vict.
c. 51.

(4) For the purposes of subsection (1) of section three of the Housing (Rural Workers) Act, 1926 (which section relates to the conditions attaching to dwellings in respect of which assistance has been given under that Act by way of grant) the rate per cent. by reference to which, under paragraph (b) of the said subsection (1), the rent payable in respect of a dwelling is to be calculated, shall, instead of being three per cent., be four per cent.:

Provided that nothing in this subsection shall affect the rent payable in respect of a dwelling if the works in respect of which assistance was given were completed before the first day of January nineteen hundred and thirty-five.

38.—(1) It is hereby declared that the like assistance may be given under the Housing (Rural Workers) Acts, 1926 and 1931, on the application of a local authority not being the local authority for the purposes of those Acts, as may be given thereunder on the application of a person not being a local authority.

Assistance
to local
authorities
in respect of
housing of
rural
workers.

(2) In section four of the Housing (Rural Workers) Act, 1926 (which relates to Government contributions towards expenses of a local authority for the purposes of that Act in making grants thereunder) the following subsection shall be inserted after subsection (2):—

“(2A) Where a local authority propose themselves to execute works in respect of which, if executed by another person, they might have made grants under this Act, and the authority make application in that behalf to the Minister, and furnish him with such particulars of the proposed works as he may require, the Minister may make or undertake to make the like contributions as he might have made under the foregoing subsections if the authority had made to another person in respect of the works the maximum grant permissible under this Act.

PART III.
—cont.

The provisions of section three of this Act (other than provisions relating to the giving of certificates, or the repayment of grants, to the authority) shall, subject to the provisions of Part IV of the Housing Act, 1935, have effect in relation to dwellings in respect of which a contribution is made under this subsection as if a grant had been made under this Act equal to twice the capital value of the contribution."

Local
authorities'
contribu-
tions in
respect of
housing of
rural
workers.

39. A local authority for the purposes of Part III of the Act of 1925, to whom the Minister has undertaken to make a contribution under the subsection which by the last foregoing section of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926, shall make out of the general rate fund a contribution of the like amount and payable for the like period as the Minister's contribution.

Consolidation of Housing Accounts.

Enactments
under which
Exchequer
contribu-
tions are
payable and
modifica-
tion of
certain of
those
enactments.

40.—(1) In this Part of this Act and in the Third and Fourth Schedules to this Act the expression "Exchequer contribution" means a contribution which the Minister is required or authorised to make to a local authority out of moneys provided by Parliament under any of the enactments specified in Part I of the Fourth Schedule to this Act.

(2) The provisions of Part II of the Fourth Schedule to this Act shall, as from the first day of April, nineteen hundred and thirty-five, have effect for the purpose of the determination of the amount of—

9 & 10
Geo. 5. c. 35.

(a) Exchequer contributions payable under section seven of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof; and

13 & 14
Geo. 5. c. 24.

(b) Exchequer contributions payable under subsection (3) of section one of the Act of 1923.

Any increase attributable to the passing of this subsection in the sum payable out of moneys provided by Parliament by virtue of section seven of the Act of 1919 and of the regulations made thereunder, or in the sum

payable out of moneys so provided by virtue of subsection (3) of section one of the Act of 1923, shall be defrayed out of moneys so provided.

PART III.
—cont.

41. It shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall, as from the first day of April, nineteen hundred and thirty-five, make out of the general rate fund the contributions referred to in Part III of the Fourth Schedule to this Act.

Local authorities' contributions.

42. Subject to the provisions of this section every local authority for the purposes of Part III of the Act of 1925 shall, as from the first day of April, nineteen hundred and thirty-five, keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

Obligation to keep Housing Revenue Account.

- (a) all dwelling-houses and other buildings which have been provided by a local authority at any time after the sixth day of February, nineteen hundred and nineteen, under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act;
- (b) all land which at any time after the said date a local authority have acquired or appropriated for the purposes of Part III of the Act of 1925, or of any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or are deemed to have acquired under the said Part III by virtue of subsection (4) of section fifteen of this Act;
- (c) all dwellings in respect of which either—
 - (i) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or
 - (ii) the Minister has undertaken to pay a contribution to the authority under the subsection which by section thirty-eight of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926; and
- (d) such other working-class houses as the authority with the consent of the Minister may from time to time determine.

PART III.
 —cont.
 Credits and
 debits in
 Housing
 Revenue
 Account.

43.—(1) In the financial year beginning on the first day of April nineteen hundred and thirty-five and in each subsequent financial year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

- (a) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (b) the Exchequer contributions, if any, payable to the authority for that year;
- (c) the contributions, if any, payable to the authority by the county council under section thirty-four of the Act of 1930, or under subsection (3) of section thirty-four of this Act, for that year;
- (d) the sums, if any, payable to the authority for that year by way of assistance under section one of the Housing (Rural Workers) Act, 1926; and
- (e) the authority's contributions out of the general rate fund referred to in Part III of the Fourth Schedule to this Act for that year;

and shall debit to the account amounts equal to—

- (i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the sixth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or for the purpose of the execution of works in respect of which the Minister has undertaken to make such an Exchequer contribution under the Housing (Rural Workers) Act, 1926, as is mentioned in the last foregoing section, or in respect of which the local authority for the purposes of that Act have given assistance thereunder;

- (ii) rents, taxes and other charges (except rates and water charges) which the authority are liable to pay for that year in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iii) the expenditure of the authority for that year in respect of the supervision and management of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iv) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and
- (v) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such dwelling-houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Minister may direct.

(3) Where any such dwelling-house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Minister otherwise directs as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to any income of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account

PART III.
—*cont.*

shall be carried to the credit of that Account in like manner as if it had been income from rents, and where a local authority for the purposes of Part III of the Act of 1925, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

(5) Where it appears to the Minister that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

Disposal of
balances in
Housing
Revenue
Account.

44.—(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in making good to the general rate fund account any additional contributions credited to the Housing Revenue Account in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

(2) Any surplus shown on the thirty-first day of March in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Minister may determine, be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

(a) by transferring it to the Housing Repairs Account; or

(b) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts, in proportion to the amount credited to the Housing Revenue Account under the last foregoing

section, during the period of five years ending on the date on which the surplus is shown, in respect of Exchequer contributions on the one hand, and the amount so credited in respect of the contributions specified in Part III of the Fourth Schedule to this Act, less any amounts made good to the general rate fund account under subsection (1) of this section, on the other hand, and an amount equal to the first of those parts shall be paid to the Minister and an amount equal to the other part shall be credited to the general rate fund account.

PART III.
—cont.

45.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of dwelling-houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called “the Housing Repairs Account”) and shall, in the financial year beginning on the first day of April, nineteen hundred and thirty-five, and in each subsequent financial year, carry to the credit of that account from the Housing Revenue Account in respect of each dwelling-house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of rates or water charges), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

Housing
Repairs
Account.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping a repairs fund or a repairs account in respect of any of the dwelling-houses, buildings or dwellings in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Repairs Account any moneys in, or standing to the credit of, that other fund or account in respect thereof and, if that other fund or account relates only thereto, shall close it.

(3) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the

PART III.
—*cont.*

dwelling-houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(4) If at any time it appears to the Minister, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

Housing
Equalisa-
tion
Account.

46.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions and contributions from other local authorities over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the “Housing Equalisation Account”) and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping an equalisation fund or an equalisation account in respect of any matters in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Equalisation Account any moneys in, or standing to the credit of that other fund or account in respect of those matters and, if that other fund or account relates only to those matters, shall close it.

(3) If the local authority satisfy the Minister that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, he may give such directions as he thinks proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

47.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable, may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and so far as not so used shall be invested temporarily in statutory securities (other than securities created by the authority), and an amount equal to any income arising from such investment shall be credited to the Account.

PART III.
—*cont.*
Temporary application of moneys in housing accounts.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

- (a) the moneys so used shall be repaid to the Account out of the general rate fund within the period, and by the methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the Account the moneys so used or the balance thereof for the time being outstanding, as the case may be, as and when required for the purposes of the Account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power ;

- (b) in the accounts of the general rate fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the Account and debited to the undertaking or purpose with reference to which the moneys are so used ;
- (c) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects

PART III.
—cont.

as if a loan of the same amount had been raised in exercise of the power, and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Time and manner of payment of Exchequer contributions.

48. Contributions to be made by the Minister to a local authority under any enactment in the Housing Acts, 1919 to 1931, or in this Act shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

Power to withhold contributions in event of default.

49.—(1) If at any time the Minister is satisfied that a local authority have either—

- (a) failed to discharge any of the duties imposed on them by virtue of the Housing Acts, 1919 to 1931, or this Act; or
- (b) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Minister may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as he thinks just.

(2) If the Minister reduces, or suspends or discontinues the payment of, any Exchequer contribution on the ground that the local authority have failed to discharge a duty imposed upon them by Part IV of this Act to reserve accommodation for members of the agricultural population or other persons, the county council shall not be under any liability to make any contribution under section thirty-four of the Act of 1930, or under subsection (3) of section thirty-four of this Act, in respect of any year in respect of which the Exchequer contribution is not paid in full.

Modification of financial provisions as to London.

50.—(1) This Part of this Act and Parts II and III of the Fourth Schedule to this Act shall, in the application thereof to the administrative county of London, have effect subject to the modifications specified in Part IV of the Fourth Schedule to this Act, and the provisions in that behalf contained in the said Part IV shall have

effect with respect to the determination of the amount of Exchequer contributions payable to the London County Council in respect of schemes to which section seven of the Act of 1919 applies (other than schemes for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof) and to payments to metropolitan borough councils in respect of such schemes.

PART III.
—*cont.*

(2) Any increase attributable to the passing of this section in the sum payable out of moneys provided by Parliament by virtue of section seven of the Act of 1919 and of the regulations made thereunder shall be defrayed out of moneys so provided.

PART IV.

UNIFICATION OF CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES.

51.—(1) A local authority for the purposes of Part III of the Act of 1925 shall, in relation to all dwelling-houses and dwellings in respect of which they are required to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.

Conditions
to be
observed
by local
authorities.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.

(3) The authority shall secure that a number of dwelling-houses or dwellings equal to the number of those in respect of which—

- (a) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or
- (b) the Minister has undertaken to pay a contribution to the authority under the subsection which by section thirty-eight of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926;

are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of that Act, except in

PART IV.
—*cont.*

so far as the demand for housing accommodation in the district of the authority on the part of such persons can be satisfied without such reservation.

(4) The authority shall secure that a number of dwelling-houses equal to the number of those in respect of which the county council have undertaken to make a contribution to the authority under subsection (2) of section thirty-four of the Act of 1930, or are required by subsection (3) of section thirty-four of this Act to make a contribution to the authority, are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.

(6) The authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(7) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

Conditions
ceasing to
have effect.

52.—(1) The enactments specified in the first column of the Fifth Schedule to this Act (which relate to conditions affecting dwelling-houses to which the requirements of the last foregoing section apply) shall, to the extent specified in the second column of that Schedule, cease to have effect.

(2) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of the last foregoing section apply.

53. If any dwelling-house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is sold by the authority with the consent of the Minister, he may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in Part III of the Fourth Schedule to this Act payable by the authority, as he thinks just.

PART IV.
—*cont.*
Conditions on sale of local authorities' houses.

PART V.

RE-DEVELOPMENT AND RE-CONDITIONING BY OWNERS.

54.—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part I or Part II of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas.

Re-develop-
ment by
owners.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of section twelve of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued

PART V.
—*cont.*
23 & 24
Geo. 5. c. 32.

shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as is mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

Certificates
as to the
condition
of houses.

55.—(1) Any owner of a dwelling-house, which is occupied, or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the local authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section, no action shall be taken under Part I of the Act of 1930 with a view to the demolition of the house as being unfit for human habitation, or under section nineteen of that Act, or under the provisions of section twenty of that Act relating to closing orders.

(5) In this section the expression "improvement" includes the provision of additional or improved fixtures or fittings.

PART V.
—cont.

56.—(1) The provisions of the two last foregoing sections shall not have effect in the case of premises comprised in a clearance order or compulsory purchase order confirmed by the Minister under Part I of the Act of 1930, or in the case of premises comprised in a demolition order thereunder which has become operative, or in the case of premises comprised in a re-development plan approved by him.

Exclusion from Part V of premises in clearance or re-development area.

(2) Where proposals are submitted to a local authority under either of the two last foregoing sections in relation to premises not comprised in a clearance order or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Minister, and the Minister shall deal with the proposals in connection with the consideration by him of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming the order or plan, the Minister excludes the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

57.—(1) The local authority for the purposes of this Part of this Act shall—

Local authority for purposes of Part V.

- (a) as regards the city of London, be the Common Council;
- (b) as regards the rest of the administrative county of London, be the metropolitan borough council;
- (c) elsewhere, be the council of the borough or urban or rural district.

(2) Before deciding to treat as satisfactory any proposals submitted to them for such re-development as is mentioned in this Part of this Act, a metropolitan

PART V.
—*cont.*

borough council shall consult the London County Council and shall obtain their approval of the proposals:

Provided that if, within a period of two months from the date on which the metropolitan borough council first inform the London County Council in writing of any such proposals, the latter council fail to give notice to the metropolitan borough council of their approval of, or their refusal to approve, the proposals, the London County Council shall be deemed to have given their approval thereto for the purposes of this subsection.

PART VI.

MISCELLANEOUS AND GENERAL.

Removal of obstructive buildings.

Definition of
"obstruc-
tive
building."

58. In this Part of this Act the expression "obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.

Power of
local
authority
to order
demolition
of
obstructive
building.

59.—(1) The local authority for the purposes of Part I of the Act of 1925 and of Part II of the Act of 1930 may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority, and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.

(3) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling-house, showroom, or office, or which is the property of a local authority.

60.—(1) If, before the expiration of the period within which a building in respect of which an order is made under the last foregoing section is thereby required to be vacated, any owner or owners, whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

PART VI.
—*cont.*
Effect of
order for
demolition
of obstructive
building.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.

(3) The provisions of subsection (4) of section two of the Act of 1930 shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

(4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in

PART VI
—cont.
9 & 10
Geo. 5. c. 57.

accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, except that paragraphs (2) to (6) of section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.

Application
of certain
enactments
to demolition
orders
under this
Part.

61. The following enactments shall have effect in relation to a demolition order under this Part of this Act and to a building or part of a building to which such an order applies, as they have effect in relation to a demolition order under Part II of the Act of 1930, and to a house, building or premises to which such an order applies, as if the references therein to a demolition order included references to a demolition order under this Part of this Act, and the references therein to Part I of the Act of 1925 or to Part II of the Act of 1930 included references to the foregoing provisions of this Part of this Act, that is to say,—

- (a) section twenty-nine of the Act of 1925 (which relates to notices and applications to the court in relation to demolitions);
- (b) section thirty-one of the Act of 1925 (which relates to remedies of owners for breach of covenant);
- (c) section twenty-two of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders);
- (d) section thirty-nine of the Act of 1930 (which relates to the recovery of possession of buildings), except subsection (2) thereof;
- (e) section forty of the Act of 1930 (which relates to the power of a county court to determine or vary a lease where premises the subject matter thereof are demolished); and
- (f) section fifty-nine of the Act of 1930 (which relates to the recovery of possession of buildings).

Amendments relating to Clearance Areas.

Amendment
as to build-
ings in
clearance
area on

62.—(1) Notwithstanding anything in Part I of the Act of 1930, there shall be excluded from a clearance order made thereunder any dwelling-houses or other buildings properly included in the clearance area

only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area, and, if a compulsory purchase order is confirmed with respect to the site of any such dwelling-house or other building as being land comprised in a clearance area, the compensation to be paid for the land including the buildings thereon shall be assessed in accordance with the provisions contained in Part II of the Third Schedule of the Act of 1930 :

PART VI.
—*cont.*
ground of bad arrangement &c., and repeal of provision for reduction of compensation.

Provided that the foregoing provisions of this subsection shall not apply to a building constructed or adapted as or for the purposes of a dwelling-house, or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(2) The proviso to subsection (1) of section forty-six of the Act of 1925 (which proviso relates to the reduction of compensation payable in respect of the compulsory purchase of land comprised in a clearance area where the land is to be appropriated for the rehousing of persons of the working classes) shall cease to have effect as respects the compensation to be paid for land made the subject of a compulsory purchase order made on or after the twentieth day of December, nineteen hundred and thirty-four, and any person whose compensation has been assessed before the commencement of this Act at an amount less than that at which it would by virtue of this subsection have been assessed after the commencement of this Act shall be entitled to apply for additional compensation in accordance with the like procedure as if the assessment had not been made.

63.—(1) Where a person upon whom notice of a clearance order or of a compulsory purchase order made under Part I of the Act of 1930 or under Part I of this Act is required to be served has duly made objection thereto on the ground that a building included therein is not unfit for human habitation, and the objection has not been withdrawn, the Minister shall not cause the public local inquiry with respect thereto to be held earlier than the expiration of fourteen days after it has been shown to his satisfaction that the local authority have served upon the objector a notice in writing stating what facts

Obligation of local authority and of the Minister to state reasons for deciding that a building is unfit.

PART VI. they allege as their principal grounds for being satisfied
—*cont.* that the building is so unfit.

(2) Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under Part I of the Act of 1930, or under Part I of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.

Payments in
respect of
well-main-
tained
houses.

64.—(1) Where as respects a dwelling-house which is made the subject of a compulsory purchase order, whether under Part I of the Act of 1930 or under Part I of this Act, as being unfit for human habitation, or which is made the subject of a clearance order (being, in either case, an order made on or after the twentieth day of December, nineteen hundred and thirty-four) the Minister is satisfied, after causing the house to be inspected by an officer of the Ministry of Health, that, notwithstanding its sanitary defects, it has been well maintained, the Minister may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

- (a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the house; or
- (b) to one and a half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member of his family continuously during the three years immediately before that date, three times, the rateable value of the house;

whichever is the greater :

Provided that a payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been purchased compulsorily but not as being unfit for human habitation) and the site value thereof (that is to say the amount which is payable as compensation by virtue of its being purchased compulsorily as being unfit for human habitation, or which would have been so payable if it had been so purchased), and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

PART VI.
—*cont.*

- (3) A payment under this section shall be made—
- (a) if the house is occupied by an owner thereof, to him; or
 - (b) if the house is not so occupied, to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the authority think equitable in the circumstances :

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression “rateable value” means in relation to a house the value which, in the valuation list in force at the date on which the order is made, is shown on that date as the rateable value of the house, or, where the net annual value differs from the rateable value, as the net annual value.

65. Where a local authority have submitted to the Minister an order for the compulsory purchase of land in a clearance area, and the Minister, on an application for an authorisation under this section being made to him by the owner or owners of the land and the authority, is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the authority

Arrange-
ments where
acquisition
of land in
clearance
area found
to be un-
necessary.

PART VI,
—cont.

can secure the proper clearance of the area without acquiring the land, the Minister may—

- (a) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or
- (b) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such covenants have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section five of the Act of 1930.

Power to exchange clearance area land in lieu of sale under s. 5 of Act of 1930.

66.—(1) Where a local authority have purchased land comprised in, or surrounded by, or adjoining, a clearance area, and the owner of other land, being land which the authority have power to acquire, is willing to take the land in exchange for that other land, the authority may, in lieu of selling the land under subsection (1) of section five of the Act of 1930, exchange it for that other land either with or without paying or receiving money for equality of exchange.

(2) Any such exchange as aforesaid shall be deemed to be a transaction under the said section five, and in relation thereto the like provisions shall have effect as respects the land to be given in exchange by the local authority as have effect by virtue of the said section five as respects land sold thereunder.

Amendment of s. 4 of Act of 1930.

67.—(1) In section four of the Act of 1930 (which relates to property belonging to a local authority within or adjacent to a clearance area), for the words from the beginning of the section to the words “ and where any

such land ” there shall be substituted the following words :—

PART VI.
—cont.

“ Subject to the provisions of this section, a local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land ”.

(2) The following proviso shall be inserted at the end of the said section four :—

“ Provided that the foregoing provisions of this section shall not apply in the case of any land belonging to the local authority being workingmen’s dwellings which were acquired by them under any such Act or Order as is mentioned in section ninety-eight of the Housing Act, 1925 (in this Act referred to as “ the principal Act ”) and in such circumstances that the provisions of paragraph (1) of the Fifth Schedule to that Act took effect in relation thereto.”

(3) Any increase attributable to the amendment by this section of section four of the Act of 1930 in the sums payable out of moneys provided by Parliament by virtue of section twenty-six of that Act shall be defrayed out of moneys so provided.

Amendments of the enactments relating to housing.

68.—(1) The following amendments shall be made in section six of the Act of 1925 (which relates to the making of byelaws respecting houses intended or used for occupation by the working classes).

Amendment of Act of 1925, s. 6, as to byelaws.

(2) In subsection (1) of the said section six, for the words “ The power of making and enforcing byelaws under the Public Health Act, 1875, and the Public Health (London) Act, 1891, shall include the making and enforcing by local authorities of byelaws in the case of ”, there shall be substituted the words :—

38 & 39 Vict. c. 55.

“ A local authority for the purposes of Part III of this Act may, and if required by the Minister shall, make and enforce byelaws with respect to ” :

Provided that the foregoing provisions of this subsection shall not affect the validity of any byelaws made under the Public Health Act, 1875, or under

PART VI.
—cont.

the Public Health (London) Act, 1891, before the commencement of this Act by virtue of the power conferred by the said section six, but any such byelaws shall be deemed to have been made under the said section six and may be revoked or amended accordingly.

(3) As from the appointed day, paragraph (a) of subsection (1) of the said section six, and any byelaws made under the said section for the purposes specified in that paragraph, shall cease to have effect.

(4) The following paragraph shall be inserted after paragraph (j) of subsection (1) of the said section six :—

“(k) for the prevention of nuisances arising from or in a part of a building or an underground room in respect of which a closing order is in force”.

(5) Byelaws made under the said section six for any of the purposes therein specified may be made applicable to any house intended or used for occupation by the working classes, whether let in lodgings or occupied by members of more than one family or occupied by one family only, and the following subsection shall be inserted in the said section six after subsection (1) thereof :—

“(1.A.) The operation of any byelaws made under this section for any of the purposes specified therein may be limited to houses let in lodgings or occupied by members of more than one family”.

(6) For subsection (3) of the said section six the following subsections shall be substituted :—

“(3) If a local authority, when required by the Minister to make byelaws under this section for any of the purposes specified therein, fail to make, within such period as he may specify, byelaws satisfactory to him for those purposes, the Minister may himself make byelaws for those purposes, and any byelaws so made by him shall have effect, and shall be enforced, as if they had been made by the local authority and duly confirmed.

(4) The Minister shall be the confirming authority as respects byelaws made under this section.

(5) The provisions of the Public Health (London) Act, 1891, with respect to byelaws to be made or enforced by a sanitary authority under that Act, shall apply in relation to any byelaws to be made or enforced under this section by the Common Council of the City of London.

PART VI.
—*cont.*

(6) At least two months before the London County Council apply to the Minister for the confirmation of any byelaws made by them under this section they shall send a copy of the proposed byelaws to every metropolitan borough council by whom the byelaws will have to be enforced, and the county council shall consider any representations made to them thereon by any such metropolitan borough council."

69. The provisions of section fifty-seven of the Act of 1925 relating to the exercise by a local authority outside their district of powers conferred upon them by that section shall apply to a rural district council, and accordingly the words "Except where the local authority is a rural district council," in the said section, shall cease to have effect.

Amend-
ment of
Act of 1925,
s. 57, as
regards
rural district
councils.

70. Notwithstanding anything in subsection (3) of section fifty-eight of the Act of 1925, a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act, although that land is not immediately required for those purposes, if it appears to the Minister that it is likely to be so required within ten years, and accordingly the words "by agreement (but not otherwise)" in the said subsection shall cease to have effect, and at the end of the said subsection the following proviso shall be inserted—

Power to
purchase
compul-
sorily land
not imme-
diately
required.

"Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order."

71. The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land) shall not apply with respect to the sale by a local authority, under the powers conferred by

Sale of land
acquired for
purposes of
Part III of
Act of 1925.
8 & 9 Vict.
c. 18.

PART VI. the Act of 1925, of any land acquired by the authority for
 —cont. the purposes of Part III of that Act.

Amendment
 of Act of
 1925, s. 64,
 with respect
 to statutory
 undertakers.

72. In section sixty-four of the Act of 1925 (which relates to the compulsory purchase of land for the purposes of Part III of that Act) for the reference to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, there shall be substituted a reference to land which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking.

Compensa-
 tion on com-
 pulsory pur-
 chase for
 purposes of
 Part III of
 Act of 1925.

73. The following subsection shall be inserted at the end of section sixty-four of the Act of 1925:—

“(2) Where land is purchased compulsorily by a local authority for the purposes of this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of Part II of the Third Schedule to the Housing Act, 1930.”

Additional
 powers of
 London
 County
 Council
 as to
 provision of
 housing accom-
 modation.

74.—(1) Notwithstanding anything contained in section eighty of the Act of 1925 the London County Council shall be a local authority for the purposes of Part III of that Act as respects any part of the administrative county of London, other than the city of London, for the purpose of providing housing accommodation for persons of the working classes, being either—

- (a) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under the Act of 1930 for dealing with a clearance area or for the demolition of insanitary houses; or
- (b) accommodation required for the purpose of the abatement of overcrowding; or
- (c) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under Part I of this Act.

(2) Notwithstanding anything contained in section eighty of the Act of 1925 the London County Council shall be a local authority as respects any part of the administrative county of London, other than the city of

London, for the following purposes, that is to say, for the purposes of—

PART VI.
—cont.

- (a) paragraphs (b), (c) and (d) of subsection (1) of section fifty-seven of the Act of 1925;
- (b) subsection (2) of section fifty-seven of the Act of 1925, so far as that subsection relates to houses converted or acquired by a local authority;
- (c) paragraphs (b) and (c) of subsection (1) of section fifty-eight of the Act of 1925.

(3) Nothing in this section shall affect the powers conferred on a metropolitan borough council by the Act of 1925 or the Act of 1930 with respect to the provision of housing accommodation within their borough.

75. Section eighty-nine of the Act of 1925 shall have effect as if in paragraph (b) of subsection (2) thereof the words “ if the Minister makes a recommendation to that effect ” had been omitted, and as if for the words “ the “ period shall not exceed the period recommended by “ the Minister, nor in any case eighty years ” there had been substituted the words “ shall not exceed eighty years.”

Amend-
ment as to
terms of
loans by
Public
Works
Loan Com-
missioners.

76.—(1) It is hereby declared that, in subsection (3) of section ninety-two of the Act of 1925, the expression “ the value of the interest of the mortgagor ” means, in relation to an advance secured by a mortgage created by a person who acts in that behalf in a fiduciary capacity and who has also a beneficial interest in the property, the value of the interest which that person has power to mortgage by virtue of his fiduciary capacity.

Interpreta-
tion and
amendment
of Act of
1925, s. 92.

(2) The limit specified in subsection (4) of section ninety-two of the Act of 1925 on the estimated value of the fee simple in possession free from encumbrances of property in respect of which an advance or guarantee may be made or given under that section shall, as regards an advance or guarantee made or given after the thirty-first day of October, nineteen hundred and thirty-five, be reduced from fifteen hundred pounds to eight hundred pounds.

(3) An advance made under the said section ninety-two shall for the purposes of that section and of this section be deemed to be made on the date on which the mortgage securing the advance is executed.

PART VI.

—*cont.*

Provision of recreation grounds, &c., in connection with houses provided by a housing association.

77. For the purposes of section one hundred and seven of the Act of 1925 (which confers on a local authority power to provide buildings or land which will serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided by them) the housing accommodation in connection with which buildings or land may be provided under the said section shall include housing accommodation provided by a housing association under arrangements made with the local authority under this Act or under section twenty-nine of the Act of 1930.

Power of local authorities to enforce covenants against owner for time being of land.

78.—(1) Where—

- (a) a local authority have sold or exchanged land acquired by them under the Act of 1925, or any enactment repealed by that Act, or under the Act of 1930, or this Act, and the purchaser of the land, or the person taking the land in exchange, has entered into a covenant with the local authority concerning the land; or
- (b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of the said Acts;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

(2) Section one hundred and ten of the Act of 1925 shall cease to have effect.

Service of notices, &c.

79.—(1) Section one hundred and twenty-one of the Act of 1925 (which relates to the service of notices, orders or other documents) shall be amended as follows, that is to say :—

- (i) for paragraphs (c) and (d) of subsection (1) of the said section the following paragraphs shall be substituted—

“(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; 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 addressed to the secretary or clerk of the company or body at that office; or

(e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises."

(ii) Subsection (2) of the said section shall cease to have effect.

(2) Subsection (3) of section nineteen of the Act of 1930 shall have effect, and shall be deemed always to have had effect, as if for the reference therein to service of a demolition order made thereunder there had been substituted a reference to service of a copy of the order.

80.—(1) It is hereby declared that the reference to development in subsection (5) of section two of the Act of 1930 (which subsection provides that when a clearance order has become operative no land to which the order applies shall be used for building purposes or otherwise developed except as therein mentioned) includes a reference to the erection or placing on land of a hut, tent, caravan or other temporary or movable form of shelter.

Provisions
as to
caravans
and other
movable
forms of
shelter.

(2) The provisions of Part I of the Act of 1930 relating to buildings included in an area to which a clearance order relates, and of Part II of that Act relating to dwelling-houses, shall have effect in relation to any hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, in like manner as if it had been a building or dwelling-house.

PART VI.
—cont.

PART VI.

—*cont.*

Amendment
as to
extinguish-
ment of
rights of
way.

81. The provisions of subsection (1) of section thirteen of the Act of 1930 (which subsection enables a local authority with the approval of the Minister to extinguish by order any public right of way over land purchased by the authority under Part I of the said Act) shall be extended so as to enable a local authority who have resolved to purchase land in respect of which that section has effect, and over which a public right of way exists, to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.

Power of
local au-
thority to
cleansed from
vermin
building to
be demol-
ished under
clearance or
demolition
order.

82.—(1) If it appears to the local authority that a building, to which a clearance order or a demolition order under section nineteen of the Act of 1930 applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is (in the case of a clearance order) confirmed or (in the case of a demolition order) made and the date on which it becomes operative in relation to the building, serve notice in writing on the owner or owners of the building that the authority intend to cleanse it before it is demolished.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the building and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition :

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the building has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

(3) Where a local authority serve a notice under subsection (1) of this section in relation to a building, subsection (3) of section two, or subsection (1) of section twenty-one, as the case may be, of the Act of 1930 shall have effect in relation to the building subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

83.—(1) In section nineteen of the Act of 1930 the following subsection shall be inserted after subsection (1) :

“(1a) A person upon whom notice is served under the foregoing subsection shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer, and shall, within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.”

Limitation of time for offer to repair insanitary house.

(2) The following proviso shall be inserted at the end of subsection (2) of section twenty-two of the Act of 1930 :

“Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section nineteen of this Act was served an undertaking to carry out any works, unless the appellant complied with the requirements of subsection (1a) of the said section nineteen.”

84.—(1) The following section shall be substituted for section twenty of the Act of 1930—

“20. A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is occupied, or is of a type suitable for occupation by persons of the working classes, or in relation to any underground room which, by virtue of subsection (1) of section eighteen of the principal Act, is to be deemed to be unfit for human habitation, as they are empowered to take in relation to a dwelling-house,

Extension of power to make a closing order as to part of a building.

PART VI.
—cont.

subject, however, to this qualification that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority, but—

- (a) the approval of the authority shall not be unreasonably withheld; and
- (b) the authority shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.”

(2) Subsection (1) of section eighteen of the Act of 1925 shall have effect as if the words “habitually used as a sleeping place” had been omitted.

(3) In subsection (1) of section twenty-two of the Act of 1930 (which confers on persons aggrieved by any of the matters referred to in paragraphs (a) to (e) thereof a right to appeal to the county court) the following paragraph shall be inserted after paragraph (e)—

“(f) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force.”

(4) Any increase attributable to the amendment by this section of section twenty of the Act of 1930 in the sums payable out of moneys provided by Parliament by virtue of section twenty-six of that Act shall be defrayed out of moneys so provided.

Power of
London
County
Council to
act in
default of
metro-
politan
borough
council.

85.—(1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—

- (a) to make an inspection of their borough under section one of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or
- (b) to enforce the provisions of Part I of this Act relating to overcrowding; or

- (c) to enforce any byelaws made under section six of the Act of 1925 and for the time being in force; or
- (d) to exercise their powers under section twenty of the Act of 1930 in a case where those powers ought to have been exercised;

PART VI.
—cont.

the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.

(2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London County Council to perform such of the obligations of the metropolitan borough council under the original order within such time as may be specified in his order addressed to the London County Council.

(3) An order under the last foregoing subsection may provide that section one hundred and one of the Public Health (London) Act, 1891 shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.

86. Subsection (3) of section twenty-one of the Act of 1930 (which provides that where under Part II of that Act an undertaking has been given that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof) shall apply also in relation to any part of a building or underground room with respect to which a closing order is in force.

Extension of power to obtain possession of certain controlled premises.

87. Section forty of the Act of 1930 shall be amended as follows, that is to say,—

- (a) in subsection (1) thereof, for the words “ an order determining the lease ”, there shall be substituted

Power of county court to vary lease where premises demolished.

PART VI.
—cont.

the words “an order under this section”;
and

- (b) in subsection (2) thereof, for the words “order that the lease shall be determined”, there shall be substituted the words “make an order for the determination of the lease or for the variation thereof, and in either case”.

Amend-
ments as to
allowances
in respect of
demolitions,
&c.

88.—(1) In section forty-one of the Act of 1930 (which relates to the making of allowances to persons displaced from certain buildings) for the words “under Part I of this Act as being comprised in a clearance area, or under Part II of this Act, as being incapable of being rendered fit for human habitation,” there shall be substituted the words “either under Part I of this Act, or as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.”

(2) The following subsection shall be inserted at the end of the said section forty-one—

“(2) Where as a result of action taken by a local authority under Part I of this Act the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship which in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.”

Service of
notices as to
compulsory
purchase.

89. The following sub-paragraph shall be inserted at the end of paragraph 2 of Part I of the Second Schedule to the Act of 1930 (which paragraph specifies the modifications subject to which the Lands Clauses Acts are to be incorporated in compulsory purchase orders):—

“(v) Notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and twenty-one of the Housing Act, 1925, in relation to notices required to be served by or under that Act.”

90.—(1) In paragraph 1 of Part II of the Third Schedule to the Act of 1930 there shall be substituted for the references to such overcrowding as is dangerous or injurious to the health of the inmates, references to overcrowding within the meaning of Part I of this Act.

PART VI.
—cont.
Amendment
of Part II of
Third
Schedule to
Act of
1930.

(2) At the end of paragraph 3 of the said Part II the following words shall be inserted :—

“ but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbitrator and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective ”.

(3) At the end of the said Part II the following additional paragraph shall be inserted :—

“ 6. The arbitrator shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Part of this Schedule, and to the considerations mentioned in paragraph 4 thereof, and the amount (if any) by which compensation has been reduced by reference to each of those matters.”

General.

91.—(1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under Part I of the Act of 1930, or under section fifteen of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by Part I of the Act of 1930, or the provisions of Part I of this Act relating to re-development areas, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

Provisions
as to
apparatus
of statutory
undertakers
in land
dealt with
by local
authority
under the
Housing
Acts.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in

PART VI.
—*cont.*

writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
- (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street

by a local authority under powers exercisable by virtue of the Act of 1925, the Act of 1930, or this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

PART VI.
—cont.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of, the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—

- (a) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;
- (b) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

PART VI.
—*cont.*

(7) In section thirteen of the Act of 1930 the following subsection shall be substituted for subsection (2):—

“(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under, or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.”

(8) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Amend-
ments of
Small
Dwellings
Acquisition
Acts.

92.—(1) The limit on the market value of houses in respect of which an advance may be made under the Small Dwellings Acquisition Acts, 1899 to 1923, shall, as regards an advance made after the thirty-first day of October, nineteen hundred and thirty-five, be reduced from twelve hundred pounds to eight hundred pounds.

(2) The rate of interest on advances under the said Acts shall, as regards advances made after the commencement of this Act, be a rate one quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925.

(3) An advance made under the said Acts shall for the purposes of those Acts and of this section be deemed to be made on the date on which the instrument securing the repayment of the advance is executed.

PART VI.
—*cont.*

93. Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

Authenti-
cation of
certificates.

94. It shall be the duty of every local authority for the purposes of Part III of the Act of 1925 by whom any house is erected under the enactments relating to the housing of the working classes after the commencement of this Act, whether with or without financial assistance from the Government, to secure—

Require-
ments to
be observed
by local
authorities
in erection
of houses.

- (a) that a fair wages clause, complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments, is inserted in all contracts for the erection of the house; and
- (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.

95.—(1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith.

Buildings
situated in
districts
of more
than one
local
authority.

(2) Whilst such an agreement as aforesaid is in force the Housing Acts, 1919 to 1931, and this Act shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

PART VI.

—cont.

Expenses of
London
County
Council.

96. There shall be defrayed as expenses for general county purposes any expenses incurred by the London County Council—

- (a) in connection with any action taken by them under Part I of this Act, or taken by them in connection with the provision and maintenance of housing accommodation required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan;
- (b) in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough, in connection with any such action as aforesaid taken by that council; or
- (c) in making any additional contribution out of the county fund under section forty-one of, and paragraph 8 of Part III of the Fourth Schedule to, this Act.

Interpreta-
tion.

97.—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

9 & 10 Geo. 5.
c. 36.

“The Act of 1919” means the Housing, Town Planning, &c. Act, 1919:

13 & 14 Geo. 5.
c. 24.

“The Act of 1923” means the Housing, &c. Act, 1923:

14 & 15 Geo. 5.
c. 35.

“The Act of 1924” means the Housing (Financial Provisions) Act, 1924:

15 & 16 Geo. 5.
c. 14.

“The Act of 1925” means the Housing Act, 1925:

19 & 21 Geo. 5.
c. 39.

“The Act of 1930” means the Housing Act, 1930:

21 & 22 Geo. 5.
c. 39.

“The Act of 1931” means the Housing (Rural Authorities) Act, 1931:

“The Housing Acts, 1919 to 1931,” means the Acts referred to in the foregoing definitions:

“Agricultural population” has the meaning assigned to it by subsection (2) of section thirty-four of the Act of 1930:

“Apparatus” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid

down or used for or in connection with the carrying, conveying, or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps :

“ The appointed day ” means such day as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act and for different localities :

“ Flat ” means a separate and self-contained set of premises constructed for use for the purposes of a dwelling-house and forming part of a building from some other part of which it is divided horizontally, and “ block of flats ” means a building which contains two or more flats and which consists of three or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling-house :

“ Housing association ” has the meaning assigned to it by section twenty-six of this Act.

“ Loan charges ” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund :

“ Statutory security ” has the meaning assigned to it by Part IX of the Local Government Act, 1933 :

“ Statutory undertakers ” means any persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

(2) In this Act, references to a local authority, where not limited by the context to references to the local authority for the purpose of particular provisions of the enactments relating to housing and unless the context otherwise requires, include references to the Common Council of the City of London, the London County Council, a metropolitan borough council, and the council of a borough, urban district or rural district.

PART VI.
—*cont.*

(3) In the Act of 1930, unless the context otherwise requires, the expression “this or the principal Act” shall be construed as including references to the Act of 1925, the Act of 1930 and this Act.

Conse-
quential,
drafting
and other
minor
amend-
ments.

98. The amendments specified in the second column of the Sixth Schedule to this Act, being—

- (i) as respects those contained in Part I of the said Schedule, consequential amendments; and
- (ii) as respects those contained in Part II of the said Schedule, drafting amendments or other amendments of a minor character designed to facilitate consolidation by removing inconsistencies of language and repealing obsolete provisions;

shall be made in the enactments specified in the first column of the said Schedule.

Repeals.

99. The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, as from the dates specified therein.

Short title,
construc-
tion and
extent.

100.—(1) This Act may be cited as the Housing Act, 1935, and the Act of 1925, the Act of 1930, and this Act may be cited together as the Housing Acts, 1925 to 1935.

(2) This Act, except sections thirty-seven, thirty-eight and ninety-two thereof, shall be construed as one with the Act of 1925 and the Act of 1930, and sections thirty-seven and thirty-eight of this Act shall be construed as one with the Housing (Rural Workers) Acts, 1926 and 1931.

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

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

SCHEDULES.

FIRST SCHEDULE.

Sections 2, 4,
6, 12.

NUMBER OF PERSONS PERMITTED TO USE A HOUSE
FOR SLEEPING.

For the purposes of Part I of this Act the expression "the permitted number of persons" means, in relation to any dwelling-house, either—

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists, or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less :

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

ANNEX.

Table I.

Where a house consists of—

(a) One room	-	-	-	2.
(b) Two rooms	-	-	-	3.
(c) Three rooms	-	-	-	5.
(d) Four rooms	-	-	-	7½.
(e) Five rooms or more	-	-	-	10, with an additional 2 in respect of each room in excess of five.

1ST SCH.
—*cont.*

Table II.

Where the floor area of a room is—

(a) 110 sq. ft. or more - -	2.
(b) 90 sq. ft. or more, but less than 110 sq. ft. - -	1½.
(c) 70 sq. ft. or more, but less than 90 sq. ft. - -	1.
(d) 50 sq. ft. or more, but less than 70 sq. ft. - -	½.
(e) Under 50 sq. ft. - -	Nil.

Section 15.

SECOND SCHEDULE.

PROVISIONS AS TO THE COMPULSORY PURCHASE OF LAND IN CONNECTION WITH RE-DEVELOPMENT IN ACCORDANCE WITH A RE-DEVELOPMENT PLAN.

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map, the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);
- (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
- (c) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

8 & 9 Vict.
c. 20.

13 & 14
Geo. 5. c. 20.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

- (i) the compensation shall be assessed in accordance with such of the provisions of section seventeen of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case.
- (ii) the arbitrator shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building,

2ND SCH.
—cont.

or the making of the improvement or alteration, or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation ;

- (iii) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon 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 the Lands Clauses Acts, but shall be paid to the Ecclesiastical 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.
- (iv) notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and twenty-one of the Act of 1925, in relation to notices required to be served by or under that Act.

3. Before submitting the order to the Minister the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be inspected ; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee of any land comprising or consisting of a house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. If any objection is duly made in writing by any of the persons upon whom notices are required to be served, stating as the ground thereof either—

- (a) that any house indicated in the order as being unfit for human habitation and not capable at reasonable

2ND SCH.
—cont.

expense of being rendered so fit ought not to have been so indicated; or

- (b) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or
- (c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Minister can be dealt with by the arbitrator by whom the compensation is to be assessed;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification; and in any other case the Minister may confirm the order with or without modification and either after, or without, causing a public local inquiry to be held :

Provided that the order as confirmed by the Minister shall not—

- (i) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification; or
- (ii) authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

5. In construing, for the purposes of this Schedule or any order made thereunder, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

6. So soon as may be after the order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at a public local inquiry in support of his objection.

THIRD SCHEDULE.

Sections 31,
40..

COMPUTATION OF EXCHEQUER CONTRIBUTION TOWARDS PROVISION OF FLATS ON SITES OF HIGH VALUE AND OF VALUE OF SITES.

1. In relation to an Exchequer contribution under section thirty-one of this Act "the appropriate sum" means in the case of a site of such cost as is specified in the first column of the following Table, the corresponding sum specified in the second column of the said Table :—

TABLE.

Where the cost of the site as developed per acre—	£	s.	d.
exceeds £1,500 but does not exceed £4,000 - - -	6	0	0
exceeds £4,000 but does not exceed £5,000 - - -	7	0	0
exceeds £5,000 but does not exceed £6,000 - - -	8	0	0
exceeds £6,000 - - -	8	0	0

increased by £1 0 0
for each additional £2,000, or
part of £2,000, in the cost per
acre of the site as developed.

2. For the purposes of section thirty-one of this Act and of this Schedule, the cost of a site as developed means the cost, or, in the case of a site not purchased by the local authority for the purpose of the provision of the flats, the value as certified by the Minister, of the site, including any expenses which in the opinion of the Minister are requisite for making the site available for that purpose and which are incurred by the authority in the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land, and any expenses incurred in respect of any other matters which the Minister with the consent of the Treasury may approve as properly forming part of the cost of making the site available for that purpose.

The amount of the expenses to be included under this paragraph shall be such as may be estimated by the authority and approved by the Minister.

3. In determining the number of acres in a site, any land which is acquired for the purpose of the provision of the flats and which is used as new street space on which the block of flats will abut shall be deemed to form part of the site.

Sections 40,
41, 43, 44, 50,
53, 96.

FOURTH SCHEDULE.

PART I.

ENACTMENTS PROVIDING FOR EXCHEQUER CONTRIBUTIONS.

1. Section seven of the Act of 1919.
2. Paragraph (b) of subsection (1) of section one of the Act of 1923 (as originally enacted).
3. Subsection (3) of section one of the Act of 1923.
4. Paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).
5. The subsection directed to be inserted in section four of the Housing (Rural Workers) Act, 1926, by section thirty-eight of this Act.
6. Section twenty-six of the Act of 1930.
7. Section one of the Act of 1931.
8. Part III of this Act.

PART II.

PROVISIONS AS TO THE DETERMINATION OF THE AMOUNT OF CERTAIN EXCHEQUER CONTRIBUTIONS PAYABLE UNDER SECTION 7 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

Contributions under S. 7 of the Act of 1919.

1. For the purposes of this Schedule—
 - (a) a scheme under the Act of 1919 means a scheme to which section seven of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof;
 - (b) all schemes and parts of schemes under the Act of 1919 which for the time being are being administered by a local authority shall be deemed to be a single scheme carried out by the authority.

2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under section seven of the Act of 1919 towards the loss resulting from

the carrying out of a scheme under the Act of 1919 by a local authority (not being the London County Council or a metropolitan borough council) shall be the amount, if any, by which the estimated loss for that year in respect of the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, exceeds an amount equal to the produce (ascertained as provided by paragraph 8 of this Part of this Schedule) of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme.

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate weekly rents of the houses provided or acquired by the authority under the scheme which, as at the thirty-first day of March, nineteen hundred and thirty-five, are accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, multiplied by fifty-two and one-sixth) and any other items of income which, in the opinion of the Minister, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner:—

(1) there shall be ascertained—

(a) the aggregate amount of the charges during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances;

(b) the aggregate amount of the gross estimated rent income during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, as accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(c) the aggregate of, first, the amount which bears the same proportion to the estimated annual rent income as the amount ascertained under head (a) of this sub-paragraph bears to the amount

4TH SCH.
—*cont.*

ascertained under head (b) thereof and, secondly, an amount equal to two per cent. of the estimated annual rent income;

(d) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(e) any other items of expenditure which, in the opinion of the Minister, may properly be taken into account:

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (d) of this subparagraph shall, unless the Minister otherwise directs, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925, whichever is the less.

- (2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing subparagraph.

6. If and to the extent to which an agreement made before the first day of April, nineteen hundred and thirty-five, by a local authority with the Minister under regulations made in pursuance of subsection (2) of section forty-five of the Act of 1930 provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Part of this Schedule.

7. Where, after the thirty-first day of March, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Minister may make such adjustments of the amounts of the estimated losses in respect of periods subsequent to the date of change as he may deem equitable.

8. In relation to a scheme under the Act of 1919, the produce of a rate of one penny in the pound for any financial year levied in any area shall be an amount ascertained in accordance with the following provisions :—

4TH SCH.
—cont.

- (1) The produce of a rate for any period shall be deemed to be the amount actually realised during that period by the collection of rates in that area.
- (2) The produce of a rate of one penny in the pound shall be deemed to be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the rate.
- (3) Where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amount shall be separately ascertained in respect of each of those parts in accordance with the foregoing sub-paragraphs, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

Contributions under S. 1 (3) of the Act of 1923.

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

PART III.

LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of an amount equal to the produce, ascertained as provided by paragraph 8 of Part II of this Schedule, of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not

4TH SCH.
—cont.

approved by the Minister for the purpose of the determination of the Exchequer contribution :

Provided that, in respect of any year during which no contributions are payable by the Minister in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) for that year in respect of the scheme.

2. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 as originally enacted to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or an amount equal to the average annual amount contributed out of the general rate fund in respect of the house during the five financial years ending on the thirty-first day of March, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924) to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of September, nineteen hundred and twenty-seven, three pounds fifteen shillings a year payable for a period of forty years :

Provided that—

- (a) where immediately before the first day of April, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as

estimated for the purpose of compliance with the requirements of paragraph (e) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or three pounds fifteen shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum;

- (b) in the case of a house in respect of which the county council make a contribution, this paragraph shall have effect as if there were substituted, for references therein to a sum of four pounds ten shillings or of three pounds fifteen shillings, references to the difference between that sum and the amount of the county council's contribution.

5. In respect of a house in respect of which the Minister has undertaken under section twenty-six of the Act of 1930 to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to three pounds fifteen shillings a year payable for a period of forty years, or, if the county council make a contribution, the difference between that contribution and three pounds fifteen shillings.

6. The contributions payable by the local authority under subsection (1) of section thirty-four of this Act.

7. The contributions payable by the local authority under section thirty-nine of this Act.

8. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

9. Where—

- (a) a local authority satisfy the Minister that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Part of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the first day of April, nineteen hundred and

4TH SCH.
—*cont.*

thirty-five, be of an amount less than the amount specified in that paragraph; or

- (b) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4 or 5 of this Part of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution;

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Minister may determine.

PART IV.

MODIFICATION OF FINANCIAL PROVISIONS AS TO LONDON.

1. As from the first day of April, nineteen hundred and thirty-five—

- (a) the London County Council shall pay to the council of a metropolitan borough for each financial year an amount equal to any loss which may be incurred for that year by the metropolitan borough council in carrying out a scheme under the Act of 1919;
- (b) for the purposes of the foregoing sub-paragraph the loss for any year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year, and that expenditure and income shall be ascertained in accordance with the provisions of paragraphs 4 to 7 of Part II of this Schedule;
- (c) notwithstanding anything in any enactment, no Exchequer contribution shall be payable to a metropolitan borough council under section seven of the Act of 1919, but the amount of the Exchequer contribution payable to the London County Council for any financial year in respect of schemes under the Act of 1919 shall be the amount, if any, by which the aggregate of, first, the estimated loss for that year in respect of the carrying out of any such scheme by the London County Council (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) and, secondly, the amount of the sums payable by the London County Council to metropolitan borough councils under this paragraph for that year, exceeds an amount equal to the produce of a rate of one penny in the pound for that year levied in the

administrative county of London other than the city of London, ascertained as provided by paragraph 8 of Part II of this Schedule.

4TH SCH.
—cont.

2. For the purposes of the application to a metropolitan borough council of the provisions of Part III of this Act relating to the contributions to be made by a local authority out of the general rate fund, the following paragraph shall be substituted for paragraph 1 of Part III of this Schedule :—

“ 1. In respect of a scheme under the Act of 1919, carried out by the local authority, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.”

3. For the purposes of the application to the Common Council of the city of London, to the London County Council and to a metropolitan borough council, of the provisions of Part III of this Act relating to the contributions to be made by a local authority out of the general rate fund, the provisions of paragraphs 4 and 5 of Part III of this Schedule relating to the determination of the amount of such contributions in a case where the county council make a contribution shall not have effect, but where a contribution is made to the Common Council of the city of London, to the London County Council or to a metropolitan borough council for any year under any of the enactments referred to in subparagraphs (b) and (c) of the next succeeding paragraph in relation to any scheme or house referred to in Part III of this Schedule, the amount of the contribution to be made by that council for that year in respect of that scheme or house shall be reduced by the amount of the contribution so made.

4. The Common Council of the city of London and a metropolitan borough council who are required to keep a Housing Revenue Account shall carry to the credit of the account, in addition to the amounts in respect of incomings for any year which they are required by section forty-three of this Act to carry to the credit of that account,—

- (a) an amount equal to the aggregate amount of any payments made to them for that year by the London County Council in respect of loss incurred by them in carrying out a scheme under the Act of 1919;
- (b) an amount equal to the aggregate amount of any supplementary contributions made to them for that year by the London County Council under subsection (6) of section one of the Act of 1923, or under subsection (5) of section two of the Act of 1924;

4TH SCH.
—cont.

(c) an amount equal to the aggregate amount of any contributions, towards expenses incurred by them in relation to matters in respect of which the Housing Revenue Account is kept, made to them for that year by the London County Council or otherwise under subsection (3) of section eighty of the Act of 1925, or under proviso (ii) to subsection (5), or subsection (8), of section sixteen of the Act of 1930, or under section twenty-two of this Act.

5. The London County Council shall debit to their Housing Revenue Account, in addition to the amounts in respect of outgoings for any year which they are required by section forty-three of this Act to debit to that account, an amount equal to the aggregate amount of any payments made by them for that year in respect of losses incurred by metropolitan borough councils in carrying out schemes under the Act of 1919.

6. For references in Part III of this Act and in this Schedule to the general rate fund of a local authority there shall be substituted, in relation to the London County Council, references to the county fund.

Section 52.

FIFTH SCHEDULE.

ENACTMENTS WITH RESPECT TO CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES CEASING TO HAVE EFFECT.

The Act of 1924—

Section two - In subsection (1), the words "if the houses
" are subject to special conditions as
" hereinafter provided in this Act ", so
far as regards houses provided by a local
authority.

In subsection (5), the words " which is subject
to special conditions "; and the words
from " and for the purposes " to the end
of the subsection.

Section three - Subsection (1).

The Act of 1930—

Section twenty-
six. In subsection (1), the words from " and to
such conditions " to " he may determine ".

In subsection (2), the words from " in respect
of which " to the end of the subsection.

In subsection (4), the words from " unless the
local authority " to " provided by them or ".

The Act of 1930

—*cont.*

5TH SCH.

—*cont.*

- Section twenty-seven. The whole section, so far as regards houses provided by a local authority.
- Section thirty - The whole section.
- Section thirty-four. In subsection (1), the words from “ which if those proposals are approved ” to “ Part III of this Act ”.
In subsection (2), the words from “ payable, subject as hereinafter provided ” to “ agricultural population ”.
Subsection (4).
- Section forty-four. Subsection (1), so far as regards subsection (1) of section three of the Act of 1924.
- Section forty-six. Proviso (a).
- Section forty-eight. Subsection (2).
- Section fifty-four. Subsection (5).

The Act of 1931—

- Section one - In subsection (1), the words “ on such conditions as he may with the like approval determine ”; and subsection (7).

SIXTH SCHEDULE.

Section 98.

CONSEQUENTIAL, DRAFTING AND MINOR AMENDMENTS.
PART I.**CONSEQUENTIAL AMENDMENTS.**

- The Act of 1925 In section ninety, in subsection (3) for the word “ sum ” there shall be substituted the word “ advance ”; and in subsection (4), in paragraph (b), the word “ solely ” shall be omitted, and in paragraph (c), the words “ on the security of a mortgage of any land or houses solely ” shall be omitted, after the words, “ proposed to be mortgaged ” there shall be inserted the words “ in pursuance of subsection (2A) of this section ”, and for the words “ the houses on the land mortgaged ” there shall be substituted the words “ houses or other work on land so mortgaged ”;

6TH SCH.
—cont.

The Act of 1925
—cont.

The following paragraph shall be inserted at the end of section one hundred and twenty-seven—

“(d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part I of the Housing Act, 1935, the number of persons permitted to use the house for sleeping.”

The Act of 1930

In section twenty-one, in subsection (2), the words “the terms of” shall be omitted.

In section fifty-nine, at the end of subsection (1), there shall be inserted the words “or for the purpose of enabling re-development in accordance with a re-development plan to be proceeded with.”

In Part I of the Second Schedule, sub-paragraph (b) of paragraph 3 shall be repealed and at the end of the paragraph there shall be inserted the following new sub-paragraph—

“(b) what buildings, if any, to be purchased compulsorily are included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.”

In Part I of the Second Schedule, paragraph (c) of proviso (ii) to paragraph 5 shall be repealed and at the end of that proviso there shall be inserted the following new paragraph—

“(c) authorise the local authority to purchase compulsorily any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.”

The Local Government Act,
1933.

In the Eighth Schedule, for the reference to public utility societies there shall be substituted a reference to housing associations.

PART II.

6TH SCH.
—*cont.*

DRAFTING AND OTHER MINOR AMENDMENTS.

- The Municipal Corporations Act, 1882. Section one hundred and eleven and Part III of the Eighth Schedule shall be repealed.
- The Act of 1924 In section eight, after the words " the provision of houses " there shall be inserted the words " whether under this Act or any other Act."
- The Act of 1925 In subsection (4) of section one, for the words " with a population according to the last census for the time being " there shall be substituted the words " being a borough or " district which at the date of the contract " had, according to the last published census, " a population ".
- In subsection (2) of section two, the words from " but shall not apply " to the end of the section shall be repealed.
- In section five, after the words " any person who " there shall be inserted the words " while the default continues ".
- In section thirty-two, for subsection (6) there shall be substituted the following subsection:—
- " (6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last-mentioned Act every charging order under this section which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered."
- In paragraph (c) of subsection (1) of section fifty-nine, for the words " or exchange it," there shall be substituted the words " or part " thereof, or exchange the land or part " thereof".
- In section sixty-seven, in subsection (2) the words " by regulations " shall be repealed.

6TH SCH.:
—cont.

The Act of 1925
—cont.

In section seventy-eight, subsection (1) shall be repealed.

In section ninety, in subsection (4), in paragraph (b), after the words "fee simple" there shall be inserted the words "absolute in possession".

In section ninety-two, in subsection (4), after the word "advance" where that word occurs for the fourth time, there shall be inserted the words "or guarantee".

In subsection (3) of section one hundred and three, for the words "common or open space", in both places where those words occur, there shall be substituted the words "common, open space or allotment"

In subsection (3) of section one hundred and six, after "purchased", in both places where that word occurs, there shall be inserted the words "or appropriated".

Section one hundred and thirteen shall be repealed.

Section one hundred and twenty-six shall be repealed.

In the Fourth Schedule, in paragraph 1, for subparagraph (b) there shall be substituted the following sub-paragraph—

"(b) bear interest at such rate as the local authority may determine at the time of the issue of the bonds".

The Act of 1930

In subsection (1) of section five, for the reference to section ninety-five of the Public Health Acts Amendment Act, 1907, there shall be substituted a reference to section one hundred and sixty-three of the Local Government Act, 1933.

In subsection (3) of section twenty-three the word "town" shall be omitted.

In subsection (1) of section fifty-one, for the words "the latest published return of the Registrar-General" there shall be substituted the words "the last published census".

In subsection (1) of section fifty-nine, after the figures "1925" there shall be inserted the words "as amended by any subsequent enactment".

The Act of 1930
—cont.

In subsection (1) of section sixty, for the words in paragraph (b), "the latest census return of the Registrar-General published" there shall be substituted the words "the last published census".

8TH SCH.
—cont.

In section sixty-two, at the end of subsection (1) there shall be inserted the words "the expression 'planning scheme' means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts".

In section sixty-two, in subsection (3), after the words "byelaws in operation in the district", there shall be inserted the words "or of any enactment in any local Act in operation in the district dealing with the construction and drainage of new buildings and the laying out and construction of new streets".

In Part II of the Second Schedule for the words "sub-paragraphs (i) and (iii)" there shall be substituted the words "sub-paragraph (iii)", the word "and" where it occurs for the third time shall be omitted and after the words "paragraph 5" there shall be inserted the words "and paragraph 6"

SEVENTH SCHEDULE.

Section 99.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section one hundred and eleven. In the Eighth Schedule, Part III.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Section five.

7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	<p>In section one, in subsection (1), the words “subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine.”</p> <p>In section twenty-two, paragraph (b).</p>
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	<p>In section two, in subsection (1), the words “if the houses are subject to special conditions as hereinafter provided in this Act”, so far as regards houses provided by a local authority; in subsection (5), the words “which is subject to special conditions” and the words from “and for the purposes” to the end of the subsection.</p> <p>In section three, subsection (1).</p> <p>In section fourteen, in subsection (1), the words “and for the purposes of paragraph (e) of subsection (1) of section three of this Act, the amount of any such contribution shall be treated as if it were part of the expenses borne by the county rate.”</p>
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	<p>In section two, in subsection (2) the words from “but shall not apply” to the end of the section.</p> <p>In section eighteen, the words “habitually used as a sleeping place.”</p> <p>In section forty-six, in subsection (1), the proviso.</p> <p>In section fifty-seven, in subsection (1), the words</p>

7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14—cont.	The Housing Act, 1925 —cont.	<p>“ Except where the local authority is a rural district council.”</p> <p>In section fifty-eight, subsection (2), and in subsection (3) the words “ by agreement (but not otherwise).”</p> <p>In section sixty-seven, in subsection (2), the words “ by regulations.”</p> <p>In section seventy-eight, subsection (1).</p> <p>Section ninety-five.</p> <p>Section one hundred and ten.</p> <p>Section one hundred and thirteen.</p> <p>In section one hundred and twenty-one, subsection (2).</p> <p>Section one hundred and twenty-six.</p> <p>In section one hundred and thirty-five, the definition of “ Public utility society.”</p>
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930.	<p>In section four the words from “ with the intention of demolishing ” to “ provision of houses for the working classes ”; and the word “ such.”</p> <p>In section seven, subsection (1).</p> <p>In section eight, in subsection (1), paragraph (iii); and subsection (3).</p> <p>In section sixteen, in subsection (2), the proviso; in subsection (3) the words “ to declare any area to be an improvement area,” the words from “ to make any byelaws ” to the words “ safety from fire,” and the words from “ and observe and enforce compliance ” to the words “ safety from fire ”; in subsection (4), the proviso; in subsection (5), in</p>

7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 39—cont.	The Housing Act, 1930 —cont.	<p>proviso (ii) the words “ or as part of an improvement area,” and in proviso (iii) the words “ as an improvement area or ”; and subsection (9).</p> <p>In section twenty-one, in subsection (2), the words “ the terms of ”.</p> <p>In section twenty-three, in subsection (3), the word “ town ”.</p> <p>In section twenty-five, subsection (2).</p> <p>In section twenty-six, in subsection (1) the words from “ and to such conditions ” to “ he may determine ”; in subsection (2), the words from “ in respect of which ” to the end of the subsection; in subsection (4) the words from “ unless the local authority ” to “ provided by them or ”; subsection (6).</p> <p>Section twenty-seven, so far as regards houses provided by a local authority.</p> <p>Section twenty-eight.</p> <p>Section twenty-nine.</p> <p>Section thirty.</p> <p>In section thirty-four, in subsection (1), the words from “ which if those proposals are approved ” to “ Part III of this Act ”; in subsection (2), the words from “ payable, subject as hereinafter provided ” to “ agricultural population ”; and subsection (4).</p> <p>In section forty-four, subsection (1), so far as regards subsection (1) of section three of the Act of 1924.</p> <p>Section forty-five.</p> <p>In section forty-six, proviso (a).</p> <p>In section forty-eight, subsection (2).</p>



7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5 c. 39—cont.	The Housing Act, 1930 —cont.	In section fifty-one, in subsection (2), the word "either," and the words "or as an improvement area," wherever those words respectively occur. In section fifty-four, subsection (5). Section fifty-five. In the Second Schedule, in Part I, in paragraph 3, sub-paragraph (b); and in paragraph 5, in proviso (ii), paragraph (c).
21 & 22 Geo. 5. c. 39.	The Housing (Rural Authorities) Act, 1931.	In section one, in subsection (1), the words "on such conditions as he may with the like approval determine"; and subsection (7).

PART II.

ENACTMENTS REPEALED AS FROM THE 1ST APRIL,
1935.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section six, subsection (1), so far as it saves the validity of and the power to amend regulations made under section seven of the Act of 1919 or section eight of the Housing Act, 1921, not being regulations relating to schemes for the provision of houses for persons in the employment of or paid by a county council or a statutory committee thereof; and subsection (3).

7TH SCH.
—cont.

PART III.

ENACTMENT REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section six, in subsection (1), paragraph (a).

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**CHAPTER 41.**

An Act to make further and better provision for the prevention of overcrowding in Scotland, the re-development of areas in connection with the provision of housing accommodation, and the re-conditioning of buildings, to make provision for the establishment in Scotland of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts and subsidies, and to amend the enactments relating to housing in Scotland; and for purposes connected with the matters aforesaid. [2nd August 1935.]

**B**E it enacted by the King'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.

OVERCROWDING, RE-DEVELOPMENT AND  
RE-CONDITIONING.

*Prevention of overcrowding.*

**1.**—(1) It shall be the duty of every local authority before such dates as the Department may, after consultation with the authority, fix as respects their district,

Duty of  
local  
authority  
to inspect

to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Department a report showing in such detail as the Department may direct the result of the inspection and the additional housing accommodation required in order to put an end to overcrowding in their district, and, unless they satisfy the Department that the additional accommodation required, in so far as it is required for persons of the working classes, will be otherwise provided, to prepare and submit to the Department proposals for the provision thereof.

PART I.  
—*cont.*  
and to  
make  
reports and  
proposals  
as to over-  
crowding.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Department so direct, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Department give a direction under this subsection, they may fix dates before which the performance of the said duties is to be completed.

(3) Any proposals under this section for the provision of additional housing accommodation shall be accompanied by a statement of the steps which the local authority propose to take to secure that the rehousing of families living under the worst conditions as regards overcrowding or otherwise living under unsatisfactory housing conditions is provided for first.

2.—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

Definition  
of over-  
crowding.

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or
- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the First Schedule to this Act.

(2) In computing for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a

PART I. child who has attained one year and is under ten years  
—*cont.* old shall be reckoned as one half of a unit.

Offences in  
relation  
to over-  
crowding.

3.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty shillings.

(2) The occupier of an overcrowded dwelling-house shall not, unless he has failed to accept an offer of suitable alternative accommodation or to secure the removal of any person living in the house who is not a member of his family and whose removal is reasonably practicable, be guilty of an offence under this section in respect of the overcrowding of the house if—

- (i) the house was overcrowded on the appointed day, or became overcrowded on a subsequent day by reason of a child attaining one of the ages referred to in the last foregoing section; and
- (ii) all the persons sleeping in the house are either—
  - (a) persons who were living there on the appointed day or on such subsequent day, as the case may be, and have continuously thereafter lived there; or
  - (b) children of any of those persons born thereafter :

Provided that, where the occupier of the house is an owner thereof who acquired his title prior to the commencement of this Act, the provision with regard to failure to accept an offer of suitable alternative accommodation shall not apply if acceptance of the offer would cause such occupier serious hardship in connection with the disposal of the house.

(3) The occupier of a dwelling-house shall not be guilty of an offence under this section in respect of any overcrowding thereof which is occasioned by the residence therein for a period not exceeding sixteen days of a person to whom lodging is afforded by the occupier otherwise than for gain.



4.—(1) Where, on the representation of a local authority and after consultation with the Scottish Housing Advisory Committee appointed under this Act, the Department are satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the First Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, they may by order direct that, in relation to those houses or to such of them as are of a specified class, the said provisions shall, during such period not exceeding three years from the coming into operation of the order as may be specified therein and any extension of that period which the Department, upon application by the local authority, may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different classes of houses.

PART I.  
—*cont.*  
Power of Department to increase the permitted number temporarily to meet exceptional conditions.

(2) After consultation with the local authority and the said Committee, the Department may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

5.—(1) Where it appears to a local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

Power of local authority to authorise the temporary use of a house by persons in excess of the permitted number.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their

PART I.  
—*cont.*

discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

Provision  
for seasonal  
influx of  
holiday  
visitors.

6.—(1) With a view to making provision for any seasonal influx of holiday visitors into their district, it shall be lawful for a local authority, with the approval of the Department, to pass a resolution authorising, subject to such conditions as may be specified therein, the occupiers of houses generally or houses of any specified class in the authority's district, or in any specified part thereof, to permit during any period for which the resolution is in force such number of persons in excess of the permitted number to sleep in the said houses as may be specified in the resolution.

(2) A resolution under the foregoing subsection shall remain in force during the year in which it is passed for such period or periods not exceeding sixteen weeks in the aggregate as may be specified in the resolution.

(3) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him in accordance with any resolution under subsection (1) of this section.

Information  
with respect  
to the per-  
mitted  
number and  
certification  
of number  
and floor  
areas of  
rooms.

7.—(1) The landlord of a dwelling-house shall not, after the appointed day, let or agree to let it to any person unless he has furnished to him a written statement in the prescribed form of the permitted number of persons in relation to the house and has obtained from him a written acknowledgment in the prescribed form, which acknowledgment the landlord shall be bound to exhibit to the local authority on demand by them, and any

person who contravenes or fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding two pounds.

PART I.  
—cont.

(2) It shall be the duty of the local authority, as soon as may be after they have ascertained the floor area of the rooms of a dwelling-house, to inform the landlord and the occupier thereof in writing of the permitted number of persons in relation to the house, and, on application by the landlord or the occupier of any dwelling-house, to give him the like information in relation thereto. A statement furnished to the occupier of a house in pursuance of the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

(3) Section one hundred and nine of the Act of 1925 (which confers powers of entry for certain purposes) shall apply for the purpose of the measurement of the rooms of a dwelling-house with a view to the ascertainment of the permitted number of persons. 15 & 16  
Geo. 5. c. 15.

(4) The Department shall prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the First Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height.

(5) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be evidence of the facts stated therein.

8.—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house. Recovery of  
possession  
of over-  
crowded  
house.  
13 & 14  
Geo. 5. c. 32.

(2) Where a dwelling-house is overcrowded in such circumstances as to render the occupier guilty of an offence, it shall be lawful for the local authority, after giving to the landlord written notice of their intention so to do, to take any such steps for the termination of the

PART I. occupier's tenancy or for his removal or ejection from the  
—*cont.* house as the landlord could take.

(3) Where, before the appointed day, any dwelling-house is overcrowded and has been overcrowded for at least six months, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the making of an order for the recovery of possession of the house or for the removal or ejection of the occupier, if the court is satisfied that it is reasonable to make such an order, and that suitable alternative accommodation has been offered to and is available for the occupier, and in the case of any such house it shall be lawful for the local authority to take any such steps for the termination of the occupier's tenancy or for his removal or ejection as the landlord could take :

Provided that no order for the removal or ejection of the occupier of a house to which the aforesaid Acts do not apply shall be made on the application of the local authority unless the court is satisfied as aforesaid.

13 & 14  
Geo. 5. c. 32.

(4) Where a landlord comes into possession of a house by virtue only of the provisions of this section, or of any steps taken by a local authority in pursuance thereof, then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

Enforce-  
ment of  
foregoing  
provisions.

9.—(1) It shall be the duty of a local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district.

(2) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and if the occupier makes default in complying with the requirement, or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty shillings.

## PART I.

—*cont.*

10. A local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding, and as to the enforcement thereof.

Power of local authority to publish information as to rights and duties as respects overcrowding.

11.—(1) It shall be the duty of the medical officer of health appointed by the local authority of any district to furnish annually to the Department and to the local authority, in accordance with regulations to be made by the Department, particulars with respect to the condition of the district in relation to overcrowding and in particular with respect to any cases in which dwelling-houses in respect of which the local authority have taken steps for putting an end to overcrowding have again become overcrowded.

Duty of medical officers to furnish particulars of overcrowding.

(2) Before furnishing particulars under the foregoing subsection, the medical officer of health shall consult with, or obtain a report from, the sanitary inspector of the authority.

12. In the foregoing provisions of this Part of this Act, and in the First Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

Definitions for purposes of provisions relating to overcrowding.

“ Dwelling-house ” means any premises used or intended to be used as a separate dwelling, not being premises which are entered in the valuation roll last authenticated at a rateable value exceeding forty-five pounds;

“ Landlord ” means, in relation to any dwelling-house, the person from whom the occupier derives his right to occupy it;

“ Room ” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“ Suitable alternative accommodation ” means, in relation to the occupier of a dwelling-house, a dwelling-house in which the occupier and his family can live without causing it to be overcrowded, being a house which the local authority

PART I.  
—cont.

certify to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and to be suitable in relation to his means.

*Re-development areas.*

Duty of local authority to secure re-development of areas in certain cases.

**13.**—(1) If a local authority are satisfied, as a result of an inspection carried out under section one of this Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say,—

- (a) that the area contains fifty or more working-class houses;
- (b) that at least one-third of the working-class houses in the area fall within any one or more of the following categories, that is to say—
  - (i) overcrowded and with less accommodation than three apartments;
  - (ii) unfit for human habitation, and not capable at a reasonable expense of being rendered so fit; and
  - (iii) so arranged as to be congested;
- (c) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and
- (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

the local authority shall cause the area to be defined on a map, and shall pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Department, and unless the Department within one month after the receipt thereof intimate to the authority their disapproval of the resolution, the authority shall as soon as may be after the expiry of the said period of one month publish in one or more newspapers circulating in their district a notice stating that the resolution

has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.

PART I.  
—*cont.*

14.—(1) Within six months after a local authority have published a notice of a resolution under the last foregoing section, or within such extended period as the Department may allow, the authority shall prepare and submit to the Department a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon and in particular the land intended to be used for the provision of houses for the working classes, for the erection of shops, for streets, and for open spaces. Re-develop-  
ment plan.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

(3) Unless the Department, within one month after the receipt of the re-development plan, intimate to the local authority their disapproval of the plan, the authority shall, as soon as may be after the expiry of the said period of one month—

- (a) publish in one or more newspapers circulating in their district a notice stating that the plan has been prepared and submitted to the Department, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and
- (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all public undertakers owning apparatus in that area.

(4) If any objection is duly made in writing by any of the persons upon whom notices are required to be served under the last foregoing subsection, or by the superior of, or any holder of a heritable security over, land in the defined area, the Department shall, unless the objection is withdrawn, cause a public local inquiry to be

PART I.  
—*cont.*

held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then approve the plan, either with or without modification (including the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), and in any other case the Department may approve the plan with or without any such modifications as aforesaid and either after or without causing a public local inquiry to be held.

(5) On receipt of notice of the Department's approval, the local authority shall publish in one or more newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Department of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the authority shall prepare and submit to the Department a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Department shall have effect in relation to the new plan, with the substitution of references thereto and to the land comprised therein, for references to the re-development plan and to the defined area.

(7) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section, or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

Purchase of  
land for the  
purposes of  
re-develop-  
ment.

**15.**—(1) When the Department's approval of a re-development plan has become operative, the local authority may with the approval of the Department purchase by agreement, or may be authorised by means of an order made and submitted to the Department and



confirmed by them in accordance with the Second Schedule to this Act to purchase compulsorily,—

PART I.  
—cont.

- (a) land in the re-development area; and
- (b) any land outside that area which the local authority may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Department for the purchase, or to make and submit to the Department orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development or for securing the use of the land in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

- (a) in the case of land shown in the re-development plan as intended for the provision of houses for the working classes, six months from the date when the Department's approval of the re-development plan becomes operative;
- (b) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Department may on the application of the local authority allow in respect of any land.

(3) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of any local authority or which is the property of public undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by the last foregoing subsection shall not apply with respect to any such land.

(4) Land purchased by a local authority under this section for the provision of houses for the working classes

PART I.  
—cont.

shall be deemed to have been acquired by them under Part III of the Act of 1925.

(5) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Department, be sold, feued or leased to any person or excambed for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(6) When the Department's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

Application of certain provisions of the Acts of 1925 and 1930 for purposes of re-development provisions.

**16.**—(1) The provisions of section thirty-two of the Act of 1925 (which relates to expenses incurred in connection with certain orders) shall have effect in relation to a re-development plan and to a new plan and to the Department's approval of any such plan and in relation to a compulsory purchase order made under the last foregoing section, as they have effect in relation to the orders mentioned in the said section.

(2) The provisions of subsection (1) of section eighty-nine of the Act of 1925, and of the subsection which by section sixty-eight of this Act is directed to be inserted in the said section eighty-nine, shall, in so far as those provisions relate to entry on land purchased for the purposes of Part III of the Act of 1925, have effect where a local authority are authorised by an order made under the last foregoing section of this Act to purchase land compulsorily, and where a local authority have agreed to purchase land thereunder, as they have effect in the cases mentioned in the aforesaid subsections respectively.

20 & 21  
Geo. 5. c. 40.

(3) The provisions of subsections (3), (4) and (5) of section eleven of the Act of 1930 (which relate to the validity and date of operation of certain orders) shall have effect in relation to the Department's approval of a

re-development plan or a new plan and in relation to a compulsory purchase order made under the last foregoing section, as if references thereto had been substituted in the said subsections for references to the orders therein mentioned, and as if for references therein to the Act of 1930 and to confirmation of the orders therein mentioned and to publication of notice thereof under that Act there had been substituted references to this Part of this Act and to the Department's approval of a re-development plan and of a new plan and to confirmation by them of a compulsory purchase order made under the last foregoing section and to publication of notice thereof under this Act.

PART I.  
—*cont.*

(4) The provisions of section thirteen of the Act of 1930 (which relates to the extinction of rights of way and servitudes), shall have effect in relation to land purchased under the last foregoing section in like manner as if such land were land purchased under Part I of the said Act.

**17.**—(1) Subject to the provisions of this section, where land is purchased compulsorily under section fifteen of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, subject to the modification that in paragraph 4, for the reference to increased value given by demolition of any buildings, there shall be substituted a reference to increased value given by the proposed re-development of the area in accordance with the re-development plan.

Compensation in respect of land purchased for re-development.

In assessing compensation the arbiter may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

(2) Where a local authority submit to the Department an order for the compulsory purchase under section fifteen of this Act of land which comprises any house which in the authority's opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a

PART I.  
—cont.

form prescribed for the purpose of indicating that the house is in that condition, and if the Department are of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(3) The compensation payable in respect of a house which a local authority are authorised to purchase as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district and of any planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10  
Geo. 5. c. 57.

Provision of accommodation for persons displaced by re-development.

18. In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the displacements from time to time becoming necessary as the re-development proceeds.

Repeal of certain provisions of the Act of 1930 relating to improvement areas.

19.—(1) Subsection (1) of section six of the Act of 1930 (which empowers a local authority to pass a resolution declaring such an area as is therein mentioned to be an improvement area) shall cease to have effect.

(2) Any obligation to which a local authority who, before the commencement of this Act, have passed a resolution declaring an area to be an improvement area, are subject by virtue of paragraph (iv) of subsection (1) of section seven of the Act of 1930, shall cease as from the appointed day.

#### *Re-conditioning of buildings.*

Extension of power of local authority to acquire houses and

20.—(1) With a view to facilitating the provision or improvement by local authorities of housing accommodation for the working classes by the alteration, enlargement, repair or improvement of houses or other buildings, a local authority may be authorised to acquire compulsorily for the purposes of Part III of the Act of 1925 any

houses or other buildings (not being houses or buildings situated on land entered in the valuation roll as agricultural lands and heritages and required for the purposes for which such land is used) which are, or may be made, suitable as dwelling-houses for the working classes, together with any lands occupied, or which may be occupied, therewith; and accordingly the amendments specified in the three next succeeding subsections shall be made in the said Part III.

PART I.  
—cont.  
other build-  
ings for  
housing  
purposes.

(2) In subsection (1) of section forty-three of the Act of 1925 (which subsection prescribes the modes in which a local authority may provide housing accommodation for the working classes), for paragraph (d) there shall be substituted the following paragraph:—

“(d) by altering, enlarging, repairing or improving any houses or other buildings which have, or a right or interest in which has, been acquired by the local authority.”

(3) In subsection (1) of section forty-four of the Act of 1925 (which subsection confers on a local authority power to acquire property for certain purposes), for paragraph (b) there shall be substituted the following paragraph:—

“(b) to acquire any houses or other buildings which are, or may be made, suitable as dwelling-houses for the working classes, together with any lands occupied, or which may be occupied, with such houses or other buildings, or any right or interest in such houses or other buildings and lands,”

and the following proviso shall be added at the end of the said subsection:—

“Provided that nothing in paragraph (b) of this subsection shall authorise a local authority to acquire (otherwise than by agreement) any house or other building which is situated on land entered in the valuation roll as agricultural lands and heritages and is required for the purposes for which such land is used.”

(4) Subsection (2) of the said section forty-four (which subsection empowers a local authority to acquire dwelling-houses suitable for the working classes by agreement but not otherwise) shall cease to have effect.

PART I.  
—*cont.*

(5) Where a local authority acquire a house or other building which can be made suitable as a dwelling-house for the working classes, or a right or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by selling, feuing, or leasing it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

*Borrowing Power.*

Borrowing  
power for  
purposes of  
Part I.

**21.** Section sixty-eight of the Act of 1925 (which confers on local authorities power to borrow for certain purposes) shall have effect as if the purposes of this Part of this Act had been included amongst the purposes specified in subsection (1) of that section.

## PART II.

## SCOTTISH HOUSING ADVISORY COMMITTEE AND MANAGEMENT COMMISSIONS AND PROVISIONS AS TO HOUSING ASSOCIATIONS AND OTHER BODIES.

*Advisory Committee and Management Commissions.*

Scottish  
Housing  
Advisory  
Committee.

**22.**—(1) The Department shall appoint a committee, to be called the Scottish Housing Advisory Committee, for the purpose of—

- (a) advising the Department on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which they are required by section four of this Act to consult the Committee;
- (b) advising Housing Management Commissions constituted under the next succeeding section on any matter as respects which such Commissions are required to consult the Committee;
- (c) advising the Department on any question which may be referred by them to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;

(d) considering the operation of the enactments relating to housing and making to the Department such representations as the Committee think desirable concerning the execution of those enactments in relation to the general housing needs of the working classes.

PART II.  
—cont.

(2) The Department may by order make provision with respect to the constitution and procedure of the Committee, and any such order shall secure the inclusion in the Committee of women as well as men, and the appointment of two sub-committees of the Committee for the purpose of dealing with matters relating to urban and rural housing respectively.

(3) Any order under the last foregoing subsection may be varied by a subsequent order.

(4) The Department may, out of moneys provided by Parliament, pay such expenses of the Committee as they may, with the approval of the Treasury, determine.

**23.**—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to, and the performance by the Commission of, all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Department a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal.

Power to  
establish  
Housing  
Management  
Com-  
missions.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the foresaid generality, may make provision—

(a) as to the mode of appointment and term of office of the members of the Commission ;

(b) as to the payment of remuneration out of funds under the control of the Commission to the

PART II.  
—cont.

chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority;

- (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
- (d) as to the financial relations between the local authority and the Commission;
- (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
- (f) for the application, subject to any necessary modifications, to the accounts of the Commission, of the provisions of the Local Government (Scotland) Act, 1929, with respect to the audit of the accounts of county and town councils;
- (g) for determining what property, or what rights or interests therein, are to be vested in the Commission, and the manner in which that vesting is to be effected; and
- (h) for imposing on the Commission the duty to consult the Scottish Housing Advisory Committee as respects any matter specified in the scheme.

19 & 20  
Geo. 5. c. 25.

(3) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(4) The Department may approve a scheme submitted to them under this section with or without modifications, and any such scheme when approved by the Department shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Department.



PART II.  
—cont.

(5) A Housing Management Commission shall, on the application of the local authority, be dissolved by order of the Department, and any such order may provide for the re-vesting in the local authority of the property vested in the Commission and for any other matter consequential on the dissolution of the Commission.

24.—(1) Every officer of a local authority who, in consequence of the transfer to a Housing Management Commission established in pursuance of the last foregoing section of this Act of all or any of the functions of the authority, suffers any direct pecuniary loss by determination of his appointment or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to recover compensation under this Act for that loss from the local authority.

Compensation to officers and servants of local authorities.

(2) For the purposes of this section an officer of a local authority from whom functions are so transferred—

- (a) who, at any time within five years after the date of such transfer relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the said date; or
- (b) whose appointment is determined or whose salary is reduced within five years after the said date because his services are not required or his duties are diminished and not on the ground of misconduct or inefficiency;

shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of such transfer.

(3) The provisions of the Second Schedule to the Rating (Scotland) Act, 1926, and of paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this section as they apply in relation to claims for compensation under those Acts, subject to such modifications as the Secretary of State

16 & 17  
Geo. 5. c.47.

PART II.  
—cont.

may by order provide for the purpose of adapting those provisions to cases arising under this section.

(4) In this section the expression “ officer ” includes servant.

*Housing Associations.*

Definition  
of housing  
association.

**25.** For references in the Act of 1925 and in the Act of 1930 to a public utility society there shall be substituted references to a “ housing association ” that is to say any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, company or body of trustees who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital.

Power of  
local autho-  
rities to  
make  
arrange-  
ments with  
housing  
associations.

**26.—(1)** A local authority may with the approval of the Department make arrangements with a housing association for the purpose of enabling the association to—

- (a) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part I or Part II of the Act of 1930 for dealing with clearance areas or for the demolition or closing of insanitary houses;
- (b) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under Part I of this Act;
- (c) provide housing accommodation for persons of the working classes for the purpose of putting an end to overcrowding;
- (d) alter, enlarge, repair or improve houses or buildings which, or a right or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

PART II.  
—*cont.*

(2) Arrangements made under this section shall include such terms with regard to such matters including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Department.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be paid by the Department to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution :

Provided that, if the Department are satisfied that the association have made default in giving effect to the terms of any arrangements made between the association and the local authority under this section, they may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as they think just.

(4) If the Department reduce the amount of a contribution payable by them under the last foregoing subsection, or suspend or discontinue the payment thereof, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) If a housing association represent to the Department that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Department may require the authority to furnish them with a report as to the matter stating the reasons for their refusal.

27. Where the Department have undertaken to make in respect of any houses under the management of

Unification  
of condi-  
tions

PART II.  
—cont.  
affecting  
housing  
associations'  
houses.

a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Department may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as they think fit, and in specifying the conditions to be so observed the Department shall have regard to the provisions of Part IV of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

Amend-  
ments of  
the Act of  
1925 as to  
public  
utility  
societies,  
&c.

28.—(1) The powers of promoting the formation or extension of, or assisting, public utility societies conferred on local authorities by section fifty-seven of the Act of 1925 shall extend to promoting the formation or extension of, or assisting, any housing association.

(2) In paragraph (c) of subsection (2) of section fifty-seven of the Act of 1925 (which paragraph confers on local authorities power to guarantee certain obligations of public utility societies), for the words “the payment of interest on money borrowed by the society, or of any share or loan capital issued by the society” there shall be substituted the words “the payment of the principal of and interest on any money borrowed by the association (including money borrowed by an issue of loan capital) or of interest on any share capital issued by the association.”

(3) In section seventy-three of the Act of 1925 (which enables the Public Works Loan Commissioners to make loans to certain companies, societies, associations and persons) the following subsection shall be inserted after subsection (2):—

“(2A) An advance for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by a heritable security over the land and dwelling-houses in respect of which that purpose is to be carried out

and of such other land and dwelling-houses (being houses which have been constructed or made suitable for the working classes by the company, society, association or person receiving the advance) if any as may be offered as security for the advance."

PART II.  
—cont.

(4) In the said section seventy-three the following subsection shall be substituted for subsection (5) :—

"(5) The proportion of such value as aforesaid authorised for the purpose of the advance shall be three-fourths :

Provided that—

- (a) if the advance is to be made to a housing association within the meaning of the Housing (Scotland) Act, 1935, and payment of the principal of and interest on the advance is guaranteed by a local authority, the said proportion shall be nine-tenths;
- (b) in any other case, if the advance exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a heritable security as is mentioned in subsection (2A) of this section, such further security as they may think fit."

**29.**—(1) If a central association or other body has at the date of the commencement of this Act been established or is thereafter established for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, the Department may, if they think fit, recognise such association or body for the purpose of this section.

Power of  
Department  
to recognise  
central  
housing  
association.

(2) The Department may, in any of the five years next following the date on which they recognise the said central association or body, make out of moneys provided by Parliament a grant in aid of the expenses thereof of such amount as they, with the approval of the Treasury, may determine.

## PART III.

## FINANCIAL PROVISIONS.

*Contributions towards expenses of accommodation provided for the purposes of Part I.*

Exchequer contributions towards provision of accommodation provided for the purposes of Part I.

**30.**—(1) The Department shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

- (a) required for the purpose of putting an end to overcrowding, or
- (b) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Department in houses the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the sum of six pounds fifteen shillings payable annually for a period of forty years in respect of each house provided for the purposes of such accommodation as aforesaid : Provided that—

- (i) where it is necessary for a local authority, being the town council of a large burgh, to provide such accommodation as aforesaid on an extensive scale in one or more re-development areas, and the Department are satisfied that, by reason of the costliness of the provision so made, the total annual expenditure likely to be incurred by the local authority in providing such housing accommodation as is referred to in the foregoing subsection is substantially greater than the equivalent of ten pounds per house per annum for forty years, the Department may, with the sanction of the Treasury, undertake to make, and make, in lieu of the contribution aforesaid, a contribution of such larger amount, not exceeding ten pounds fifteen shillings, in respect of such of the houses provided in the

re-development area or areas as seems just and reasonable;

PART III.  
—*cont.*

- (ii) where the Department are satisfied that the total annual expenditure likely to be incurred by a local authority other than the town council of a large burgh in providing such accommodation as is referred to in the foregoing subsection is substantially greater than the equivalent aforesaid, in consequence of the remoteness of the sites of any houses in which such accommodation is provided from centres of supply of building labour and material, and the impracticability of obtaining for such houses higher rents than are ordinarily payable by persons employed in agriculture or fishing or by persons of a like economic condition, the Department may, with the sanction of the Treasury, undertake to make, and make, in lieu of a contribution of six pounds fifteen shillings, such larger contribution in respect of such of the houses so provided as seems just and reasonable.

**31.**—(1) A local authority to whom the Department have undertaken to make a contribution under the foregoing provisions of this Part of this Act in respect of any house shall make in respect thereof a contribution out of the appropriate rate in accordance with the provisions of this section.

Local authorities' contributions towards expenses of accommodation provided for the purposes of Part I.

(2) A contribution under this section shall be provided by equal annual instalments during a period of sixty years from the date of the completion of the house and shall be of such amount as to be equivalent, when so provided, to the appropriate sum (as hereinafter defined) provided annually for a period of forty years :

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Department may on the application of the local authority direct that this subsection shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Department's contribution is payable, as they may think proper.

PART III.  
—cont.

(3) For the purposes of this section the appropriate sum shall be—

- (i) in respect of a house in respect of which the Department have under paragraph (i) of the proviso to subsection (2) of the last foregoing section undertaken to make a contribution of a larger amount than six pounds fifteen shillings, a sum equal to thirteen twenty-seventh parts of that larger amount, any fractional part of one shilling exceeding sixpence being reckoned as one shilling, and any fractional part of one shilling not exceeding sixpence being disregarded;
- (ii) in respect of any other house, the sum of three pounds five shillings.

Exchequer contributions in case of displacements from unfit houses in re-development area.

**32.**—(1) In respect of expenses incurred by a local authority in providing with the approval of the Department accommodation rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit and in maintaining accommodation so provided, contributions out of moneys provided by Parliament shall be made under section twenty-three of the Act of 1930, in like manner as if those expenses had been expenses incurred in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by the authority under the Act of 1930 for one of the purposes mentioned in subsection (1) of the said section twenty-three.

(2) No contribution shall be made under section thirty of this Act towards any expenses in respect of which the Department are required to make contributions by virtue of the said section twenty-three as originally enacted or as extended by this section.

*Review of Exchequer contributions under certain enactments.*

Review of Exchequer

**33.**—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in



each third succeeding year, after the first day of October in that year, the Department shall take into consideration, in connection with contributions which they are required or authorised to make under each of the following sections, namely, section twenty-three of the Act of 1930, and section thirty of this Act, the amount of expenses towards which such contributions would be payable, likely to be incurred in the period of three years from the first day of April then next following and the amount of such expenses incurred in connection with operations already carried out.

PART III.  
—*cont.*  
contributions in case of new houses provided at future times.

(2) As soon as may be after considering the matters aforesaid in any year, the Department shall prepare, with the approval of the Treasury, a draft of an order providing in relation to contributions under each of the said sections, either—

- (a) for the termination of their obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or
- (b) for the continuance thereof without alteration; or
- (c) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both.

(3) The draft of any order prepared in pursuance of the last foregoing subsection shall, as soon as may be, be laid before the Commons House of Parliament, and if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Department shall make an order in the terms of the draft, but in any other event they shall, as soon as may be after the expiration of that period, prepare a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(4) The date to be specified in an order made under this section shall—

- (a) in the case of an order made in consequence of the consideration of the matters aforesaid in the

PART III.  
—*cont.*

year nineteen hundred and thirty-seven, be the thirty-first day of March, nineteen hundred and thirty-eight; and

(b) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(5) An order made under this section shall not provide for the alteration of the amount of any contributions or of the period for which any contributions are to be payable so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

(6) When taking into consideration the matters aforesaid, the Department shall consult with such associations of local authorities as appear to them to be concerned and with any local authority with whom consultation appears to them to be desirable.

(7) An order under this section may make such consequential provision for the termination of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to the Department to be necessary for the purpose of adjusting them to the termination of Exchequer contributions or to alterations of the amount or duration of Exchequer contributions.

(8) An order under this section altering the amount or duration of Exchequer contributions under section thirty of this Act may make such consequential alterations of the sum or period mentioned in the equivalent specified in subsection (2) of the said section thirty as may appear to the Department necessary for the purpose of adjusting such sum or period to the alterations of the amount or duration of the said Exchequer contributions and to any consequential alterations of the amount or duration of the contributions to be made by a local authority.

(9) Section twenty-five of the Act of 1930 shall cease to have effect.

*Housing (Rural Workers) Acts (Financial Provisions).*

PART III.

—cont.

34.—(1) Subsection (2) of section two of the Housing (Rural Workers) Act, 1926 (which relates to the power of local authorities to make grants or loans under the said Act), as amended by the Housing (Rural Workers) Amendment Act, 1931, shall have effect as if the twenty-fourth day of June, nineteen hundred and thirty-eight, were therein substituted for the first day of October, nineteen hundred and thirty-six, and section four of the said Act (which relates to Government contributions to expenses of local authorities under the said Act) shall have effect accordingly.

Amend-  
ments  
of 16 & 17  
Geo. 5. c. 56.  
21 & 22  
Geo. 5. c. 22.

(2) Subject to the provisions of any amending scheme made by a local authority with the approval of the Department, any reference in a scheme under the said Act to any date in the year nineteen hundred and thirty-one, or in the year nineteen hundred and thirty-six, shall be construed as a reference to the twenty-fourth day of June, nineteen hundred and thirty-eight.

(3) In subsection (5) of section two of the Housing (Rural Workers) Act, 1926, in paragraph (a) (which provides that a loan under the said section, together with interest thereon at the prescribed rate, shall be secured on the dwelling in respect of which the loan is made), there shall be substituted for the words “at the prescribed rate” the words “at a rate one quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the loan are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Housing (Scotland) Act, 1925.”

60 & 61 Vict.  
c. 51.

(4) For the purposes of subsection (1) of section three of the Housing (Rural Workers) Act, 1926 (which section relates to the conditions attaching to dwellings in respect of which assistance has been given under that Act by way of grant) the rate per cent. by reference to which, under paragraph (b) of the said subsection (1), the rent payable in respect of a dwelling is to be

PART III. calculated, shall, instead of being three per cent., be  
 —cont. four per cent. :

Provided that nothing in this subsection shall affect the rent payable in respect of a dwelling if the works in respect of which assistance was given were completed before the first day of January nineteen hundred and thirty-five.

(5) Notwithstanding anything in the enactments relating to valuation or rating, a dwelling in respect of which assistance has been given under the Housing (Rural Workers) Acts, 1926 and 1931, by way of grant shall not, so long as the conditions specified in section three of the first mentioned Act apply in relation to the dwelling, be entered in the valuation roll at a gross amount exceeding the maximum rent permissible under the said section.

Assistance  
to local  
authorities  
in respect of  
housing of  
rural  
workers.

**35.** Where a local authority propose themselves to execute works in respect of which, if executed by another person, they might have made grants under the Housing (Rural Workers) Acts, 1926 and 1931, and the authority make application in that behalf to the Department, and furnish them with such particulars of the proposed works as they may require, the Department may make, or undertake to make, out of moneys provided by Parliament, the like contributions as they might have made under those Acts if the authority had made to another person in respect of the works the maximum grant permissible under those Acts, and the provisions of section three of the Housing (Rural Workers) Act, 1926, (other than provisions relating to the giving of certificates, or the repayment of grants, to the authority) shall, subject to the provisions of Part IV of this Act, have effect in relation to dwellings in respect of which a contribution is made under this subsection as if a grant had been made under the first-mentioned Acts equal to twice the capital value of the contribution.

Local  
authorities'  
contributions  
in respect of  
housing of  
rural workers.

**36.** A local authority to whom the Department have undertaken to make a contribution under the last foregoing section shall make out of the appropriate rate a contribution of the like amount and payable for the like period as the Department's contribution.

*Consolidation of Housing Accounts.*

PART III.  
—cont.

**37.**—(1) In this Part of this Act and in the Third Schedule to this Act the expression “ Exchequer contribution ” means a contribution which the Department are required or authorised to make to a local authority out of moneys provided by Parliament under any of the enactments specified in Part I of the said Schedule.

Enactments under which Exchequer contributions are payable and modification of certain of those enactments.

(2) The provisions of Part II of the Third Schedule to this Act shall, as from the sixteenth day of May, nineteen hundred and thirty-five, have effect for the purpose of the determination of the amount of—

- (a) Exchequer contributions payable under section five of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a local authority; and
- (b) Exchequer contributions payable under subsection (3) of section one of the Act of 1923.

9 & 10  
Geo. 5. c. 60.

13 & 14  
Geo. 5. c. 24.

Any increase attributable to the passing of this subsection in the sum payable out of moneys provided by Parliament by virtue of section five of the Act of 1919 and of the regulations made thereunder, or in the sum payable out of moneys so provided by virtue of subsection (3) of section one of the Act of 1923, shall be defrayed out of moneys so provided.

**38.** It shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall, as from the sixteenth day of May, nineteen hundred and thirty-five, make out of the appropriate rate the contributions referred to in Part III of the Third Schedule to this Act.

Local authorities' contributions.

**39.** Subject to the provisions of this section, every local authority shall, as from the sixteenth day of May, nineteen hundred and thirty-five, keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

Obligation to keep Housing Revenue Account.

- (a) all dwelling-houses and other buildings which have been provided at any time after the twelfth day of February, nineteen hundred and nineteen, under Part III of the Act of 1925, or

PART III.  
—cont.

under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act;

- (b) all land which at any time after the said date has been acquired or appropriated for the purposes of Part III of the Act of 1925, or of any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or is deemed to have been acquired under the said Part III by virtue of subsection (4) of section fifteen of this Act;
- (c) all dwellings in respect of which the Department have undertaken to make a contribution to the authority under section thirty-five of this Act; and
- (d) such other working-class houses as the authority with the consent of the Department may from time to time determine.

Credits and debits in Housing Revenue Account.

40.—(1) In the financial year beginning on the sixteenth day of May, nineteen hundred and thirty-five, and in each subsequent financial year a local authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

- (a) the income receivable by the authority for that year from rents and feu duties in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (b) the Exchequer contributions, if any, payable to the authority for that year; and
- (c) the authority's contributions referred to in Part III of the Third Schedule to this Act for that year;

and shall debit to the account amounts equal to—

- (i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the twelfth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes

PART III.  
—*cont.*

under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or for the purpose of the execution of works in respect of which the Department have undertaken to make a contribution under section thirty-five of this Act;

- (ii) the taxes, rates, feu duties, rents and other charges which the authority are liable to pay for that year in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iii) the expenditure incurred by the authority for that year in respect of the supervision and management of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iv) the arrears of rent which have been written off in that year as irrecoverable (other than arrears of rent in respect of any period prior to the sixteenth day of May, nineteen hundred and thirty-five);
- (v) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and
- (vi) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such dwelling-houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Department may direct.

(3) Where any such dwelling-house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to

**PART III.**  
*—cont.*

any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Department otherwise direct as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to the income (if any) of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account shall be carried to the credit of that Account in like manner as if it had been income from rents, and where a local authority, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

(5) Where it appears to the Department that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, they may, after consultation with the local authority, give directions for the appropriate credits or debits to be made or for the rectification of the account, as the case may require.

Disposal of  
balances in  
Housing  
Revenue  
Account.

**41.—**(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in repaying any additional contributions made out of the appropriate rate in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

(2) Any surplus shown on the fifteenth day of May in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Department may determine, be applied, in whole



or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

PART III.  
—*cont.*

(a) by transferring it to the Housing Repairs Account; or

(b) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts in proportion to the amount credited to the Housing Revenue Account under the last foregoing section during the period of five years ending on the date on which the surplus is shown in respect of Exchequer contributions on the one hand, and the amount so credited in respect of the contributions specified in Part III of the Third Schedule to this Act, less any amounts repaid under subsection (1) of this section, on the other hand, and an amount equal to the first of those parts shall be paid to the Department and an amount equal to the other part shall be applied towards meeting expenditure chargeable to the appropriate rate.

42.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair, improvement and maintenance of dwelling-houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called “the Housing Repairs Account”) and shall, in the financial year beginning on the sixteenth day of May, nineteen hundred and thirty-five, and in each subsequent financial year, carry to the credit of that account from the Housing Revenue Account in respect of each dwelling-house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of occupier’s rates), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

Housing  
Repairs  
Account.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping a repairs fund or

PART III.  
—cont.

a repairs account in respect of any of the dwelling-houses, buildings or dwellings in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Repairs Account any moneys in, or standing to the credit of, that other fund or account in respect thereof and, if that other fund or account relates only thereto, shall close it.

(3) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair, improvement, and maintenance of the dwelling-houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(4) If at any time it appears to the Department, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, they may give such directions as they think proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

Housing  
Equalisa-  
tion  
Account.

**43.**—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the “Housing Equalisation Account”) and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping an equalisation fund or an equalisation account in respect of any matters in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Equalisation Account any moneys in, or standing to the credit of, that other fund or account in respect of those matters

and, if that other fund or account relates only to those matters, shall close it.

PART III.  
—*cont.*

(3) If the local authority satisfy the Department that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, the Department may give such directions as they think proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

44.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and, so far as not so used, shall be invested temporarily in any security in which trustees are for the time being authorised by law to invest, and an amount equal to the income arising from such investment shall be credited to the account.

Temporary  
application  
of moneys  
in housing  
accounts.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

- (a) the moneys so used shall be repaid to the account out of the county or burgh fund within the period, and by methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the account the moneys so used or the balance thereof for the time being outstanding, as the case may be, as and when required for the purposes of the account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the aforesaid fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power ;

PART III.  
—cont.

- (b) in the accounts of the county or burgh fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised under the statutory borrowing power) on any moneys so used shall be credited to the account and debited to the branch of expenditure for the purpose for which the moneys are so used;
- (c) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power, and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Time and manner of payment of Exchequer contributions.

**45.** Exchequer contributions and contributions to be made by the Department under section twenty-six of this Act shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Department may, with the approval of the Treasury, impose.

Power to withhold contributions in the event of default.

**46.** If at any time the Department are satisfied that a local authority have—

- (a) failed to discharge any of the duties imposed on them by virtue of the *Housing (Scotland) Acts, 1919 to 1933, or this Act*; or
- (b) failed to exercise any of their powers under the aforesaid Acts in any case where these powers ought to have been exercised; or
- (c) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Department may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as they think just.

## PART IV.

UNIFICATION OF CONDITIONS AFFECTING LOCAL  
AUTHORITIES' HOUSES.

47.—(1) A local authority shall in relation to all dwelling-houses and dwellings in respect of which they are required to keep a Housing Revenue Account observe the requirements specified in the following provisions of this section.

Conditions  
to be  
observed  
by local  
authorities.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families, or are otherwise living under unsatisfactory housing conditions.

(3) Except in so far as the Department may otherwise sanction, the authority shall secure, in accordance with any directions that may be given to them by the Department, that a number of houses equal to the number in respect of which the Department have undertaken to make a contribution under any of the following enactments, namely, subsection (3) of section one of the Act of 1923, the Act of 1930, the Act of 1931, section one of the Act of 1933, and section thirty of this Act, are reserved for low wage earners or persons of a like economic condition.

21 & 22  
Geo. 5. c. 39.  
23 & 24  
Geo. 5. c. 16.

(4) Except in so far as the Department may otherwise sanction, the authority shall secure, in accordance with any directions that may be given to them by the Department, that a number of dwelling-houses or dwellings equal to the number in respect of which the Department have undertaken to make a contribution to the authority under section thirty-five of this Act are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of the Housing (Rural Workers) Act, 1926.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant rebates from rent subject to such conditions as may be prescribed with a view to ensuring that rebates are granted only in such cases and of such amounts as may be necessary, having regard to the financial circumstances of the tenant.

PART IV.  
—*cont.*

(6) The authority shall from time to time review rents and make such changes either of rents generally or of particular rents and rebates as circumstances may require.

(7) For the purposes of any enactment relating to valuation or rating, the gross annual value of any dwelling-house or dwelling to which this section applies shall not exceed the rent (exclusive of occupier's rates) fixed in pursuance of this section, and no account shall be taken of any rebate from the rent so fixed.

(8) The authority shall make it a condition of every let that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority. In determining whether to give or withhold such consent, the authority shall comply with any directions that may be given to them by the Department, and they shall not in any case give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

Conditions  
ceasing to  
have effect.

**48.**—(1) The enactments specified in the first column of the Fourth Schedule to this Act (which relate to conditions affecting dwelling-houses to which the requirements of the last foregoing section apply) shall, to the extent mentioned in the second column of that Schedule, cease to have effect.

(2) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of the last foregoing section apply.

Conditions  
on sale of  
local authorities'  
houses.

**49.** If any dwelling-house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is sold or feued by the authority with the consent of the Department, the Department may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in Part III of the Third Schedule to this Act payable by the authority, as the Department think just.

## PART V.

## RE-DEVELOPMENT BY OWNERS.

**50.**—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part I or Part II of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas.

Re-develop-  
ment by  
owners.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of section twelve of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as is mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

23 & 24  
Geo. 5. c. 32.

**51.**—(1) The provisions of the last foregoing section of this Act shall not have effect in the case of premises comprised in a clearance order or compulsory purchase order confirmed by the Department under Part I of the Act of 1930 or in the case of premises comprised in a

Exclusion  
from Part V  
of premises  
in clearance  
or re-de-  
velopment  
area.

PART V.  
—cont.

demolition order thereunder which has become operative or in the case of premises comprised in a re-development plan approved by them.

(2) Where proposals are submitted to a local authority under the last foregoing section of this Act in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Department, and the Department shall deal with the proposals in connection with the consideration by them of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming or approving the order or plan, the Department exclude the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

## PART VI.

## MISCELLANEOUS AND GENERAL.

*Removal of obstructive buildings.*

Definition of "obstructive building."

**52.** In this Part of this Act the expression "obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is injurious or dangerous to health.

Local authority may resolve to demolish obstructive building.

**53.—**(1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than one month after the service of the notice) and place at which the question of demolishing the building will be considered by the authority.

(2) Where the local authority serve a notice under the foregoing subsection on an owner of a building, they shall at the same time require him to furnish within two



weeks thereafter a written statement specifying the name and address of the superior under whom such owner holds, and of the holder of any heritable security over the owner's interest in the building, and the local authority shall, as soon as may be after receipt of such statement, serve on any person whose name is included therein notice of the time and place at which the question of demolishing the building will be considered.

PART VI.  
—*cont.*

(3) Any person on whom a notice is served in pursuance of the foregoing provisions of this section shall be entitled to be heard when the question of demolishing the building to which the notice relates is taken into consideration.

(4) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may pass a resolution that the building or that part thereof shall be demolished, and may, by such resolution, require that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the resolution becomes operative, and if they do so, shall serve a copy of the resolution upon the owner or owners of the building.

(5) If any person fails to give the local authority any information required by them under subsection (2) of this section or knowingly makes any misstatement with reference thereto, he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) This section shall not apply to a building which is the property of public undertakers, unless it is used for the purposes of a dwelling-house, showroom, or office, or which is the property of a local authority.

**54.**—(1) If, before the expiration of the period within which a building in respect of which a resolution is passed under the last foregoing section is thereby required to be vacated, any owner or owners whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition without having passed such a resolution as aforesaid, make to the local authority an offer for the sale of that interest, or of

Effect of  
resolution  
for demoli-  
tion of  
obstructive  
building.

PART VI.  
—cont.

these interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the local authority shall, as soon as may be thereafter, carry out the demolition and shall have the like right to sell the materials rendered available thereby as if they had purchased the building.

(3) Where the demolition of a building is carried out under the last foregoing subsection, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, except that paragraphs (2) to (6) of section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.

Application of certain provisions of Acts of 1925 and 1930 to resolutions for demolition under this Part.

**55.** The following enactments shall, subject to any necessary modifications, have effect in relation to a resolution passed under this Part of this Act and to a building or part of a building to which such a resolution applies, as they have effect in relation to a demolition order under Part II of the Act of 1930 and to a house, building or premises to which such an order applies, as if the references therein to a demolition order included references to a resolution passed under this Part of this Act, and the references therein to Part I of the Act of 1925 or to Part II of the Act of 1930 included references to the foregoing provisions of this Part of the Act, that is to say,—

(a) section twenty-three of the Act of 1925 (which relates to notices and to applications to the sheriff in relation to demolitions);

- (b) section twenty-five of the Act of 1925 (which relates to remedies of owners for breach of contract);
- (c) section one hundred and twelve of the Act of 1925 (which excludes the application of the Acts relating to rent restriction);
- (d) section twenty of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders);
- (e) section twenty-seven of the Act of 1930 (which relates to the recovery of possession of buildings), except subsection (2) thereof; and
- (f) section twenty-nine of the Act of 1930 (which relates to the power of the sheriff to determine leases in certain cases).

PART VI.  
—cont.

*Amendments relating to Clearance Areas.*

**56.**—(1) Notwithstanding anything in Part I of the Act of 1930, there shall be excluded from a clearance order made thereunder any dwelling-houses or other premises properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are injurious or dangerous to the health of the inhabitants of the area, and, if a compulsory purchase order is confirmed with respect to any such dwelling-house or other premises, the compensation to be paid therefor shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930.

Amendment  
as to  
premises in  
clearance  
area on  
ground of  
bad arrange-  
ment &c.,  
and repeal  
of provision  
for reduc-  
tion of com-  
pensation.

(2) The proviso to subsection (1) of section thirty-seven of the Act of 1925 (which proviso relates to the reduction of compensation payable in respect of the compulsory purchase of land in certain cases) shall cease to have effect as respects the compensation to be paid for land which is the subject of a compulsory purchase order made on or after the twentieth day of December, nineteen hundred and thirty-four, and any person whose compensation has been assessed before the commencement of this Act at an amount less than that at which it would by virtue of this subsection have been assessed after the commencement

PART VI.  
—*cont.*

of this Act shall be entitled to apply for additional compensation in accordance with the like procedure as if the assessment had not been made.

Obligation  
of the  
Department  
to state  
reasons for  
deciding  
that a  
building is  
unfit for  
human  
habitation.

**57.** Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under Part I of the Act of 1930, or under Part I of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled on making a request in writing to be furnished by the Department with a statement in writing of their reasons for deciding that the building is so unfit.

Payments  
in respect of  
well-  
maintained  
houses.

**58.**—(1) Where as respects a dwelling-house which is made the subject of a compulsory purchase order whether under Part I of the Act of 1930, or under Part I of this Act, as being unfit for human habitation, or which is made the subject of a clearance order as being so unfit (being, in either case, an order made on or after the twentieth day of December, nineteen hundred and thirty-four) the Department are satisfied, after causing the house to be inspected by an officer of the Department, that, notwithstanding its sanitary defects, it has been well maintained, the Department may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

(a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to the rateable value of the house, or

(b) to one and one-fifth times (or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member

of his family continuously during the three years immediately before that date, two and two-fifth times) the rateable value of the house,

PART VI.  
—cont.

whichever is the greater.

(3) A payment under this section shall be made—

- (a) if the house is occupied by an owner thereof, to him; or
- (b) if the house is not so occupied, to the person or persons liable to maintain and repair the house, and, if more than one person is so liable, in such shares as the authority think equitable in the circumstances :

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression “rateable value” means the rateable value entered in the valuation roll last authenticated prior to the date on which the order was made.

**59.**—(1) Where a local authority have submitted to the Department an order for the compulsory purchase of land in a clearance area and the Department on an application for an authorisation under this section being made to them by the owner of the land and the authority are satisfied that the owner of the land, with the concurrence of any heritable creditor, agrees to the demolition of the buildings thereon and that the authority can secure the proper clearance of the area without acquiring the land, the Department may—

Arrange-  
ments  
where  
acquisition  
of land in  
clearance  
area found  
to be un-  
necessary.

- (a) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or

PART VI.  
—cont.

(b) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties, as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section four of the Act of 1930.

(2) Subsection (3) of section ten of the Act of 1930 shall cease to have effect.

Power to exchange clearance area land in lieu of sale under s. 4 of Act of 1930.

**60.**—(1) Where a local authority have purchased land comprised in, or surrounded by, or adjoining a clearance area, and the owner of other land, being land which the authority have power to acquire, is willing to take the land in exchange for that other land, the authority may, in lieu of selling the land under subsection (1) of section four of the Act of 1930, excamb it for that other land either with or without paying or receiving money for equality of exchange.

(2) Any such exchange as aforesaid shall be deemed to be a transaction under the said section four, and in relation thereto the like provisions shall have effect as respects the land to be given in exchange by the local authority as have effect by virtue of the said section four as respects land sold thereunder.

Provisions with respect to property belonging to a local authority within or adjacent to a clearance area.

**61.**—(1) Subject to the provisions of this section, a local authority may include in a clearance area, any land belonging to them which they might have included in such an area if it had not belonged to them; and where any land belonging to a local authority is included in a clearance area, or where any land belonging to a local authority is surrounded by or adjoins a clearance area and might have been purchased by the authority under section three of the Act of 1930 had it not been previously acquired by them, the provisions of that Act shall apply in relation to any such land as if it had been purchased compulsorily by the authority as being land comprised in the clearance area or, as the case may

be, as being land surrounded by or adjoining the clearance area :

PART VI.  
—*cont.*

Provided that the foregoing provisions of this section shall not apply in the case of any land being working-men's dwellings which were acquired by the local authority under any such Act or Order as is mentioned in section seventy-nine of the Act of 1925 and in such circumstances that the provisions of paragraph 1 of the Fifth Schedule to that Act took effect in relation thereto.

(2) Any increase attributable to the passing of this section in the contributions payable by the Department under section twenty-three of the Act of 1930 shall be defrayed out of moneys provided by Parliament.

**62.**—(1) When a clearance order has become operative, no land to which the order applies shall be used for building purposes (which expression includes the erection or placing on land of a hut, tent, caravan, or other temporary or movable form of shelter), or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose :

Restriction  
of use of  
land after  
clearance  
order  
becomes  
operative.

Provided that an owner who is aggrieved by a restriction or condition so imposed on the use of his land (not being a restriction or condition relating exclusively to the erection or placing on the land of huts, tents, caravans, or other temporary or movable forms of shelter) may, at any time within three months after the restriction or condition is imposed, require the authority to purchase the land at a price to be assessed, failing agreement, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions of subsection (2) of section twelve of the Act of 1930.

(2) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this section shall be liable on summary conviction to a fine not exceeding two pounds and to a further fine not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

PART VI.  
—cont.*Amendments of the enactments relating to housing.*

Power to purchase compulsorily land not immediately required.

**63.** Notwithstanding anything in subsection (3) of section forty-four of the Act of 1925, a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act although that land is not immediately required for those purposes, and accordingly the words “by agreement (but not otherwise)” in the said subsection shall cease to have effect.

Amendment of Act of 1925, s. 51, with respect to public undertakers.

**64.** In section fifty-one of the Act of 1925 (which relates to the compulsory purchase of land for the purposes of Part III of that Act) for the reference to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, there shall be substituted a reference to land which is the property of public undertakers, having been acquired by them for the purposes of their undertaking.

Compensation on compulsory purchase for purposes of Part III of Act of 1925.

**65.** The following subsection shall be inserted at the end of section fifty-one of the Act of 1925 :—

“(2) Where land is purchased compulsorily by a local authority for the purposes of this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of Part II of the Third Schedule to the Housing (Scotland) Act, 1930.”

Amendment as to terms of loans by Public Works Loan Commissioners.

**66.** Section seventy-two of the Act of 1925 shall have effect as if in paragraph (b) of subsection (2) thereof the words “if the Board make a recommendation to that effect” had been omitted, and as if for the words “the period shall not exceed the period recommended by the Board, nor in any case exceed eighty years” there had been substituted the words “shall not exceed eighty years.”

Amendment of Act of 1925, s. 75.

**67.** The limit specified in subsection (4) of section seventy-five of the Act of 1925 on the estimated value of property in respect of which an advance or guarantee may be made or given under that section shall be reduced from fifteen hundred pounds to eight hundred pounds.



**68.** In section eighty-nine of the Act of 1925 (which relates to power of entry on land compulsorily acquired) the following subsection shall be inserted after subsection (1) :—

“(1A) Where a local authority have agreed to purchase, or have determined to appropriate, land for the purposes of Part II or Part III of this Act, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made; or such appropriation takes effect, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to give up possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845.”

PART VI.  
—cont.  
Power of entry on land purchased or appropriated for housing purposes.

8 & 9 Vict.  
c. 19.

**69.**—(1) Where—

- (a) a local authority have sold or exchanged land acquired by them under the Act of 1925, or any enactment repealed by that Act, or under the Act of 1930, or this Act, and the purchaser of the land or the person taking the land in exchange has entered into an agreement with the local authority concerning the land; or
- (b) an owner of any land has entered into an agreement with the local authority concerning the land for the purposes of any of the provisions of the said Acts;

Power of local authorities to enforce obligations against owner for time being of land.

then, if the agreement has been recorded in the appropriate register of sasines, it shall be enforceable at the instance

PART VI. of the authority against persons deriving title from the  
—*cont.* person who entered into the agreement :

Provided that no such agreement shall at any time be enforceable against any party who has in bona fide onerously acquired right (whether completed by infestment or not) to the land prior to the recording of the agreement as aforesaid or against any person deriving title from such party.

(2) Section ninety-one of the Act of 1925 shall cease to have effect.

Byelaws.

**70.**—(1) A local authority may, and if required by the Department shall, make, with respect to houses used or intended to be used for human habitation, byelaws regarding any of the following matters and applying as follows, that is to say—

(i) byelaws applying to new houses, regarding—

(a) the maximum number of houses to be erected on a given extent of ground ;

(b) the number of storeys in a tenement containing houses and the arrangement of such tenements in blocks or otherwise, and the provision, where necessary, of passenger lifts ;

(c) the provision of open spaces about houses ;

(d) stability ;

(e) the deafening of walls and floors ;

(f) the height of ceilings ;

(ii) byelaws applying to new houses and existing houses regarding—

(g) the subdivision of houses ;

(h) the registration and inspection of houses ;

(iii) byelaws applying to new houses and, so far as is reasonably practicable, to existing houses, regarding—

(i) the provision of hand-rails for staircases ;

(j) the provision of suitable access ;

(k) the prevention of and safety from fire ;

(l) ventilation and admission of light ;

(m) the provision of a separate watercloset, bath, scullery, larder, adequate press accom-

modation, and accommodation for the storage of coal for each house, and facilities for washing and drying clothes, and for the cooking of food;

PART VI.  
—*cont.*

(*n*) the lighting of rooms and staircases.

A byelaw made under paragraph (iii) of this subsection shall not, in so far as it requires the execution of works, be enforceable as regards an existing house, unless the local authority have served on the owner of the house a notice requiring the execution of the works and such notice has become operative in pursuance of section twenty of the Act of 1930 as applied by the next succeeding subsection.

In this subsection the expression “existing house” means a house erected or in the course of erection at the time when such byelaws come into force or a house the plans for the erection of which have been approved at that time; the expression “new house” means a house other than as aforesaid; and the expression “reasonably practicable” means reasonably practicable in all the circumstances including the expense involved in carrying out the operations required by the byelaw.

(2) Section twenty of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders) shall apply to a notice under the last foregoing subsection in like manner as if it were a notice under Part II of the said Act.

(3) Byelaws made under this section by a local authority being a county council may be limited to particular parts of the authority’s district or may make differential provisions as respects different parts of their district.

(4) Where a local authority, after being required by the Department to make byelaws with respect to any of the matters specified in subsection (1) of this section, fail within such period as the Department may specify to make, with respect to those matters, byelaws which are in the opinion of the Department sufficient and satisfactory, the Department themselves may make such byelaws, which shall be of the like force and effect as if they had been made by the local authority, and confirmed.

## PART VI.

—*cont.*

Provisions as to caravans and other movable forms of shelter.

**71.** The provisions of Part I of the Act of 1930 relating to buildings included in an area to which a clearance order relates, and of Part II of that Act relating to dwelling-houses, shall have effect in relation to any hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on the same site or a site in the immediate vicinity for a period of two years next before action is taken under those provisions, in like manner as if it had been a building or dwelling-house.

Extinction of rights of way in advance of purchase.

**72.** The provisions of subsection (1) of section thirteen of the Act of 1930 in so far as they enable a local authority with the approval of the Department to extinguish by order any public right of way over land purchased by the authority shall be extended so as to enable a local authority who have resolved to purchase under Part I of the said Act land over which a public right of way exists, to make and the Department to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Department in approving the order may direct.

Power of local authority to cleanse from vermin building to be demolished under clearance or demolition order.

**73.—(1)** If it appears to the local authority that a building to which a clearance order or a demolition order under section sixteen of the Act of 1930 applies requires to be cleansed from vermin, the authority may, at any time after the order is made, serve notice in writing on the owner or owners of the building that the authority intend to cleanse it before it is demolished.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the building and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the building has been vacated, serve notice in

writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

PART VI.  
—cont.

(3) Where a local authority serve notice under subsection (1) of this section in relation to a building, subsection (4) of section two, and subsection (1) of section nineteen, as the case may be, of the Act of 1930, shall have effect in relation to the building subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of three months from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

74. The following additional proviso shall be inserted at the end of subsection (1) of section twenty of the Act of 1930 :—

Exclusion on certain appeals of questions not raised on consideration by local authority.

“(iii) a person who has been served with a notice under subsection (1) of section sixteen of this Act shall not be entitled to raise any question on an appeal under paragraph (d) or paragraph (e) of this subsection against a demolition order or a closing order, if the question is one which was not raised by him at the consideration of the matter by the local authority, and which, if it had then been raised, could have been dealt with by means of such an undertaking as is mentioned in subsection (2) of the said section sixteen.”

75.—(1) Section twenty-eight of the Act of 1930 (which imposes a duty on local authorities to have regard to amenity) shall have effect as if the words “artistic quality in the lay-out, planning and treatment of the houses to be provided” had been inserted therein after the words “shall have regard to.”

Duty of local authority to have regard to amenity, &c.

(2) For their better advice in carrying out the requirements of the said section twenty-eight, a local authority may, and if required by the Department shall, appoint a local advisory committee including representatives of architectural and other artistic interests, and the local authority shall furnish to the Department a copy of any representation, recommendation or report made to them by the committee.

## PART VI.

—cont.

Power of  
Department  
in event of  
failure of  
local  
authority to  
exercise  
powers.

**76.**—(1) For section thirty-seven of the Act of 1930 the following section shall be substituted :—

“ 37. In any case where—

(i) a complaint has been made to the Department—

(a) as respects any district, by any four or more local government electors of the district, or

(b) as respects any county, by the district council of any district within the county,

that the local authority have failed to exercise any of their powers under the Housing (Scotland) Acts, 1925 to 1935, or under the section which by section forty of the Housing, Town Planning, &c. (Scotland) Act, 1919, is directed to be substituted for section one hundred and twenty-five of the Public Health (Scotland) Act, 1897, in any case where these powers ought to have been exercised; or

(ii) the Department are of opinion that an investigation should be made as to whether a local authority have failed as aforesaid;

the Department may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the local authority, they may, after giving the local authority an opportunity of making representations, make an order rendering exercisable by the Department such of the aforesaid powers of the local authority as may be specified in the order.”

(2) Subsection (1) of section one hundred and forty-six of the Public Health (Scotland) Act, 1897, (which relates to procedure on neglect of their duty by a local authority) shall have effect as if the duties imposed by section twenty of the Act of 1925 were duties imposed by the first mentioned Act.

(3) Section one hundred and forty-seven of the Public Health (Scotland) Act, 1897, (which makes provision for refusal or neglect of a local authority) shall be

PART VI.

—*cont.*55 & 56 Vict.  
c. 55.

amended by the insertion after the word “ herein ” of the words “ or in the Burgh Police (Scotland) Act, 1892, or in the Housing (Scotland) Acts, 1925 to 1935.”

**77.** The following sub-paragraph shall be inserted at the end of paragraph 2 of Part I of the Second Schedule to the Act of 1930 (which paragraph specifies the modifications subject to which the Lands Clauses Acts are to be incorporated in compulsory purchase orders):—

Service of  
notices as to  
compulsory  
purchase.

“ (iv) Notwithstanding anything in section eighteen of the Lands Clauses Consolidation (Scotland) Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and one of the Housing (Scotland) Act, 1925, in relation to notices required to be served under that Act.”

**78.**—(1) The following paragraph shall be substituted for paragraph one of Part II of the Third Schedule to the Act of 1930 :—

Amendment  
of Part II of  
Third  
Schedule to  
Act of 1930.

“ 1.—(a) If the arbiter is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes ;

(b) If the arbiter is satisfied with respect to any premises that the rental thereof was higher than that generally obtained at the time for similar premises in the locality and that such enhanced rental was obtained by reason of the premises being overcrowded within the meaning of Part I of the Housing (Scotland) Act, 1935, the compensation shall, so far as it is based on rental, be based on the rental so generally obtained.”

(2) At the end of paragraph 3 of the said Part II the following words shall be inserted :—

“ but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbiter and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective ”.

PART VI.  
—cont.

(3) At the end of the said Part II the following additional paragraph shall be inserted:—

“ 6. The arbiter shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Part of this Schedule, and to the considerations mentioned in paragraph 4 thereof, and the amount (if any) by which compensation has been reduced by reference to each of those matters.”

Inquiries to be held by person selected from a panel.

**79.**—(1) Where, under the Act of 1925, the Act of 1930 or this Act, the Department are required to cause a public local inquiry to be held, the person to be appointed by the Department to hold the inquiry shall be selected from a panel set up by the Lord President of the Court of Session, the Lord Justice Clerk, and the Chairman of the Scottish Branch of the Chartered Surveyors' Institution, in consultation with the Department.

(2) Subsection (2) of section ninety-six of the Act of 1925 (which relates to local inquiries) shall have effect as if the reference therein to subsection (1) of that section included a reference to subsection (1) of this section.

(3) This section shall come into operation on the first day of November, nineteen hundred and thirty-five.

Protection for superiors of and holders of heritable securities over subjects included in clearance or compulsory purchase orders or re-development plans.

**80.**—(1) Before submitting to the Department for confirmation a clearance order, or a compulsory purchase order for the purposes of Part I of the Act of 1930 or of the provisions of Part I of this Act relating to re-development areas, the local authority shall require the owner of any subjects to which the order relates, to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, such subjects.

(2) Where a local authority are required by subsection (3) of section fourteen of this Act to serve a notice regarding a re-development plan on the owner of any subjects, they shall require such owner to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, those subjects.



(3) A local authority to whom the name and address of any person has been furnished in pursuance of either of the two foregoing subsections by the owner of any subjects shall serve on that person the like notice as they are required to serve on the owner.

PART VI.  
—cont.

(4) If any person fails to give the local authority any information required by them under subsection (1) or subsection (2) of this section, or knowingly makes any misstatement with reference thereto, he shall be liable on summary conviction to a fine not exceeding five pounds.

**81.** Where, as a result of action taken by a local authority under Part I of the Act of 1930 or under the provisions of Part I of this Act relating to re-development areas, the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they may think fit towards any loss which, in their opinion, he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

Power of local authority to make allowances to shopkeepers in respect of loss in certain cases.

**82.—(1)** Where the removal or alteration of apparatus belonging to public undertakers on, under, or over land purchased by a local authority under Part I of the Act of 1930 or under section fifteen of this Act, or on, under, or over a street running over, or through, or adjoining any such land is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by Part I of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

Provisions as to apparatus of public undertakers in land dealt with by local authority under the Housing (Scotland) Acts.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in writing of their intention, with particulars of the proposed works and of the manner in which they are to be executed and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice,

PART VI. and the undertakers may within that period by notice  
—*cont.* in writing served on the authority—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which in their opinion effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers, or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

(i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;

(ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to public undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to public undertakers or the execution of works for the provision of substituted apparatus whether permanent or temporary is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of the Act of 1925, the Act of 1930, or this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or

alter the apparatus, or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

PART VI.  
—cont.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction, of the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between public undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—

(a) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;

(b) in any other case be referred to and determined by an arbiter to be appointed, in default of agreement, by the Department.

(7) In section thirteen of the Act of 1930 the following subsection shall be substituted for subsection (2) :—

“(2) Upon the completion by a local authority of the purchase by them of any land under this

PART VI.  
—cont.

Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under, or over that land, and all other rights or servitudes in or relating to that land, shall be extinguished, and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 :

Provided that this subsection shall not apply to any right vested in public undertakers of laying down, erecting, continuing, or maintaining any apparatus or to any apparatus belonging to public undertakers and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs."

(8) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Amend-  
ments of  
Small  
Dwellings  
Acquisition  
(Scotland)  
Acts.

**83.**—(1) The limit on the market value of houses in respect of which an advance may be made under the Small Dwellings Acquisition (Scotland) Acts, 1899 to 1923, shall be reduced from twelve hundred pounds to eight hundred pounds.

(2) The rate of interest on advances under the said Acts shall, as regards advances made after the commencement of this Act, be a rate one quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925.

*General.*

Authenti-  
cation of  
certificates.

**84.** Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to

that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

PART VI.  
—*cont.*

**85.** It shall be the duty of every local authority by whom housing accommodation is provided under the enactments relating to the housing of the working classes after the commencement of this Act, whether with or without financial assistance from the Government, to secure the insertion in all contracts relating to such provision of a fair wages clause, complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments.

Fair wages.

**86.**—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

Interpreta-  
tion.

- |                                                                                                                                                                                                                                                                                                                                                                   |                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| “The Act of 1919” means the Housing, Town Planning, &c. (Scotland) Act, 1919:                                                                                                                                                                                                                                                                                     | 9 & 10<br>Geo. 5. c. 60.  |
| “The Act of 1923” means the Housing, &c. Act, 1923:                                                                                                                                                                                                                                                                                                               | 13 & 14<br>Geo. 5. c. 24. |
| “The Act of 1924” means the Housing (Financial Provisions) Act, 1924:                                                                                                                                                                                                                                                                                             | 14 & 15<br>Geo. 5. c. 35. |
| “The Act of 1925” means the Housing (Scotland) Act, 1925:                                                                                                                                                                                                                                                                                                         | 15 & 16<br>Geo. 5. c. 15. |
| “The Act of 1930” means the Housing (Scotland) Act, 1930:                                                                                                                                                                                                                                                                                                         | 20 & 21<br>Geo. 5. c. 40. |
| “The Act of 1931” means the Housing (Rural Authorities) Act, 1931:                                                                                                                                                                                                                                                                                                | 21 & 22<br>Geo. 5. c. 39. |
| “The Act of 1933” means the Housing (Financial Provisions) (Scotland) Act, 1933:                                                                                                                                                                                                                                                                                  | 23 & 24<br>Geo. 5. c. 16. |
| “The Housing (Scotland) Acts, 1919 to 1933,” means the Acts referred to in the foregoing definitions and the Housing (Rural Workers) Acts, 1926 and 1931:                                                                                                                                                                                                         |                           |
| “Apparatus” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying, or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps: |                           |

PART VI.  
—cont.

“The appointed day” means such day as the Department may appoint, and the Department may fix different days for different localities, so however that the Department shall not fix a day for any locality until they are satisfied that the greater part of the additional housing accommodation shown by the report made under subsection (1) of section one of this Act to be required in the locality has been provided :

“The appropriate rate” means the public health general assessment :

“Housing Association” has the meaning assigned to it by section twenty-five of this Act :

“Large burgh” has the like meaning as in the Local Government (Scotland) Act, 1929 :

“Loan charges” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund :

“Planning scheme” means a scheme made under the Town Planning (Scotland) Act, 1925, or the Town and Country Planning (Scotland) Act, 1932, or any enactment repealed by either of those Acts :

“Public undertakers” means any corporation, company, body, or person carrying on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking :

“Superior” includes the creditor in a ground annual.

(2) In the Act of 1930, unless the context otherwise requires, the expression “this or the principal Act” shall be construed as including references to the Act of 1925, the Act of 1930 and this Act.

(3) Any provision of this Act containing a reference to the sixteenth or to the fifteenth day of May shall, in its application to a local authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution of that other day for the sixteenth day of May, and of the day on which that

authority's financial year ends for the fifteenth day of May. PART VI.  
—cont.

**87.** The amendments specified in the second column of the Fifth Schedule to this Act, being—

(i) as respects those contained in Part I of the said Schedule, consequential amendments; and

(ii) as respects those contained in Part II of the said Schedule, drafting amendments or other amendments of a minor character designed to facilitate consolidation by removing inconsistencies of language and repealing obsolete provisions,

Conse-  
quential,  
drafting  
and other  
minor  
amend-  
ments.

shall be made in the enactments specified in the first column of the said Schedule.

**88.** The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, as from the dates specified therein: Repeals.

Provided that any byelaws made under any enactments repealed by this Act shall continue to have effect in so far as they could have been made under section seventy of this Act.

**89.**—(1) This Act may be cited as the Housing (Scotland) Act, 1935, and the Act of 1925, the Act of 1930, and this Act may be cited together as the Housing (Scotland) Acts, 1925 to 1935. Short title,  
construc-  
tion and  
extent.

(2) This Act, except sections thirty-four, thirty-five and eighty-three thereof, shall be construed as one with the Act of 1925 and the Act of 1930, and sections thirty-four and thirty-five of this Act shall be construed as one with the Housing (Rural Workers) Acts, 1926 and 1931.

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

(4) This Act shall extend only to Scotland.

## SCHEDULES.

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Sections 2,  
4, 7, 12.

### FIRST SCHEDULE.

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#### NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING.

For the purposes of Part I of this Act the expression "the permitted number of persons" means, in relation to any dwelling-house, either—

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists; or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less :

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

#### ANNEX.

##### *Table I.*

Where a house consists of—

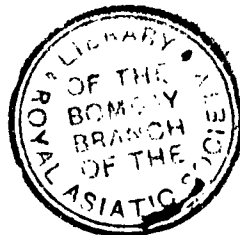
|                          |                                                                     |
|--------------------------|---------------------------------------------------------------------|
| (a) One room - - -       | 2.                                                                  |
| (b) Two rooms - - -      | 3.                                                                  |
| (c) Three rooms - - -    | 5.                                                                  |
| (d) Four rooms - - -     | 7½.                                                                 |
| (e) Five rooms or more - | 10, with an additional 2 in respect of each room in excess of five. |



Table II.

Where the floor area of a room is—

|                                                          |      |
|----------------------------------------------------------|------|
| (a) 110 sq. ft. or more- -                               | 2.   |
| (b) 90 sq. ft. or more, but less<br>than 110 sq. ft. - - | 1½.  |
| (c) 70 sq. ft. or more, but less<br>than 90 sq. ft. - -  | 1.   |
| (d) 50 sq. ft. or more, but less<br>than 70 sq. ft. - -  | ½.   |
| (e) Under 50 sq. ft. - -                                 | Nil. |

1st Ser.  
—cont.

## SECOND SCHEDULE.

Section 15.

PROVISIONS AS TO THE COMPULSORY PURCHASE OF  
LAND IN CONNECTION WITH RE-DEVELOPMENT IN  
ACCORDANCE WITH A RE-DEVELOPMENT PLAN.

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map, the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(a) the Lands Clauses Acts (except sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845);

(b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(c) section seventy of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections seventy-one to seventy-eight of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

8 & 9 Vict.  
c. 33.13 & 14  
Geo. 5. c. 20.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

(i) the compensation shall be assessed in accordance with such of the provisions of section seventeen of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(ii) the arbiter shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date on which

2ND SCH.  
—*cont.*

notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbiter, the erection of the building, or the making of the improvement or alteration, or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation; and

- (iii) notwithstanding anything in section eighteen of the Lands Clauses Consolidation (Scotland) Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and one of the Act of 1925 in relation to notices required to be served under that Act.

3. Before submitting the order to the Department the local authority shall—

- (a) publish in one or more newspapers circulating in their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be inspected; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. If any objection is duly made in writing by any of the persons upon whom notices are required to be served under the last foregoing paragraph, or by the superior of, or holder of a heritable security over, any land to which the order relates, stating as the ground thereof either—

- (a) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated; or
- (b) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or

- (c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Department can be dealt with by the arbiter by whom the compensation is to be assessed;

2ND SCH.  
—cont.

the Department shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification; and in any other case the Department may confirm the order with or without modification and either after, or without, causing a public local inquiry to be held:

Provided that the order as confirmed by the Department shall not—

- (i) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification; or
- (ii) authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

5. In construing, for the purposes of this Schedule or any order made thereunder, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

6. So soon as may be after the order has been confirmed by the Department, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected, and shall serve a like notice on every person who, having given notice to the Department of his objection to the order, appeared at a public local inquiry in support of his objection.

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Sections 37,  
38, 40, 41,  
49.

### THIRD SCHEDULE.

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#### PART I.

#### ENACTMENTS PROVIDING FOR EXCHEQUER CONTRIBUTIONS.

1. Section five of the Act of 1919.
2. Paragraph (b) of subsection (1) of section one of the Act of 1923 (as originally enacted).
3. Subsection (3) of section one of the Act of 1923.
4. Paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).
5. Section twenty-three of the Act of 1930.
6. Section one of the Act of 1931.
7. Section one of the Act of 1933.
8. Part III of this Act.

#### PART II.

#### PROVISIONS AS TO THE DETERMINATION OF THE AMOUNT OF CERTAIN EXCHEQUER CONTRIBUTIONS PAYABLE UNDER SECTION 5 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

##### *Contributions under S. 5 of the Act of 1919.*

1. For the purposes of this Schedule—
  - (a) a scheme under the Act of 1919 means a scheme to which section five of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a local authority;
  - (b) all schemes and parts of schemes under the Act of 1919 which a local authority are for the time being administering shall be deemed to be a single scheme carried out by the authority.
2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under section five of the Act of 1919 towards the loss resulting from

the carrying out of a scheme under the Act of 1919 by a local authority shall be the amount, if any, by which the estimated loss for that year in respect of the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, exceeds an amount equal to the produce (ascertained as provided by paragraph 8 of this Part of this Schedule) of a rate of four-fifths of one penny in the pound for that year levied in the authority's district.

3RD SCH.  
—*cont.*

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate annual rents of the houses provided or acquired by the authority under the scheme which, as at the fifteenth day of May, nineteen hundred and thirty-five, are accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme) and any other items of income which, in the opinion of the Department, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner :—

(1) there shall be ascertained—

(a) the aggregate amount of the charges during the five years ending on the fifteenth day of May, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances :

Provided that, where in consequence of the operation of paragraph (2) (b) of Article 7 of the Local Authorities (Assisted Housing Schemes) Amendment Regulations (Scotland), 1933, no charge or a charge of less than fifteen per cent. of the gross estimated rent within the meaning of the said regulations was made in respect of repairs in any one of the said five years, a charge equal to the said fifteen per cent. shall be deemed to have been made in that year;

3RD SCH.  
—cont.

(b) the aggregate amount of the gross estimated rent income during the five years ending on the fifteenth day of May, nineteen hundred and thirty-five, as accepted by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(c) the aggregate of, first, the amount which bears the same proportion to the estimated annual rent income as the amount ascertained under head (a) of this sub-paragraph bears to the amount ascertained under head (b) thereof and, second, an amount equal to two per cent. of the estimated annual rent income;

(d) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Department for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(e) The owners' rates for the year and any other items of expenditure which, in the opinion of the Department, may properly be taken into account:

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (d) of this sub-paragraph shall, unless the Department otherwise direct, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925, whichever is the less.

(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing sub-paragraph.

6. If and to the extent to which an agreement made before the sixteenth day of May, nineteen hundred and thirty-five, by a local authority with the Department under regulations made in pursuance of subsection (2) of section thirty-three of the Act of 1930 provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Part of this Schedule.

7. Where, after the fifteenth day of May, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Department may make such adjustments of the amounts of the estimated losses in respect of periods subsequent to the date of change as they may deem equitable.

3RD SCH.  
—cont.

8. In relation to a scheme under the Act of 1919, the produce of a rate of four-fifths of one penny in the pound for any financial year levied in any district shall be deemed to be that proportion of the produce of the consolidated rate which four-fifths of one penny bears to the total amount in the pound of the consolidated rate.

For the purposes of this paragraph, the produce of the consolidated rate for any year shall be deemed to be the amount realised in that year by the collection of the consolidated rate levied for that or any previous year, and the total amount in the pound of the consolidated rate shall be deemed to be such sum as bears to a pound the same ratio as the aggregate of the sums assessed for by that rate bears to the mean of (a) the total of the rateable values of lands and heritages in the district on which the share of rates payable by owners is assessed and (b) the total of such values on which the share of rates payable by occupiers is assessed.

*Contributions under S. 1 (3) of the Act of 1923.*

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, subject to such modifications as the Department, with the approval of the Treasury, may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

PART III.

LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme

3RD SCH.  
—cont.

are payable, of an amount equal to the produce, ascertained as provided by paragraph 8 of Part II of this Schedule, of a rate of four-fifths of one penny in the pound for that year, levied in the authority's district, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Department for the purpose of the determination of the Exchequer contribution :

Provided that, in respect of any year during which no contributions are payable by the Department in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) for that year in respect of the scheme.

2. In respect of a house in respect of which the Department have undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 as originally enacted, to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or, an amount equal to the average annual expenditure defrayed out of rates in respect of the house during the five financial years ending on the fifteenth day of May, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Department for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Department have undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924 but not as further amended by section one of the Act of 1933) to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of June, nineteen hundred and thirty-four, one pound ten shillings a year payable for a period of forty years :



Provided that, where immediately before the sixteenth day of May, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as estimated for the purpose of compliance with the requirements of paragraph (e) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or one pound ten shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum.

5. In respect of a house in respect of which the Department have undertaken to pay an Exchequer contribution under section twenty-three of the Act of 1930, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years.

6. In respect of a house in respect of which the Department have undertaken to pay an Exchequer contribution under paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924 and by section one of the Act of 1933) a contribution for each financial year during the period, or the remainder of the period, as the case may be of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to one pound ten shillings a year payable for a period of forty years.

7. The contributions payable by the local authority under section thirty-one of this Act.

8. The contributions payable by the local authority under section thirty-six of this Act.

9. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

10. Where—

(a) a local authority satisfy the Department that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Part of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the sixteenth day of

3RD SCH.  
—*cont.*

May, nineteen hundred and thirty-five, be of an amount less than the amount specified in that paragraph; or

- (b) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4, 5, or 6 of this Part of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution;

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Department may determine.

Section 48.

#### FOURTH SCHEDULE.

#### ENACTMENTS WITH RESPECT TO CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES CEASING TO HAVE EFFECT.

The Act of 1924—

Section two - In subsection (1), the words " if the houses are " subject to special conditions as hereinafter " provided in this Act," so far as regards houses provided by a local authority.

Section three Subsection (1).

The Housing Act, 1930—

Section forty- Subsection (1), so far as regards subsection (1) of four. section three of the Act of 1924.

The Act of 1930—

Section In subsection (1), the words from " and to such twenty- conditions " to " they may determine ". three.

In subsection (4), the words " Save as otherwise provided in the next succeeding subsection " and the words from " unless the local authority " to " provided by them or ".

In subsection (5) the words from " notwithstanding that " to the end of the subsection.

Section  
twenty-  
four.

The whole section, so far as regards houses provided by a local authority.

The Act of 1930—*cont.*

Section           The whole section.  
twenty-six.

Section           Subsection (5).  
thirty-nine.

4TH SCH.  
—*cont.*

The Act of 1931—

Section one - In subsection (1), the words “ on such conditions  
“ as he may with the like approval deter-  
“ mine ”; and subsection (7).

The Act of 1933—

Section one - In subsection (1), the words “ if the house is  
“ subject to special conditions as provided in  
“ the Act of 1924 ”; and subsection (2).

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## FIFTH SCHEDULE.

Section 87.

### CONSEQUENTIAL, DRAFTING AND MINOR AMENDMENTS.

#### PART I.

#### CONSEQUENTIAL AMENDMENTS.

The Act of 1925—

In section thirty-two, in subsection (1), after the words “ or a compulsory purchase order ” there shall be inserted the words “ or a redevelopment plan, or any superior of ”, and at the end of the said subsection there shall be added the words “ or redevelopment plan ”.

In section thirty-two, in subsection (2), after the words “ compulsory purchase order ” there shall be inserted the words “ or redevelopment plan ”.

In section seventy-three, in subsection (3), for the word “ same ” there shall be substituted the word “ advance ”; and in subsection (4), in paragraph (b), the word “ solely ” shall be omitted, and in paragraph (c), the words “ upon the security of any land or houses solely ” shall be omitted, after the words “ proposed to be burdened ” there shall be inserted the words “ in pursuance of subsection (2A) of this section ” and for the words “ the houses on the land burdened ” there shall be substituted the words “ houses or other work on land so burdened ”.

5TH SCH.  
—cont.

The Act of 1925  
—cont.

The following paragraph shall be added at the end of section one hundred and nine—

“(d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part I of the Housing (Scotland) Act, 1935, the number of persons permitted to use the house for sleeping.”

The following words shall be added at the end of section one hundred and twelve—

“or for the purpose of enabling re-development in accordance with a re-development plan to be proceeded with.”

The Act of 1930

In section twelve, for subsection (2) the following subsection shall be substituted—

“(2) The compensation to be paid for a dwelling-house which is specified in a compulsory purchase order as unfit for human habitation shall be such amount as represents the value at the time the valuation is made of the site of the dwelling-house as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district and of any planning scheme in operation in the area, and, subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.”

In section twelve, in subsection (3), for the words “other land” there shall be substituted the words “land or buildings other than as aforesaid”.

In section twelve, in subsection (4), the words “dwelling-house or other”, the words “or premises” and the words “or injurious or dangerous to health” shall be omitted, and for paragraphs (i) and (ii) there shall be substituted the following paragraphs—

“(i) the sum which would have been payable as compensation if the premises had been acquired by the authority under a compulsory purchase order;

“(ii) the sum which would have been so payable if the premises had been a

The Act of 1930  
—*cont.*

dwelling-house specified in a compulsory purchase order as unfit for human habitation."

5TH SCH.  
—*cont.*

In section sixteen, in subsection (4), for the words "the principal Act" there shall be substituted the words "the Housing (Scotland) Act, 1925 (in this Act referred to as "the principal Act")".

In section twenty-three, in paragraph (ii) of the proviso to subsection (3), for the words "injurious or dangerous to health" there shall be substituted the words "unfit for human habitation".

In the First Schedule, for paragraph 2 the following paragraph shall be substituted—

"2. A clearance order shall show separately in the prescribed manner the dwelling-houses which are unfit for human habitation."

In the First Schedule, in sub-paragraph (b) of paragraph 3, the words from "and also on" to "any part thereof" shall be omitted.

In the First Schedule, in paragraph 5, after the word "served" there shall be inserted the words "under paragraph 3 of this Schedule " or by the superior of, or holder of a heritable " security over, any building to which the " order applies".

In Part I of the Second Schedule, for paragraph 3 the following paragraph shall be substituted—

"3. The order shall show separately in the prescribed manner the dwelling-houses in the clearance or improvement area which are unfit for human habitation, and, in the case of an order in connection with a clearance area, the land and buildings, if any, proposed to be purchased outside the area."

In Part I of the Second Schedule, in sub-paragraph (b) of paragraph 4, the words from "and also on" to "such land or buildings" shall be omitted.

In Part I of the Second Schedule, in paragraph 5, after the word "served" there shall be inserted the words "under the foregoing " paragraph or by the superior of, or holder " of a heritable security over, any land or

5TH SCH. The Act of 1930  
—cont. —cont.

“ buildings to which the order applies ” and the following provisos shall be respectively substituted for provisos (i) and (ii) :—

“ (i) the Department may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a public local inquiry to be held if they are satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbiter by whom the compensation is to be assessed ;

(ii) the order as confirmed by the Department shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification, or to purchase any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.”

In Part II of the Second Schedule, for the words “ sub-paragraphs (i) and (ii) ” there shall be substituted the words “ sub-paragraph (ii) ”, for the words “ and provisos (ii) and (iii) to paragraph 5 ” there shall be substituted the words “ so much of paragraph 5 as relates “ to objections by superiors and holders of “ heritable securities, and proviso (iii) to that “ paragraph ”.

## PART II.

### DRAFTING AND MINOR AMENDMENTS.

The Act of 1924 In section eight, after the words “ the provision of houses ” there shall be inserted the words “ whether under this Act or any other Act ”.

The Act of 1925 In subsection (2) of section two, the words from “ but shall not apply ” to the end of the section shall be repealed.

In section five, the words from “ in a state ” to “ to be ” shall be repealed.

In subsection (2) of section fifty-four there shall be inserted at the beginning of the subsection the words “ Subject to the provisions of

The Act of 1925  
—*cont.*

5TH SCH.  
—*cont.*

“section forty-seven of the Housing (Scotland) Act, 1935,” and the words “by regulations” shall be repealed.

In subsection (3) of section seventy-five, for the words “Any such advance as aforesaid” there shall be substituted the words “Any advance by a local authority under this section”.

In subsection (4) of section seventy-five, after the word “advance” where that word occurs for the fourth time, there shall be inserted the words “or guarantee”.

In subsection (2) of section eighty-nine, after “purchased,” in both places where that word occurs, there shall be inserted the words “or appropriated”.

Section ninety-four shall be repealed.

In subsection (2) of section one hundred and one, the following words shall be added at the end “and service of a copy of an order shall be deemed to be, and always to have been, service of the order”.

Section one hundred and eight shall be repealed. In section one hundred and twelve, for the words “or in the enactments amending that Act” there shall be substituted the words “as amended by any subsequent enactment”.

In the Fourth Schedule, in paragraph 1, for subparagraph (b) there shall be substituted the following sub-paragraph—

“(b) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;”.

The Act of 1930

In subsection (1) of section fourteen, after the word “occupied” there shall be inserted the words “or is of a type suitable for occupation”.

In subsection (1) of section sixteen, after the word “occupied” there shall be inserted the words “or is of a type suitable for occupation”.

In the proviso to subsection (3) of section sixteen, for the words “if the building does not belong wholly to the same owner and does not consist” there shall be substituted the words “unless the building belongs wholly to the same owner and consists”.

In section nineteen, in subsection (2), for the words “conviction by a court of summary jurisdiction” there shall be substituted the words “summary conviction”.

5TH SCH.  
—cont.

The Act of 1930  
—cont.

In section twenty-seven, in subsection (3), for the words "conviction by a court of summary jurisdiction" there shall be substituted the words "summary conviction".

In section thirty-one, for the words "conviction by a court of summary jurisdiction" there shall be substituted the words "summary conviction".

In section forty-five for the words "this Part of this Act" there shall be substituted the words "the Housing (Scotland) Acts, 1925 to 1935".

In section forty-nine, in subsection (1) the word "and" occurring after the word "undertaking" shall be omitted, and at the end of that subsection there shall be added the words "the expression 'town planning scheme' means a scheme made under the 'Town Planning (Scotland) Act, 1925, or the 'Town and Country Planning (Scotland) Act, 1932, or any enactment repealed by 'either of those Acts'".

In section fifty, subsection (4) shall be omitted.

Section 88.

## SIXTH SCHEDULE.

### PART I.

#### ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

| Session and Chapter.  | Short title.                                                        | Extent of repeal.                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Edw. 7. c. 24       | The Burgh Sewerage, Drainage and Water Supply (Scotland) Act, 1901. | In section six, subsection (1).                                                                                                                                     |
| 9 & 10 Geo. 5. c. 60. | The Housing Town Planning &c. (Scotland) Act, 1919.                 | In section forty-three, in subsection (2), paragraphs (d), (e), (f) and (g); paragraph (h) so far as relating to light and ventilation, and paragraphs (j) and (k). |



6TH SCH.  
—cont.

| Session and Chapter.      | Short title.                                  | Extent of repeal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 & 14 Geo. 5.<br>c. 24. | The Housing, &c. Act,<br>1923.                | <p>In section one, in subsection (1), the words “subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine”.</p> <p>In section twenty-two, paragraph (b).</p> <p>In section twenty-three, paragraph (18).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 14 & 15 Geo. 5.<br>c. 35. | The Housing (Financial Provisions) Act, 1924. | <p>In section two, in subsection (1), the words “if the houses are subject to special conditions as hereinafter provided in this Act”, so far as regards houses provided by a local authority.</p> <p>In section three, subsection (1).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 15 & 16 Geo. 5.<br>c. 15. | The Housing (Scotland) Act, 1925.             | <p>In section two, in subsection (2) the words from “but shall not apply” to the end of the section.</p> <p>In section five, the words from “in a state” to “to be.”</p> <p>In section thirty-seven, in subsection (1), the proviso.</p> <p>In section forty-four, subsection (2), and in subsection (3) the words “by agreement (but not otherwise)”.</p> <p>In section fifty-four, in subsection (2), the words “by regulations”.</p> <p>In section fifty-nine, paragraphs (a), (b), (c), (e) and (f).</p> <p>Section seventy-seven.</p> <p>Section ninety-one.</p> <p>Section ninety-four.</p> <p>Section one hundred and eight.</p> <p>In section one hundred and nineteen, the definition of “Public utility society”.</p> |

6TH SCH.  
—cont.

| Session and Chapter.      | Short title.                      | Extent of repeal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20 & 21 Geo. 5.<br>c. 39. | The Housing Act, 1930             | In section forty-four, subsection (1), so far as regards subsection (1) of section three of the Act of 1924.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 20 & 21 Geo. 5.<br>c. 40. | The Housing (Scotland) Act, 1930. | <p>In section two, subsection (3).</p> <p>In section six, subsection (1).</p> <p>In section ten, subsection (3).</p> <p>In section twelve, in subsection (4), the words "dwelling-house or other," and the words "or premises", where those words respectively first occur, and the words "or injurious or dangerous to health".</p> <p>In section twenty-three, in subsection (1) the words from "and to such conditions" to "they may determine"; in subsection (4) the words "Save as otherwise provided in the next succeeding subsection" and the words from "unless the local authority" to "provided by them or"; in subsection (5), the words from "notwithstanding that" to the end of the subsection; and subsection (7).</p> <p>Section twenty-four, so far as regards houses provided by a local authority.</p> <p>Section twenty-five.</p> <p>Section twenty-six.</p> <p>In section twenty-seven, in subsection (2), the words "or dangerous or injurious to health".</p> <p>Section thirty-two.</p> <p>Section thirty-three.</p> |

| Session and Chapter.           | Short title.                                             | Extent of repeal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20 & 21 Geo. 5.<br>c. 40—cont. | The Housing (Scotland) Act, 1930—cont.                   | <p>Section thirty-six, in subsection (2), the word “either” and the words “or as an improvement area” wherever those words respectively occur.</p> <p>Section thirty-eight.</p> <p>In section thirty-nine, subsection (5).</p> <p>Section forty.</p> <p>Section forty-three.</p> <p>In section forty-nine, in subsection one, the word “and” occurring after the word “undertaking”.</p> <p>In section fifty, subsection (4)</p> <p>In the First Schedule, in sub-paragraph (b) of paragraph 3, the words from “and also” to “any part thereof”.</p> <p>In Part I of the Second Schedule, in sub-paragraph (b) of paragraph 4, the words from “and also” to “such land or buildings”.</p> <p>In the Third Schedule, Part I.</p> |
| 21 & 22 Geo. 5.<br>c. 39.      | The Housing (Rural Authorities) Act, 1931.               | <p>In section one, in subsection (1), the words “on such conditions as he may with the like approval determine”; and subsection (7).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 23 & 24 Geo. 5.<br>c. 16.      | The Housing (Financial Provisions) (Scotland) Act, 1933. | <p>In section one, in subsection (1), the words “if the house is subject to special conditions, as provided in the Act of 1924”; and subsection (2).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

6TH SCH.  
—cont.

## PART II.

ENACTMENT REPEALED AS FROM THE 16TH MAY  
1935.

| Session and Chapter.      | Short title.                   | Extent of repeal.                                                                                                                                                                                                                                                                                                     |
|---------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 & 14 Geo. 5.<br>c. 24. | The Housing, &c. Act,<br>1923. | In section six, subsection (1), so far as in its application to Scotland it saves the validity of and the power to amend regulations made under section five of the Act of 1919, not being regulations relating to schemes for the provision of houses for persons in the employment of or paid by a local authority. |

## PART III.

ENACTMENTS REPEALED AS FROM THE  
APPOINTED DAY.

| Session and Chapter.      | Short title.                           | Extent of repeal.                                                                      |
|---------------------------|----------------------------------------|----------------------------------------------------------------------------------------|
| 3 Edw. 7. c. 33           | The Burgh Police (Scotland) Act, 1903. | Sections sixty-seven and sixty-eight.                                                  |
| 15 & 16 Geo. 5.<br>c. 15. | The Housing (Scotland) Act, 1925.      | Section fifty-nine, in so far as not otherwise repealed by this Act.<br>Section sixty. |
| 20 & 21 Geo. 5.<br>c. 40. | The Housing (Scotland) Act, 1930.      | In section seven, in subsection (1), paragraph (iv); and subsection (3).               |



## CHAPTER 42.

An Act to make further provision for the government of India. [2nd August 1935.]

**B**E it enacted by the King'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.

## INTRODUCTORY.

1. This Act may be cited as the Government of India Act, 1935. Short title.

2.—(1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the government of the territories in India for the time being vested in him, and all rights, authority and jurisdiction exercisable by him in or in relation to any other territories in India, are exercisable by His Majesty, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Majesty :

Government  
of India  
by the  
Crown.

Provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown.

(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in or in relation to any territories in India by the Secretary of State, the Secretary of State in Council, the Governor-General, the Governor-General in Council, any Governor or any Local Government, whether by delegation from His Majesty or otherwise.

## PART I.

—cont.

The Governor-General of India and His Majesty's Representative as regards relations with Indian States.

3.—(1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

- (a) all such powers and duties as are conferred or imposed on him by or under this Act; and
- (b) such other powers of His Majesty, not being powers connected with the exercise of the functions of the Crown in its relations with Indian States, as His Majesty may be pleased to assign to him.

(2) His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and has such powers and duties in connection with the exercise of those functions (not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him.

(3) It shall be lawful for His Majesty to appoint one person to fill both the said offices.

The Commander-in-Chief in India.

4. There shall be a Commander-in-Chief of His Majesty's Forces in India appointed by Warrant under the Royal Sign Manual.

## PART II.

## THE FEDERATION OF INDIA.

## CHAPTER I.

## ESTABLISHMENT OF FEDERATION AND ACCESSION OF INDIAN STATES.

Proclamation of Federation of India.

5.—(1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India,—

- (a) the Provinces hereinafter called Governors' Provinces; and
- (b) the Indian States which have acceded or may thereafter accede to the Federation;

and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

PART II.  
—cont.

(2) The condition referred to is that States—

- (a) the Rulers whereof will, in accordance with the provisions contained in Part II of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State; and
- (b) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of the States as so ascertained,

have acceded to the Federation.

6.—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors—

Accession of  
Indian  
States.

- (a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act; and
- (b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession :

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

PART II.  
—cont.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State, and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive authority of the Federation in his State, are respectively to be subject.

(3) A Ruler may, by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable by His Majesty or any Federal Authority in relation to his State.

(4) Nothing in this section shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act :

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal Authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State, whether by reason of the Ruler's minority or for any other reason.



(7) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General, and after the expiration of twenty years from the establishment of the Federation the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

(8) In this Act a State which has acceded to the Federation is referred to as a Federated State, and the Instrument by virtue of which a State has so acceded, construed together with any supplementary Instrument executed under this section, is referred to as the Instrument of Accession of that State.

(9) As soon as may be after any Instrument of Accession or supplementary Instrument has been accepted by His Majesty under this section, copies of the Instrument and of His Majesty's Acceptance thereof shall be laid before Parliament, and all courts shall take judicial notice of every such Instrument and Acceptance.

## CHAPTER II.

### THE FEDERAL EXECUTIVE.

#### *The Governor-General.*

7.—(1) Subject to the provisions of this Act, the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General any functions conferred by any existing Indian law on any court, judge or officer, or on any local or other authority.

Functions  
of Governor-  
General.

(2) References in this Act to the functions of the Governor-General shall be construed as references to his powers and duties in the exercise of the executive authority of the Federation and to any other powers

PART II.  
—*cont.*

and duties conferred or imposed on him as Governor-General by or under this Act, other than powers exercisable by him by reason that they have been assigned to him by His Majesty under Part I of this Act.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor-General and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

Extent of  
executive  
authority of  
the Federa-  
tion.

8.—(1) Subject to the provisions of this Act, the executive authority of the Federation extends—

- (a) to the matters with respect to which the Federal Legislature has power to make laws;
- (b) to the raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment;
- (c) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance, or otherwise in and in relation to the tribal areas :

Provided that—

- (i) the said authority does not, save as expressly provided in this Act, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws;
- (ii) the said authority does not, save as expressly provided in this Act, extend in any Federated State save to matters with respect to which the Federal Legislature has power to make laws for that State, and the exercise thereof in each State shall be subject to such limitations, if any, as may be specified in the Instrument of Accession of the State;
- (iii) the said authority does not extend to the enlistment or enrolment in any forces raised in India of any person unless he is either a subject of His Majesty or a native of India or of territories adjacent to India; and

- (iv) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

PART II.  
—cont.

(2) The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a Federal law.

*Administration of Federal Affairs.*

9.—(1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

Council of  
ministers.

Provided that nothing in this subsection shall be construed as preventing the Governor-General from exercising his individual judgment in any case where by or under this Act he is required so to do.

(2) The Governor-General in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor-General in his discretion shall be final, and the validity of anything done by the Governor-General shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

10.—(1) The Governor-General's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

Other  
provisions  
as to  
ministers.

PART II.  
—cont.

(2) A minister who for any period of six consecutive months is not a member of either Chamber of the Federal Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Federal Legislature may from time to time by Act determine and, until the Federal Legislature so determine, shall be determined by the Governor-General:

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any and, if so, what advice was tendered by ministers to the Governor-General shall not be inquired into in any court.

(5) The functions of the Governor-General with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

Provisions  
as to  
defence,  
ecclesi-  
astical  
affairs, ex-  
ternal affairs  
and the  
tribal areas.

11.—(1) The functions of the Governor-General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to the tribal areas shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor-General may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

Special  
responsibil-  
ities of  
Governor-  
General.

12.—(1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say,—

- (a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;
- (b) the safeguarding of the financial stability and credit of the Federal Government;
- (c) the safeguarding of the legitimate interests of minorities;

- (d) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests;
- (e) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;
- (f) the prevention of action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment;
- (g) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and
- (h) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this Act required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter.

PART II.  
—cont.

(2) If and in so far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions exercise his individual judgment as to the action to be taken.

**13.**—(1) The Secretary of State shall lay before Parliament the draft of any Instrument of Instructions (including any Instrument amending or revoking an Instrument previously issued) which it is proposed to recommend His Majesty to issue to the Governor-General, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instrument may be issued.

Provisions  
as to  
Instrument  
of Instruc-  
tions.

(2) The validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

**14.**—(1) In so far as the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general

Superin-  
tendence of  
Secretary  
of State.

PART II.  
—*cont.*

control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Secretary of State, but the validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section the Secretary of State shall satisfy himself that nothing in the directions requires the Governor-General to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

Financial  
adviser to  
Governor-  
General.

**15.**—(1) The Governor-General may appoint a person to be his financial adviser.

(2) It shall be the duty of the Governor-General's financial adviser to assist by his advice the Governor-General in the discharge of his special responsibility for safeguarding the financial stability and credit of the Federal Government, and also to give advice to the Federal Government upon any matter relating to finance with respect to which he may be consulted.

(3) The Governor-General's financial adviser shall hold office during the pleasure of the Governor-General, and the salary and allowances of the financial adviser and the numbers of his staff and their conditions of service shall be such as the Governor-General may determine.

(4) The powers of the Governor-General with respect to the appointment and dismissal of a financial adviser, and with respect to the determination of his salary and allowances and the numbers of his staff and their conditions of service, shall be exercised by him in his discretion :

Provided that, if the Governor-General has determined to appoint a financial adviser, he shall, before making any appointment other than the first appointment, consult his ministers as to the person to be selected.

Advocate-  
General for  
Federation.

**16.**—(1) The Governor-General shall appoint a person, being a person qualified to be appointed a judge of the Federal Court, to be Advocate-General for the Federation.

PART II.  
—cont.

(2) It shall be the duty of the Advocate-General to give advice to the Federal Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Governor-General, and in the performance of his duties he shall have right of audience in all courts in British India and, in a case in which federal interests are concerned, in all courts in any Federated State.

(3) The Advocate-General shall hold office during the pleasure of the Governor-General, and shall receive such remuneration as the Governor-General may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and with respect to the determination of his remuneration, the Governor-General shall exercise his individual judgment.

**17.**—(1) All executive action of the Federal Government shall be expressed to be taken in the name of the Governor-General.

Conduct of  
business of  
Federal  
Govern-  
ment.

(2) Orders and other instruments made and executed in the name of the Governor-General shall be authenticated in such manner as may be specified in rules to be made by the Governor-General, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor-General.

(3) The Governor-General shall make rules for the more convenient transaction of the business of the Federal Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor-General is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor-General all such information with respect to the business of the Federal Government as may be specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor-General, and the appropriate secretary to bring to the

PART II.  
—cont.

notice of the minister concerned and of the Governor-General, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor-General.

(5) In the discharge of his functions under subsections (2), (3) and (4) of this section the Governor-General shall act in his discretion after consultation with his ministers.

## CHAPTER III.

## THE FEDERAL LEGISLATURE.

*General.*

Constitution  
of the  
Federal  
Legislature.

**18.**—(1) There shall be a Federal Legislature which shall consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly (in this Act referred to as “the Federal Assembly”).

(2) The Council of State shall consist of one hundred and fifty-six representatives of British India and not more than one hundred and four representatives of the Indian States, and the Federal Assembly shall consist of two hundred and fifty representatives of British India and not more than one hundred and twenty-five representatives of the Indian States.

(3) The said representatives shall be chosen in accordance with the provisions in that behalf contained in the First Schedule to this Act.

(4) The Council of State shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provisions in that behalf contained in the said First Schedule.

(5) Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

Sessions of  
the Legis-  
lature, pro-  
rogation and  
dissolution.

**19.**—(1) The Chambers of the Federal Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.



(2) Subject to the provisions of this section, the Governor-General may in his discretion from time to time—

PART II.  
—cont.

- (a) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;
- (b) prorogue the Chambers;
- (c) dissolve the Federal Assembly.

(3) The Chambers shall be summoned to meet for their first session on a day not later than such day as may be specified in that behalf in His Majesty's Proclamation establishing the Federation.

**20.**—(1) The Governor-General may in his discretion address either Chamber of the Federal Legislature or both Chambers assembled together, and for that purpose require the attendance of members.

Right of Governor-General to address, and send messages to, Chambers.

(2) The Governor-General may in his discretion send messages to either Chamber of the Federal Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration.

**21.** Every minister, every counsellor and the Advocate-General shall have the right to speak in, and otherwise to take part in the proceedings of, either Chamber, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Rights of ministers, counsellors and Advocate-General as respects Chambers.

**22.**—(1) The Council of State shall as soon as may be choose two members of the Council to be respectively President and Deputy President thereof and, so often as the office of President or Deputy President becomes vacant, the Council shall choose another member to be President or Deputy President, as the case may be.

Officers of Chambers.

(2) A member holding office as President or Deputy President of the Council of State shall vacate his office if he ceases to be a member of the Council, may at any time resign his office by writing under his hand addressed to

PART II.  
—*cont.*

the Governor-General, and may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

(3) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Council as the Governor-General may in his discretion appoint for the purpose, and during any absence of the President from any sitting of the Council the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as President.

(4) There shall be paid to the President and the Deputy President of the Council of State such salaries as may be respectively fixed by Act of the Federal Legislature, and, until provision in that behalf is so made, such salaries as the Governor-General may determine.

(5) The foregoing provisions of this section shall apply in relation to the Federal Assembly as they apply in relation to the Council of State with the substitution of the titles "Speaker" and "Deputy Speaker" for the titles "President" and "Deputy President" respectively, and with the substitution of references to the Assembly for references to the Council:

Provided that, without prejudice to the provisions of subsection (2) of this section as applied by this subsection, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

Voting in  
Chambers,  
power of  
Chambers  
to act  
notwith-  
standing  
vacancies,  
and  
quorum.

**23.**—(1) Save as provided in the last preceding section, all questions at any sitting or joint sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or Speaker or person acting as such.

The President or Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

PART II.  
—cont.

(2) A Chamber of the Federal Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of a Chamber less than one-sixth of the total number of members of the Chamber are present, it shall be the duty of the President or Speaker or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least one-sixth of the members are present.

*Provisions as to Members of Legislature.*

24. Every member of either Chamber shall, before taking his seat, make and subscribe before the Governor-General, or some person appointed by him, an oath according to that one of the forms set out in the Fourth Schedule to this Act which the member accepts as appropriate in his case.

Oath  
of members.

25.—(1) No person shall be a member of both Chambers, and rules made by the Governor-General exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

Vacation  
of seats.

(2) If a member of either Chamber—

(a) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(b) by writing under his hand addressed to the Governor-General resigns his seat,

his seat shall thereupon become vacant.

(3) If for sixty days a member of either Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

## PART II.

—*cont.*Disqualifi-  
cations for  
member-  
ship.

26.—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

- (a) if he holds any office of profit under the Crown in India, other than an office declared by Act of the Federal Legislature not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if, whether before or after the establishment of the Federation, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by Order in Council or by an Act of the Federal Legislature to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf by the provisions of that Order or Act;
- (e) if, whether before or after the establishment of the Federation, he has been convicted of any other offence by a court in British India or in a State which is a Federated State and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor-General, acting in his discretion, may allow in any particular case, has elapsed since his release;
- (f) if, having been nominated as a candidate for the Federal or any Provincial Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Federal or the Provincial Legislature, unless five years have elapsed from the date by which the return ought to have been lodged or the Governor-General, acting in his discretion, has removed the disqualification :

Provided that a disqualification under paragraph (f) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Governor-General, acting in his discretion, may in any particular case allow.

PART II.  
—cont.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of subsection (1) of this section is at the date of the disqualification a member of the Legislature, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this subsection he shall not sit or vote.

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in India by reason only that—

- (a) he is a minister either for the Federation or for a Province; or
- (b) while serving a State, he remains a member of one of the services of the Crown in India and retains all or any of his rights as such.

27. If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Federation.

Penalty for sitting and voting when not qualified, or when disqualified.

28.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Federal Legislature, there shall be freedom of speech in the Legislature, and no member of the Legislature shall be

Privileges &c. of members.

PART II  
—cont.

liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either Chamber of the Legislature of any report, paper, votes or proceedings.

(2) In other respects, the privileges of members of the Chambers shall be such as may from time to time be defined by Act of the Federal Legislature and, until so defined, shall be such as were immediately before the establishment of the Federation enjoyed by members of the Indian Legislature.

(3) Nothing in any existing Indian Act, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as conferring, or empowering the Federal Legislature to confer, on either Chamber or on both Chambers sitting together, or on any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than a power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(4) Provision may be made by an Act of the Federal Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a Chamber when duly required by the chairman of the committee so to do :

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown in India, and safeguarding confidential matter from disclosure, as may be made by the Governor-General exercising his individual judgment.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise take part in the proceedings of, a Chamber as they apply in relation to members of the Legislature.

Salaries and  
allowances  
of members.

**29.** Members of either Chamber shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Federal Legislature and, until provision in that respect is so made, allowances

at such rates and upon such conditions as were immediately before the date of the establishment of the Federation applicable in the case of members of the Legislative Assembly of the Indian Legislature.

PART II.  
—cont.

*Legislative Procedure.*

**30.**—(1) Subject to the special provisions of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber.

Provisions as to introduction and passing of Bills.

(2) Subject to the provisions of the next succeeding section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as are agreed to by both Chambers.

(3) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chambers.

(4) A Bill pending in the Council of State which has not been passed by the Federal Assembly shall not lapse on a dissolution of the Assembly.

(5) A Bill which is pending in the Federal Assembly or which having been passed by the Federal Assembly is pending in the Council of State shall, subject to the provisions of the next succeeding section, lapse on a dissolution of the Assembly.

**31.**—(1) If after a Bill has been passed by one Chamber and transmitted to the other Chamber—

- (a) the Bill is rejected by the other Chamber; or
- (b) the Chambers have finally disagreed as to the amendments to be made in the Bill; or
- (c) more than six months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to the Governor-General for his assent,

Joint sittings of both Chambers in certain cases.

the Governor-General may, unless the Bill has lapsed by reason of a dissolution of the Assembly, notify to the Chambers, by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill :

PART II.  
—*cont.*

Provided that, if it appears to the Governor-General that the Bill relates to finance or to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment, he may so notify the Chambers notwithstanding that there has been no rejection of or final disagreement as to the Bill and notwithstanding that the said period of six months has not elapsed, if he is satisfied that there is no reasonable prospect of the Bill being presented to him for his assent without undue delay.

In reckoning any such period of six months as is referred to in this subsection, no account shall be taken of any time during which the Legislature is prorogued or during which both Chambers are adjourned for more than four days.

(2) Where the Governor-General has notified his intention of summoning the Chambers to meet in a joint sitting, neither Chamber shall proceed further with the Bill, but the Governor-General may at any time in the next session after the expiration of six months from the date of his notification summon the Chambers to meet in a joint sitting for the purpose specified in his notification and, if he does so, the Chambers shall meet accordingly :

Provided that, if it appears to the Governor-General that the Bill is such a Bill as is mentioned in the proviso to subsection (1) of this section, he may summon the Chambers to meet in a joint sitting for the purpose aforesaid at any date, whether in the same session or in the next session.

(3) The functions of the Governor-General under the provisos to the two last preceding subsections shall be exercised by him in his discretion.

(4) If at the joint sitting of the two Chambers the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers :

Provided that at a joint sitting—

(a) if the Bill, having been passed by one Chamber, has not been passed by the other



Chamber with amendments and returned to the Chamber in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;

PART II.  
—cont.

- (b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed,

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

(5) A joint sitting may be held under this section and a Bill passed thereat notwithstanding that a dissolution of the Assembly has intervened since the Governor-General notified his intention to summon the Chambers to meet therein.

**32.**—(1) When a Bill has been passed by the Chambers, it shall be presented to the Governor-General, and the Governor-General shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure :

Assent to  
Bills and  
power of  
Crown to  
disallow  
Acts.

Provided that the Governor-General may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and the Chambers shall reconsider the Bill accordingly.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Federal Legislature unless and until, within twelve months from the day on which it was presented to the Governor-General, the Governor-General makes known by public notification that His Majesty has assented thereto.

(3) Any Act assented to by the Governor-General may be disallowed by His Majesty within twelve months from the day of the Governor-General's assent, and where any Act is so disallowed the Governor-General

PART II.  
— cont.

shall forthwith make the disallowance known by public notification, and as from the date of the notification the Act shall become void.

*Procedure in Financial matters.*

Annual  
financial  
statement.

**33.**—(1) The Governor-General shall in respect of every financial year cause to be laid before both Chambers of the Federal Legislature a statement of the estimated receipts and expenditure of the Federation for that year, in this Part of this Act referred to as the “annual financial statement.”

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Federation; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of the Federation,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor-General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of the Federation :—

- (a) the salary and allowances of the Governor-General and other expenditure relating to his office for which provision is required to be made by Order in Council;
- (b) debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (c) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the advocate-general, of chief commissioners, and of the staff of the financial adviser;
- (d) the salaries, allowances, and pensions payable to or in respect of judges of the Federal Court, and the pensions payable to or in respect of judges of any High Court;

- (e) expenditure for the purpose of the discharge by the Governor-General of his functions with respect to defence and ecclesiastical affairs, his functions with respect to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to tribal areas, and his functions in relation to the administration of any territory in the direction and control of which he is under this Act required to act in his discretion: provided that the sum so charged in any year in respect of expenditure on ecclesiastical affairs shall not exceed forty-two lakhs of rupees, exclusive of pension charges;
- (f) the sums payable to His Majesty under this Act out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States;
- (g) any grants for purposes connected with the administration of any areas in a Province which are for the time being excluded areas;
- (h) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- (i) any other expenditure declared by this Act or any Act of the Federal Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Federation shall be decided by the Governor-General in his discretion.

**34.**—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this subsection shall be construed as preventing the discussion in either Chamber of the Legislature of any of those estimates other than estimates relating to expenditure referred to in paragraph (a) or paragraph (f) of subsection (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the

PART II.  
—cont.

Procedure  
in Legisla-  
ture with  
respect to  
estimates.

PART II.  
—*cont.*

Council of State, and either Chamber shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein :

Provided that, where the Assembly have refused to assent to any demand, that demand shall not be submitted to the Council of State, unless the Governor-General so directs and, where the Assembly have assented to a demand subject to a reduction of the amount specified therein, a demand for the reduced amount only shall be submitted to the Council of State, unless the Governor-General otherwise directs; and where, in either of the said cases, such a direction is given, the demand submitted to the Council of State shall be for such amount, not being a greater amount than that originally demanded, as may be specified in the direction.

(3) If the Chambers differ with respect to any demand the Governor-General shall summon the two Chambers to meet in a joint sitting for the purpose of deliberating and voting on the demand as to which they disagree, and the decision of the majority of the members of both Chambers present and voting shall be deemed to be the decision of the two Chambers.

(4) No demand for a grant shall be made except on the recommendation of the Governor-General.

Authentica-  
tion of  
schedule of  
authorised  
expendi-  
ture.

**35.**—(1) The Governor-General shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Chambers under the last preceding section;
- (b) the several sums required to meet the expenditure charged on the revenues of the Federation but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Legislature :

Provided that, if the Chambers have not assented to any demand for a grant or have assented subject to a reduction of the amount specified therein, the Governor-General may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may

be, as appears to him necessary in order to enable him to discharge that responsibility.

PART II.  
—cont.

(2) The schedule so authenticated shall be laid before both Chambers but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Federation shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

**36.** If in respect of any financial year further expenditure from the revenues of the Federation becomes necessary over and above the expenditure theretofore authorised for that year, the Governor-General shall cause to be laid before both Chambers of the Federal Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Supplemen-  
tary state-  
ments of  
expendi-  
ture.

**37.**—(1) A Bill or amendment making provision—

- (a) for imposing or increasing any tax; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Federal Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Federal Government; or
- (c) for declaring any expenditure to be expenditure charged on the revenues of the Federation, or for increasing the amount of any such expenditure,

Special  
provisions  
as to  
financial  
Bills.

shall not be introduced or moved except on the recommendation of the Governor-General, and a Bill making such provision shall not be introduced in the Council of State.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

PART II.  
—*cont.*

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of the Federation shall not be passed by either Chamber unless the Governor-General has recommended to that Chamber the consideration of the Bill.

*Procedure generally.*

Rules of  
procedure.

**38.**—(1) Each Chamber of the Federal Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business :

Provided that as regards each Chamber the Governor-General shall in his discretion, after consultation with the President or the Speaker, as the case may be, make rules—

- (a) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;
- (b) for securing the timely completion of financial business;
- (c) for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State, other than a matter with respect to which the Federal Legislature has power to make laws for that State, unless the Governor-General in his discretion is satisfied that the matter affects Federal interests or affects a British subject, and has given his consent to the matter being discussed or the question being asked;
- (d) for prohibiting, save with the consent of the Governor-General in his discretion,—
  - (i) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or
  - (ii) the discussion, except in relation to estimates of expenditure, of, or the asking

of questions on, any matter connected with the tribal areas or the administration of any excluded area; or

PART II.  
—cont.

(iii) the discussion of, or the asking of questions on, any action taken in his discretion by the Governor-General in relation to the affairs of a Province; or

(iv) the discussion of, or the asking of questions on, the personal conduct of the Ruler of any Indian State, or of a member of the ruling family thereof;

and, if and in so far as any rule so made by the Governor-General is inconsistent with any rule made by a Chamber, the rule made by the Governor-General shall prevail.

(2) The Governor-General, after consultation with the President of the Council of State and the Speaker of the Legislative Assembly, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding subsection as the Governor-General in his discretion may think fit.

(3) Until rules are made under this section, the rules of procedure and standing orders in force immediately before the establishment of the Federation with respect to the Indian Legislature shall have effect in relation to the Federal Legislature subject to such modifications and adaptations as may be made therein by the Governor-General in his discretion.

(4) At a joint sitting of the two Chambers the President of the Council of State, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

**39.** All proceedings in the Federal Legislature shall be conducted in the English language :

English to  
be used in  
the Federal  
Legislature.

Provided that the rules of procedure of each Chamber and the rules with respect to joint sittings shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

## PART II.

—cont.

Restrictions  
on dis-  
cussion in  
the Legisla-  
ture.

40.—(1) No discussion shall take place in the Federal Legislature with respect to the conduct of any judge of the Federal Court or a High Court in the discharge of his duties.

In this subsection the reference to a High Court shall be construed as including a reference to any court in a Federated State which is a High Court for any of the purposes of Part IX of this Act.

(2) If the Governor-General in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Federal Legislature, or of any specified clause of a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of India or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

Courts not  
to inquire  
into pro-  
ceedings  
of the  
Legislature.

41.—(1) The validity of any proceedings in the Federal Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of the Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

## CHAPTER IV.

## LEGISLATIVE POWERS OF GOVERNOR-GENERAL.

Power of  
Governor-  
General to  
promulgate  
ordinances  
during  
recess of  
Legislature.

42.—(1) If at any time when the Federal Legislature is not in session the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor-General—

(a) shall exercise his individual judgment as respects the promulgation of any ordinance under this section if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and



(b) shall not, without instructions from His Majesty, promulgate any such ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon.

PART II.  
—cont.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(a) shall be laid before the Federal Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if before the expiration of that period resolutions disapproving it are passed by both Chambers, upon the passing of the second of those resolutions;

(b) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General; and

(c) may be withdrawn at any time by the Governor-General.

(3) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

**43.**—(1) If at any time the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

Power of Governor-General to promulgate ordinances at any time with respect to certain subjects.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the

PART II. Federal Legislature assented to by the Governor-General,  
—*cont.* but every such ordinance—

- (a) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General;
- (b) may be withdrawn at any time by the Governor-General; and
- (c) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

Power of Governor-General in certain circumstances to enact Acts.

44.—(1) If at any time it appears to the Governor-General that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, it is essential that provision should be made by legislation, he may by message to both Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

- (a) enact forthwith, as a Governor-General's Act, a Bill containing such provisions as he considers necessary; or
- (b) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor-General takes such action as is mentioned in paragraph (b) of the preceding subsection, he may at any time after the expiration of one month enact, as a Governor-General's Act, the Bill proposed by him to the Chambers either in the form of the draft communicated to them or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by either Chamber with

reference to the Bill or to amendments suggested to be made therein.

PART II.  
—cont.

(3) A Governor-General's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Federal Legislature assented to by the Governor-General and, if and in so far as a Governor-General's Act makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(4) Every Governor-General's Act shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

#### CHAPTER V.

#### PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY.

45.—(1) If at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

Power of Governor-General to issue Proclamations.

- (a) declare that his functions shall to such extent as may be specified in the Proclamation be exercised by him in his discretion;
- (b) assume to himself all or any of the powers vested in or exercisable by any Federal body or authority,

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Federal body or authority :

Provided that nothing in this subsection shall authorise the Governor-General to assume to himself any of the powers vested in or exercisable by the Federal Court or to suspend, either in whole or in part, the operation of any provision of this Act relating to the Federal Court.

PART II.  
—*cont.*

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation issued under this section—

(a) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(b) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months:

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate.

(4) If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this subsection shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

(5) If the Governor-General, by a Proclamation under this section, assumes to himself any power of the Federal Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Federal Acts, Federal laws, or Acts or laws of the Federal Legislature shall be construed as including a reference to such a law.

(6) The functions of the Governor-General under this section shall be exercised by him in his discretion.

## PART III.

## THE GOVERNORS' PROVINCES.

## CHAPTER I.

## THE PROVINCES.

46.—(1) Subject to the provisions of the next succeeding section with respect to Berar, the following shall be Governors' Provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North West Frontier Province, Orissa, Sind, and such other Governors' Provinces as may be created under this Act.

(2) Burma shall cease to be part of India.

(3) In this Act the expression " Province " means, unless the context otherwise requires, a Governor's Province, and " Provincial " shall be construed accordingly.

47. Whereas certain territory (in this Act referred to as " Berar ") is under the sovereignty of His Exalted Highness the Nizam of Hyderabad, but is at the date of the passing of this Act, by virtue of certain agreements subsisting between His Majesty and His Exalted Highness, administered together with the Central Provinces :

And whereas it is in contemplation that an agreement shall be concluded between His Majesty and His Exalted Highness whereby, notwithstanding the continuance of the sovereignty of His Exalted Highness over Berar, the Central Provinces and Berar may be governed together as one Governor's Province under this Act by the name of the Central Provinces and Berar :

Now, therefore,—

(1) While any such agreement is in force—

(a) Berar and the Central Provinces shall, notwithstanding the continuance of the sovereignty of His Exalted Highness, be deemed to be one Governor's Province by the name of the Central Provinces and Berar ;

(b) any reference in this Act or in any other Act to British India shall be construed as a reference to British India and

PART III.  
—cont.

Berar, and any reference in this Act to subjects of His Majesty shall, except for the purposes of any oath of allegiance, be deemed to include a reference to Berari subjects of His Exalted Highness;

(c) any provision made under this Act with respect to the qualifications of the voters for the Provincial Legislature of the Central Provinces and Berar, or the voters for the Council of State, shall be such as to give effect to any provisions with respect to those matters contained in the agreement:

- (2) If no such agreement is concluded, or if such an agreement is concluded but subsequently ceases to have effect, references in this Act to the Central Provinces and Berar shall be construed as references to the Central Provinces, and His Majesty in Council may make such consequential modifications in the provisions of this Act relating to the Central Provinces as he thinks proper.

## CHAPTER II.

## THE PROVINCIAL EXECUTIVE.

*The Governor.*

Appoint-  
ment of  
Governor.

48.—(1) The Governor of a Province is appointed by His Majesty by a Commission under the Royal Sign Manual.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

Executive  
authority  
of Province.

49.—(1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

PART III.  
—cont.

*Administration of Provincial Affairs.*

**50.**—(1) There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

Council of  
ministers.

Provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he is required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

**51.**—(1) The Governor's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

Other  
provisions  
as to  
ministers.

(2) A minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.

PART III.  
--cont.

(5) The functions of the Governor under this section with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

Special  
responsi-  
bilities of  
Governor.

**52.—(1)** In the exercise of his functions the Governor shall have the following special responsibilities, that is to say :—

- (a) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;
- (b) the safeguarding of the legitimate interests of minorities;
- (c) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;
- (d) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;
- (e) the securing of the peace and good government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;
- (f) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and
- (g) the securing of the execution of orders or directions lawfully issued to him under Part VI of this Act by the Governor-General in his discretion.

(2) The Governor of the Central Provinces and Berar shall also have the special responsibility of securing that a reasonable share of the revenues of the Province is expended in or for the benefit of Berar, the Governor of any Province which includes an excluded area shall also have the special responsibility of securing that the due discharge of his functions in respect of excluded areas is not prejudiced or impeded by any course of



action taken with respect to any other matter, any Governor who is discharging any functions as agent for the Governor-General shall also have the special responsibility of securing that the due discharge of those functions is not prejudiced or impeded by any course of action taken with respect to any other matter, and the Governor of Sind shall also have the special responsibility of securing the proper administration of the Lloyd Barrage and Canals Scheme.

PART III.  
—cont.

(3) If and in so far as any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

**53.**—(1) The Secretary of State shall lay before Parliament the draft of any Instructions (including any Instructions amending or revoking Instructions previously issued) which it is proposed to recommend His Majesty to issue to the Governor of a Province, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instructions may be issued.

Provisions  
as to In-  
strument of  
Instructions.

(2) The validity of anything done by the Governor of a Province shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

**54.**—(1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

Superin-  
tendence of  
Governor-  
General.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

PART III.  
—cont.  
Advocate-  
General for  
Province.

**55.**—(1) The Governor of each Province shall appoint a person, being a person qualified to be appointed a judge of a High Court, to be Advocate-General for the Province.

(2) It shall be the duty of the Advocate-General to give advice to the Provincial Government upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Provisions  
as to police  
rules.

**56.** Where it is proposed that the Governor of a Province should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules, regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgment with respect to the proposal, unless it appears to him that the proposal does not relate to or affect the organisation or discipline of that force.

Provisions  
as to  
crimes of  
violence  
intended to  
overthrow  
Govern-  
ment.

**57.**—(1) If it appears to the Governor of a Province that the peace or tranquillity of the Province is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit, crimes of violence which, in the opinion of the Governor, are intended to overthrow the government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating those operations, direct that his functions shall, to such extent as may be specified in the direction, be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

(2) While any such direction is in force, the Governor may authorise an official to speak in and otherwise take part in the proceedings of the Legislature,

and any official so authorised may speak and take part accordingly in the proceedings of the Chamber or Chambers of the Legislature, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member by the Governor, but shall not be entitled to vote.

PART III.  
—cont.

(3) The functions of the Governor under this section shall be exercised by him in his discretion.

(4) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.

**58.** The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with respect to the operations of persons committing, or conspiring, preparing, or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

Sources of certain information not to be disclosed.

- (a) by any member of any police force in the Province to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion; or
- (b) by any other person in the service of the Crown in the Province to any person except in accordance with directions of the Governor in his discretion.

**59.**—(1) All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

Conduct of business of Provincial Government.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Provincial Government, and for the allocation among ministers of

PART III. the said business in so far as it is not business with respect  
—cont. to which the Governor is by or under this Act required  
to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Provincial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor.

(5) In the discharge of his functions under subsections (2), (3) and (4) of this section the Governor shall act in his discretion after consultation with his ministers.

### CHAPTER III.

#### THE PROVINCIAL LEGISLATURE.

##### *General.*

Constitution  
of Pro-  
vincial  
Legisla-  
tures.

**60.**—(1) There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor, and—

- (a) in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers;
- (b) in other Provinces, one Chamber.

(2) Where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly, and where there is only one Chamber, the Chamber shall be known as the Legislative Assembly.

Composition  
of Chambers  
of Provincial  
Legislatures.

**61.**—(1) The composition of the Chamber or Chambers of the Legislature of a Province shall be such as is specified in relation to that Province in the Fifth Schedule to this Act.

(2) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no

longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

PART III.  
—cont.

(3) Every Legislative Council shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provision in that behalf made in relation to the Province under the said Fifth Schedule.

**62.**—(1) The Chamber or Chambers of each Provincial Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

Sessions  
of the  
Legislature,  
prorogation  
and dissolution.

(2) Subject to the provisions of this section, the Governor may in his discretion from time to time—

- (a) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;
- (b) prorogue the Chamber or Chambers;
- (c) dissolve the Legislative Assembly.

(3) The Chamber or Chambers shall be summoned to meet for the first session of the Legislature on a day not later than six months after the commencement of this Part of this Act.

**63.**—(1) The Governor may in his discretion address the Legislative Assembly or, in the case of a Province having a Legislative Council, either Chamber of the Provincial Legislature or both Chambers assembled together, and may for that purpose require the attendance of members.

Right of  
Governor  
to address,  
and send  
messages to,  
Chambers.

(2) The Governor may in his discretion send messages to the Chamber or Chambers of the Provincial Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration.

**64.** Every minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the Province or, in the case of a Province having a Legislative Council, both Chambers and any joint sitting of the Chambers, and to speak in, and otherwise take part in the

Rights of  
ministers  
and Advocate-General  
as respects  
Chambers.

PART III.  
—cont.

proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Officers of  
Chambers.

**65.**—(1) Every Provincial Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office if he ceases to be a member of the Assembly, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

Provided that, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may in his discretion appoint for the purpose, and during any absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(4) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries as may be respectively fixed by Act of the Provincial Legislature, and, until provision in that behalf is so made, such salaries as the Governor may determine.

(5) In the case of a Province having a Legislative Council, the foregoing provisions of this section (other than the proviso to subsection (2) thereof) shall

apply in relation to the Legislative Council as they apply in relation to the Legislative Assembly, with the substitution of the titles "President" and "Deputy President" for the titles "Speaker" and "Deputy Speaker" respectively, and with the substitution of references to the Council for references to the Assembly.

PART III.  
—cont.

**66.**—(1) Save as in this Act otherwise expressly provided, all questions in a Chamber, or a joint sitting of two Chambers, of a Provincial Legislature shall be determined by a majority of votes of the members present and voting, other than the Speaker or President, or person acting as such.

Voting in Chambers, power of Chambers to act notwithstanding vacancies, and quorum.

The Speaker or President, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Chamber of a Provincial Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in a Provincial Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of a Provincial Legislative Assembly less than one-sixth of the total number of members of the Chamber are present, or if at any time during a meeting of a Provincial Legislative Council less than ten members are present, it shall be the duty of the Speaker or President or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least one-sixth of the members, or, as the case may be, at least ten members, are present.

*Provisions as to Members of Legislatures.*

**67.** Every member of a Provincial Legislative Assembly or Legislative Council shall, before taking his seat, make and subscribe before the Governor, or some person appointed by him, an oath according to that one of the forms set out in the Fourth Schedule to this Act which the member accepts as appropriate in his case.

Oath of members.

PART III.  
—cont.  
Vacation of  
seats.

**68.**—(1) No person shall be a member of both Chambers of a Provincial Legislature, and rules made by the Governor exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) No person shall be a member both of the Federal Legislature and of a Provincial Legislature and if a person is chosen a member both of the Federal Legislature and of a Provincial Legislature, then, at the expiration of such period as may be specified in rules made by the Governor of the Province exercising his individual judgment, that person's seat in the Provincial Legislature shall become vacant, unless he has previously resigned his seat in the Federal Legislature.

(3) If a member of a Chamber—

(a) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(b) by writing under his hand addressed to the Governor resigns his seat,

his seat shall thereupon become vacant.

(4) If for sixty days a member of a Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

Disqualifi-  
cations for  
member-  
ship.

**69.**—(1) A person shall be disqualified for being chosen as, and for being, a member of a Provincial Legislative Assembly or Legislative Council—

(a) if he holds any office of profit under the Crown in India, other than an office declared by Act of the Provincial Legislature not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;



- (d) if, whether before or after the commencement of this Part of this Act, he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by Order in Council, or by an Act of the Provincial Legislature, to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf in the provisions of that Order or Act;
- (e) if, whether before or after the commencement of this Part of this Act, he has been convicted of any other offence by a court in British India or in a State which is a Federated State and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor, acting in his discretion, may allow in any particular case, has elapsed since his release;
- (f) if, having been nominated as a candidate for the Federal or any Provincial Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Federal or the Provincial Legislature, unless five years have elapsed from the date by which the return ought to have been lodged or the Governor, acting in his discretion, has removed the disqualification :

PART III.  
—cont.

Provided that a disqualification under paragraph (f) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Governor, acting in his discretion, may in any particular case allow.

(2) A person shall not be capable of being chosen a member of a Chamber of a Provincial Legislature while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by

PART III.  
—cont.

virtue of paragraph (d) or paragraph (e) of subsection (1) of this section is at the date of the disqualification a member of a Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this subsection, he shall not sit or vote.

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in India by reason only that he is a minister either for the Federation or for a Province.

Penalty for sitting and voting when not qualified, or when disqualified.

**70.** If a person sits or votes as a member of a Provincial Legislative Assembly or Legislative Council when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Province.

Privileges, &c. of members.

**71.**—(1) Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.

(2) In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province.

(3) Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as

conferring, or empowering any Legislature to confer, on a Chamber thereof or on both Chambers sitting together or any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

PART III.  
—cont.

(4) Provision may be made by an Act of the Provincial Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a Chamber when duly required by the chairman of a committee so to do :

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown of India, and safeguarding confidential matter from disclosure, as may be made by the Governor exercising his individual judgment.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in and otherwise take part in the proceedings of a Chamber as they apply in relation to members of the Legislature.

**72.** Members of Provincial Legislative Assemblies and Legislative Councils shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Provincial Legislature, and until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this Part of this Act applicable in the case of members of the Legislative Council of the Province.

Salaries and allowances of members.

### *Legislative Procedure.*

**73.**—(1) Subject to the special provisions of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber of the Legislature of a Province which has a Legislative Council.

Intro-  
duction of  
Bills, &c.

(2) A Bill pending in the Legislature of a Province shall not lapse by reason of the prorogation of the Chamber or Chambers thereof.

PART III.  
—cont.

(3) A Bill pending in the Legislative Council of a Province which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly.

(4) A Bill which is pending in the Legislative Assembly of a Province, or which having been passed by the Legislative Assembly is pending in the Legislative Council, shall lapse on a dissolution of the Assembly.

Passing of  
Bills in  
Provinces  
having  
Legislative  
Councils.

**74.**—(1) Subject to the provisions of this section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature of a Province having a Legislative Council, unless it has been agreed to by both Chambers, either without amendments or with such amendments only as are agreed to by both Chambers.

(2) If a Bill which has been passed by the Legislative Assembly and transmitted to the Legislative Council is not, before the expiration of twelve months from its reception by the Council, presented to the Governor for his assent, the Governor may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill :

Provided that, if it appears to the Governor that the Bill relates to finance or affects the discharge of any of his special responsibilities, he may summon the Chambers to meet in a joint sitting for the purpose aforesaid notwithstanding that the said period of twelve months has not elapsed.

The functions of the Governor under the proviso to this subsection shall be exercised by him in his discretion.

(3) If at a joint sitting of the two Chambers summoned in accordance with the provisions of this section the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers :

Provided that at a joint sitting—

(a) unless the Bill has been passed by the Legislative Council with amendments and returned to the Legislative Assembly, no amendment shall be proposed to the Bill other than such amendments, if any, as are made necessary by the delay in the passage of the Bill ;

(b) if the Bill has been so passed and returned by the Legislative Council, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed,

PART III.  
—cont.

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

**75.** A Bill which has been passed by the Provincial Legislative Assembly or, in the case of a Province having a Legislative Council, has been passed by both Chambers of the Provincial Legislature, shall be presented to the Governor, and the Governor in his discretion shall declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the consideration of the Governor-General :

Assent to  
Bills.

Provided that the Governor may in his discretion return the Bill together with a message requesting that the Chamber or Chambers will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly.

**76.—(1)** When a Bill is reserved by a Governor for the consideration of the Governor-General, the Governor-General shall in his discretion declare, either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure thereon :

Bills  
reserved  
for con-  
sideration.

Provided that the Governor-General may, if he in his discretion thinks fit, direct the Governor to return the Bill to the Chamber, or, as the case may be, the Chambers, of the Provincial Legislature together with such a message as is mentioned in the proviso to the last preceding section and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly and, if it is again passed by them with or without amendment, it shall be presented again to the Governor-General for his consideration.

PART III.  
—cont.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Provincial Legislature unless and until, within twelve months from the day on which it was presented to the Governor, the Governor makes known by public notification that His Majesty has assented thereto.

Power of  
Crown to  
disallow  
Acts.

**77.** Any Act assented to by the Governor or the Governor-General may be disallowed by His Majesty within twelve months from the date of the assent, and where any Act is so disallowed the Governor shall forthwith make the disallowance known by public notification and as from the date of the notification the Act shall become void.

*Procedure in Financial matters.*Annual  
financial  
statement.

**78.**—(1) The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year, in this Part of this Act referred to as the "annual financial statement."

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Province; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of the Province,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of each Province—

- (a) the salary and allowances of the Governor and other expenditure relating to his office for which provision is required to be made by Order in Council;

- (b) debt charges for which the Province is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (c) the salaries and allowances of ministers, and of the Advocate-General;
- (d) expenditure in respect of the salaries and allowances of judges of any High Court;
- (e) expenditure connected with the administration of any areas which are for the time being excluded areas;
- (f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- (g) any other expenditure declared by this Act or any Act of the Provincial Legislature to be so charged.

PART III.  
—*cont.*

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Province shall be decided by the Governor in his discretion.

**79.**—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of a Province shall not be submitted to the vote of the Legislative Assembly, but nothing in this subsection shall be construed as preventing the discussion in the Legislature of those estimates, other than estimates relating to expenditure referred to in paragraph (a) of subsection (3) of the last preceding section.

Procedure in Legislature with respect to estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

**80.**—(1) The Governor shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Assembly under the last preceding section;

Authentification of schedule of authorised expenditure.

PART III.  
—cont.

(b) the several sums required to meet the expenditure charged on the revenues of the Province but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chamber or Chambers:

Provided that, if the Assembly have refused to assent to any demand for a grant or have assented to such a demand subject to a reduction of the amount specified therein, the Governor may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before the Assembly but shall not be open to discussion or vote in the Legislature.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Province shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supple-  
mentary  
statements  
of expendi-  
ture.

**81.** If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Special pro-  
visions as to  
financial  
Bills.

**82.**—(1) A Bill or amendment making provision—

- (a) for imposing or increasing any tax; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Province, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Province; or
- (c) for declaring any expenditure to be expenditure charged on the revenues of the Province, or for increasing the amount of any such expenditure,



shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council.

PART III.  
—cont.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand and payment of fees for licences or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a Province shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.

**83.**—(1) If in the last complete financial year before the commencement of this Part of this Act a grant for the benefit of the Anglo-Indian and European communities or either of them was included in the grants made in any Province for education, then in each subsequent financial year, not being a year in which the Provincial Legislative Assembly otherwise resolve by a majority which includes at least three-fourths of the members of the Assembly, a grant shall be made for the benefit of the said community or communities not less in amount than the average of the grants made for its or their benefit in the ten financial years ending on the thirty-first day of March, nineteen hundred and thirty-three :

Provisions with respect to certain educational grants.

Provided that, if in any financial year the total grant for education in the Province is less than the average of the total grants for education in the Province in the said ten financial years, then, whatever fraction the former may be of the latter, any grant made under this subsection in that financial year for the benefit of the said community or communities need not exceed that fraction of the average of the grants made for its or their benefit in the said ten financial years.

In computing for the purposes of this subsection the amount of any grants, grants for capital purposes shall be included.

PART III.  
—*cont.*

(2) The provisions of this section shall cease to have effect in a Province if at any time the Provincial Legislative Assembly resolve by a majority which includes at least three-fourths of the members of the Assembly that those provisions shall cease to have effect.

(3) Nothing in this section affects the special responsibility of the Governor of a Province for the safeguarding of the legitimate interests of minorities.

*Procedure generally.*

Rules of  
procedure.

**84.**—(1) A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:

Provided that, as regards either a Legislative Assembly or a Legislative Council, the Governor shall in his discretion, after consultation with the Speaker or the President, as the case may be, make rules—

- (a) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;
- (b) for securing the timely completion of financial business;
- (c) for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State unless the Governor in his discretion is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and has given his consent to the matter being discussed, or to the question being asked;
- (d) for prohibiting, save with the consent of the Governor in his discretion—
  - (i) the discussion of or the asking of questions on any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or

PART III.  
—cont.

- (ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matters connected with the tribal areas or arising out of or affecting the administration of an excluded area; or
- (iii) the discussion of, or the asking of questions on, the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof;

and, if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail.

(2) In a Province having a Legislative Council the Governor, after consultation with the Speaker and the President, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding subsection as the Governor in his discretion may think fit.

(3) Until rules are made under this section the rules of procedure and standing orders in force immediately before the commencement of this Part of this Act with respect to the Legislative Council of the Province shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion.

(4) At a joint sitting of two Chambers the President of the Legislative Council, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

**85.** All proceedings in the Legislature of a Province shall be conducted in the English language :

English to  
be used in  
Provincial  
Legisla-  
tures.

Provided that the rules of procedure of the Chamber or Chambers, and the rules, if any, with respect to joint sittings, shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

**86.**—(1) No discussion shall take place in a Provincial Legislature with respect to the conduct of any judge of the Federal Court or of a High Court in the discharge of his duties.

Restrictions  
on discus-  
sion in the  
Legislature.

PART III.  
—cont.

In this subsection the reference to a High Court shall be construed as including a reference to a court in a Federated State which is a High Court for any of the purposes of Part IX of this Act.

(2) If the Governor in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Provincial Legislature, or of any specified clause of a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

Courts not to inquire into proceedings of the Legislature.

87.—(1) The validity of any proceedings in a Provincial Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of a Provincial Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

## CHAPTER IV.

## LEGISLATIVE POWERS OF GOVERNOR.

Power of Governor to promulgate ordinances during recess of Legislature.

88.—(1) If at any time when the Legislature of a Province is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor—

(a) shall exercise his individual judgment as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his or the Governor-General's previous sanction to the introduction thereof into the Legislature; and

- (b) shall not without instructions from the Governor-General, acting in his discretion, promulgate any such ordinance, if a Bill containing the same provisions would under this Act have required the Governor-General's previous sanction for the introduction thereof into the Legislature, or if he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the Governor-General.

PART III.  
—cont.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

- (a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council;
- (b) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature assented to by the Governor; and
- (c) may be withdrawn at any time by the Governor.

(3) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature assented to by the Governor, it shall be void.

**89.**—(1) If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

Power of Governor to promulgate ordinances at any time with respect to certain subjects.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a

PART III. subsequent ordinance be extended for a further period  
—*cont.* not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

- (a) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature;
- (b) may be withdrawn at any time by the Governor; and
- (c) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature, it shall be void :

Provided that for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, an ordinance promulgated under this section shall be deemed to be an Act of the Provincial Legislature which has been reserved for the consideration of the Governor-General and assented to by him.

(5) The functions of the Governor under this section shall be exercised by him in his discretion but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion :

Provided that, if it appears to the Governor that it is impracticable to obtain in time the concurrence of the Governor-General, he may promulgate an ordinance without the concurrence of the Governor-General, but in that case the Governor-General in his discretion may direct the Governor to withdraw the ordinance and the ordinance shall be withdrawn accordingly.

Power of  
Governor in  
certain cir-  
cumstances  
to enact  
Acts.

**90.**—(1) If at any time it appears to the Governor that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his

discretion or to exercise his individual judgment, it is essential that provision should be made by legislation, he may by message to the Chamber or Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

PART III.  
—cont.

- (a) enact forthwith as a Governor's Act a Bill containing such provisions as he considers necessary; or
- (b) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor takes such action as is mentioned in paragraph (b) of the preceding subsection, he may, at any time after the expiration of one month, enact, as a Governor's Act, the Bill proposed by him to the Chamber or Chambers either in the form of the draft communicated to them, or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by the Chamber or either of the Chambers with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Provincial Legislature assented to by the Governor and, if and so far as it makes any provision which would not be valid if enacted in an Act of that Legislature, shall be void :

Provided that, for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, a Governor's Act shall be deemed to be an Act reserved for the consideration of the Governor-General and assented to by him.

(4) Every Governor's Act shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor under this section shall be exercised by him in his discretion, but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion.

PART III.  
—cont.

## CHAPTER V.

## EXCLUDED AREAS AND PARTIALLY EXCLUDED AREAS.

Excluded  
areas and  
partially  
excluded  
areas.

**91.**—(1) In this Act the expressions “excluded area” and “partially excluded area” mean respectively such areas as His Majesty may by Order in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the Order which it is proposed to recommend His Majesty to make under this subsection before Parliament within six months from the passing of this Act.

(2) His Majesty may at any time by Order in Council—

- (a) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;
- (b) direct that the whole or any specified part of a partially excluded area shall cease to be a partially excluded area or a part of such an area;
- (c) alter, but only by way of rectification of boundaries, any excluded or partially excluded area;
- (d) on any alteration of the boundaries of a Province, or the creation of a new Province, declare any territory not previously included in any Province to be, or to form part of, an excluded area or a partially excluded area,

and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under subsection (1) of this section shall not be varied by any subsequent Order.

Administra-  
tion of  
excluded  
areas and  
partially  
excluded  
areas.

**92.**—(1) The executive authority of a Province extends to excluded and partially excluded areas therein, but, notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to



any Act may direct that the Act shall in its application to the area, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

PART III.  
—cont.

(2) The Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area, and any regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question.

Regulations made under this subsection shall be submitted forthwith to the Governor-General and until assented to by him in his discretion shall have no effect, and the provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial Legislature assented to by him.

(3) The Governor shall, as respects any area in a Province which is for the time being an excluded area, exercise his functions in his discretion.

#### CHAPTER VI.

#### PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY.

**93.**—(1) If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

Power of  
Governor  
to issue  
Proclama-  
tions.

- (a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;
- (b) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the

PART III.  
—*cont.*

Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority :

Provided that nothing in this subsection shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this section—

(a) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(b) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months :

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

(4) If the Governor, by a Proclamation under this section, assumes to himself any power of the Provincial Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Provincial Acts, Provincial laws, or Acts or laws of a Provincial Legislature shall be construed as including a reference to such a law.

(5) The functions of the Governor under this section shall be exercised by him in his discretion and no Proclamation shall be made by a Governor under this section without the concurrence of the Governor-General in his discretion.

## PART IV.

## THE CHIEF COMMISSIONERS' PROVINCES.

**94.**—(1) The following shall be the Chief Commissioners' Provinces, that is to say, the heretofore existing Chief Commissioners' Provinces of British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands, the area known as Panth Piploda, and such other Chief Commissioners' Provinces as may be created under this Act.

Chief Com-  
missioners'  
Provinces.

(2) Aden shall cease to be part of India.

(3) A Chief Commissioner's Province shall be administered by the Governor-General acting, to such extent as he thinks fit, through a Chief Commissioner to be appointed by him in his discretion.

**95.**—(1) In directing and controlling through the Chief Commissioner the administration of British Baluchistan, the Governor-General shall act in his discretion.

British  
Baluchistan.

(2) The executive authority of the Federation extends to British Baluchistan as it extends to other Chief Commissioners' Provinces, but, notwithstanding anything in this Act, no Act of the Federal Legislature shall apply to British Baluchistan unless the Governor-General in his discretion by public notification so directs, and the Governor-General in giving such a direction with respect to any Act may direct that the Act shall in its application to the Province, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(3) The Governor-General may in his discretion make regulations for the peace and good government of British Baluchistan, and any regulations so made may repeal or amend any Act of the Federal Legislature or any existing Indian law which is for the time being applicable to the Province and, when promulgated by the Governor-General, shall have the same force and effect as an Act of the Federal Legislature which applies to the Province.

The provisions of Part II of this Act relating to the power of His Majesty to disallow Acts shall apply in relation to any such regulations as they apply in relation to Acts of the Federal Legislature assented to by the Governor-General.

## PART IV.

—*cont.*

The Andaman and Nicobar Islands.

Coorg.

**96.** The provisions of subsection (3) of the last preceding section shall apply in relation to the Andaman and Nicobar Islands as they apply in relation to British Baluchistan.

**97.** Until other provision is made by His Majesty in Council, the constitution, powers and functions of the Coorg Legislative Council, and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg, shall continue unchanged.

Provisions as to police rules &c. and as to crimes of violence intended to overthrow the Government.

**98.** The provisions of Part III of this Act with respect to police rules and with respect to crimes of violence intended to overthrow the government, including the provisions thereof relating to the non-disclosure of certain records and information, shall apply in relation to Chief Commissioners' Provinces as they apply in relation to Governors' Provinces, with the substitution for references to the Governor and the Chamber or Chambers of the Provincial Legislature of references to the Governor-General and the Chambers of the Federal Legislature.

## PART V.

## LEGISLATIVE POWERS.

## CHAPTER I.

## DISTRIBUTION OF POWERS.

Extent of Federal and Provincial laws.

**99.**—(1) Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, no Federal law shall, on the ground that it would have extra territorial operation, be deemed to be invalid in so far as it applies—

(a) to British subjects and servants of the Crown in any part of India; or

(b) to British subjects who are domiciled in any part of India wherever they may be; or

- (c) to, or to persons on, ships or aircraft registered in British India or any Federated State wherever they may be; or
- (d) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be; or
- (e) in the case of a law for the regulation or discipline of any naval, military, or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be.

PART V.  
—cont.

100.—(1) Notwithstanding anything in the two next succeeding subsections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the “ Federal Legislative List ”).

Subject  
matter of  
Federal and  
Provincial  
laws.

(2) Notwithstanding anything in the next succeeding subsection, the Federal Legislature, and, subject to the preceding subsection, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the “ Concurrent Legislative List ”).

(3) Subject to the two preceding subsections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the “ Provincial Legislative List ”).

(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.

101. Nothing in this Act shall be construed as empowering the Federal Legislature to make laws for a Federated State otherwise than in accordance with the Instrument of Accession of that State and any limitations contained therein.

Extent of  
power to  
legislate  
for States.

## PART V.

—cont.

Power of  
Federal  
Legislature  
to legislate  
if an emer-  
gency is  
proclaimed.

**102.**—(1) Notwithstanding anything in the preceding sections of this chapter, the Federal Legislature shall, if the Governor-General has in his discretion declared by Proclamation (in this Act referred to as a “Proclamation of Emergency”) that a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance, have power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List :

Provided that no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) Nothing in this section shall restrict the power of a Provincial Legislature to make any law which under this Act it has power to make, but if any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature has under this section power to make, the Federal law, whether passed before or after the Provincial law, shall prevail, and the Provincial law shall to the extent of the repugnancy, but so long only as the Federal law continues to have effect, be void.

(3) A Proclamation of Emergency—

- (a) may be revoked by a subsequent Proclamation ;
- (b) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament ; and
- (c) shall cease to operate at the expiration of six months, unless before the expiration of that period it has been approved by Resolutions of both Houses of Parliament.

(4) A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make shall cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

**103.** If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.

PART V.  
—*cont.*  
Power of Federal Legislature to legislate for two or more Provinces by consent.

**104.**—(1) The Governor-General may by public notification empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act, including a law imposing a tax not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

Residual powers of legislation.

(2) In the discharge of his functions under this section the Governor-General shall act in his discretion.

**105.**—(1) Without prejudice to the provisions of this Act with respect to the legislative powers of the Federal Legislature, provision may be made by Act of that Legislature for applying the Naval Discipline Act to the Indian naval forces and, so long as provision for that purpose is made either by an Act of the Federal Legislature or by an existing Indian law, the Naval Discipline Act as so applied shall have effect as if references therein to His Majesty's navy and His Majesty's ships included references to His Majesty's Indian navy and the ships thereof, subject however—

Application of Naval Discipline Act to Indian naval forces.

(a) in the application of the said Act to the forces and ships of the Indian navy and to the trial by court martial of officers and men belonging thereto, to such modifications and adaptations, if any, as may be, or may have been, made by the Act of the Federal or Indian Legislature to adapt the said Act to the circumstances of India, including such adaptations as may be, or may have been, so made for the purpose of

PART V.  
—cont.

authorising or requiring anything which under the said Act is to be done by or to the Admiralty, or the Secretary of the Admiralty, to be done by or to the Governor-General, or some person authorised to act on his behalf; and

- (b) in the application of the said Act to the forces and ships of His Majesty's navy other than those of the Indian navy, to such modifications and adaptations as may be made, or may have been made under section sixty-six of the Government of India Act, by His Majesty in Council for the purpose of regulating the relations of those forces and ships to the forces and the ships of the Indian navy.

(2) Notwithstanding anything in this Act or in any Act of any Legislature in India, where any forces and ships of the Indian navy have been placed at the disposal of the Admiralty, the Naval Discipline Act shall have effect as if references therein to His Majesty's navy and His Majesty's ships included references to His Majesty's Indian navy and the ships thereof, without any such modifications or adaptations as aforesaid.

Provisions  
as to legisla-  
tion for  
giving effect  
to inter-  
national  
agreements.

**106.**—(1) The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, or for a Federated State except with the previous consent of the Ruler thereof.

(2) So much of any law as is valid only by virtue of any such entry as aforesaid may be repealed by the Federal Legislature and may, on the treaty or agreement in question ceasing to have effect, be repealed as respects any Province or State by a law of that Province or State.

(3) Nothing in this section applies in relation to any law which the Federal Legislature has power to make for a Province or, as the case may be, a Federated State, by virtue of any other entry in the Federal or the Concurrent Legislative List as well as by virtue of the said entry.

Incon-  
sistency  
between  
Federal  
laws and

**107.**—(1) If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one



of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

PART V.  
—cont.  
Provincial,  
or State,  
laws.

(2) Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or of His Majesty, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter :

Provided that no Bill or amendment for making any provision repugnant to any Provincial law, which, having been so reserved, has received the assent of the Governor-General or of His Majesty, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) If any provision of a law of a Federated State is repugnant to a Federal law which extends to that State, the Federal law, whether passed before or after the law of the State, shall prevail and the law of the State shall, to the extent of the repugnancy, be void.

## CHAPTER II.

### RESTRICTIONS ON LEGISLATIVE POWERS.

108.—(1) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

Sanction of  
Governor-  
General or  
Governor  
required for  
certain  
legislative  
proposals

- (a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or
- (b) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance

PART V.  
—*cont.*

promulgated in his discretion by the Governor-General or a Governor; or

- (c) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or
- (d) repeals, amends or affects any Act relating to any police force; or
- (e) affects the procedure for criminal proceedings in which European British subjects are concerned; or
- (f) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein; or
- (g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

- (a) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India; or
- (b) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or
- (c) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion; or
- (d) affects the procedure for criminal proceedings in which European British subjects are concerned;

and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

- (i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or
- (ii) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

PART V.  
—cont.

**109.**—(1) Where under any provision of this Act the previous sanction or recommendation of the Governor-General or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Act with respect to the withholding of assent to, or the reservation of, Bills.

Require-  
ments as to  
sanctions  
and recom-  
mendations  
to be  
regarded as  
matters of  
procedure  
only.

(2) No Act of the Federal Legislature or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given—

- (a) where the previous sanction or recommendation required was that of the Governor, either by the Governor, by the Governor-General, or by His Majesty;
- (b) where the previous sanction or recommendation required was that of the Governor-General, either by the Governor-General or by His Majesty.

**110.** Nothing in this Act shall be taken—

Savings.

- (a) to affect the power of Parliament to legislate for British India, or any part thereof; or
- (b) to empower the Federal Legislature, or any Provincial Legislature—

(i) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts; or

(ii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any

PART V.  
—*cont.*

provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgment; or

(iii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.

### CHAPTER III.

#### PROVISIONS WITH RESPECT TO DISCRIMINATION, &C.

British  
subjects  
domiciled in  
the United  
Kingdom.

111.—(1) Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Federal or Provincial law as—

- (a) imposes any restriction on the right of entry into British India; or
- (b) imposes by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding, or disposal of property, the holding of public office, or the carrying on of any occupation, trade, business or profession :

Provided that no person shall by virtue of this subsection be entitled to exemption from any such restriction, condition, liability or disability as aforesaid if and so long as British subjects domiciled in British India are by or under the law of the United Kingdom subject in the United Kingdom to a like restriction, condition, liability, or disability imposed in regard to the same subject matter by reference to the same principle of distinction.

(2) For the purposes of the preceding subsection, a provision, whether of the law of British India or of the law of the United Kingdom, empowering any public authority to impose quarantine regulations, or to exclude

or deport individuals, wherever domiciled, who appear to that authority to be undesirable persons, shall not be deemed to be a restriction on the right of entry.

PART V.  
—cont.

(3) Notwithstanding anything in this section, if the Governor-General or, as the case may be, the Governor of any Province, by public notification certifies that for the prevention of any grave menace to the peace or tranquillity of any part of India or, as the case may be, of any part of the Province, or for the purpose of combating crimes of violence intended to overthrow the Government, it is expedient that the operation of the provisions of subsection (1) of this section should be wholly or partially suspended in relation to any law, then while the notification is in force the operation of those provisions shall be suspended accordingly.

The functions of the Governor-General and of a Governor under this subsection shall be exercised by him in his discretion.

**112.**—(1) No Federal or Provincial law which imposes any liability to taxation shall be such as to discriminate against British subjects domiciled in the United Kingdom or Burma or companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom or Burma, and any law passed or made in contravention of this section shall, to the extent of the contravention, be invalid. Taxation.

(2) Without prejudice to the generality of the foregoing provisions, a law shall be deemed to be such as to discriminate against such persons or companies as aforesaid if it would result in any of them being liable to greater taxation than that to which they would be liable if domiciled in British India or incorporated by or under the laws of British India, as the case may be.

(3) For the purposes of this section a company incorporated before the commencement of Part III of this Act under any existing Indian law and registered thereunder in Burma shall be deemed to be a company incorporated by or under the laws of Burma.

**113.**—(1) Subject to the following provisions of this chapter, a company incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom, and the members of the governing body of any such company and the holders of its shares, Companies  
incor-  
porated in  
the United  
Kingdom.

PART V.  
—cont.

stock, debentures, debenture stock or bonds, and its officers, agents, and servants, shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard to companies carrying on or proposing to carry on business in British India requirements or conditions relating to or connected with—

- (a) the place of incorporation of a company or the situation of its registered office, or the currency in which its capital or loan capital is expressed; or
- (b) the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants :

Provided that no company or person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated by or under the laws of British India and carrying on or proposing to carry on business in the United Kingdom.

(2) If and in so far as any total or partial exemption from, or preferential treatment in respect of, taxation imposed on companies by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters mentioned in subsection (1) of this section, any company incorporated by or under the laws of the United Kingdom carrying on business in British India shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under the laws of British India and carrying on business in the United Kingdom does not depend on compliance with conditions as to any of the matters so mentioned.

Companies  
incor-  
porated in  
India.

114.—(1) Subject to the following provisions of this chapter, a British subject domiciled in the United Kingdom shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard

to companies incorporated or proposed to be incorporated, whether before or after the passing of this Act, by or under the laws of British India, any requirements or conditions relating to, or connected with, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants :

Provided that no person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated or proposed to be incorporated by or under the laws of the United Kingdom on British subjects domiciled in British India.

(2) If and in so far as, in the case of any such companies as aforesaid, any total or partial exemption from, or preferential treatment in respect of, taxation imposed by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters aforesaid, then, so far as regards such members of its governing body and such of the holders of its shares, stock, debentures, debenture stock or bonds, and such of its officers, agents, and servants, as are British subjects domiciled in the United Kingdom, any such company shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under those laws does not, as regards such of the members of a company's governing body, or such of the holders of its shares, stock, debentures, debenture stock or bonds, or such of its officers, agents, or servants, as are British subjects domiciled in British India, depend on compliance with conditions as to any of the matters aforesaid.

(3) For the purposes of this section, but not for the purposes of any other provision of this chapter, a company incorporated before the commencement of Part III of this Act under any existing Indian law and registered thereunder in Burma, shall be deemed to be a company incorporated by or under the laws of British India.

PART V.  
—cont.  
Ships and  
aircraft.

**115.**—(1) No ship registered in the United Kingdom shall be subjected by or under any Federal or Provincial law to any treatment affecting either the ship herself, or her master, officers, crew, passengers or cargo, which is discriminatory in favour of ships registered in British India, except in so far as ships registered in British India are for the time being subjected by or under any law of the United Kingdom to treatment of a like character which is similarly discriminatory in favour of ships registered in the United Kingdom.

(2) This section shall apply in relation to aircraft as it applies in relation to ships.

(3) The provisions of this section are in addition to and not in derogation of the provisions of any of the preceding sections of this chapter.

Subsidies  
for the  
encourage-  
ment of  
trade or  
industry.

**116.**—(1) Notwithstanding anything in any Act of the Federal Legislature or of a Provincial Legislature, companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom and carrying on business in India shall be eligible for any grant, bounty or subsidy payable out of the revenues of the Federation or of a Province for the encouragement of any trade or industry to the same extent as companies incorporated by or under the laws of British India are eligible therefor :

Provided that this subsection shall not apply in relation to any grant, bounty or subsidy for the encouragement of any trade or industry, if and so long as under the law of the United Kingdom for the time being in force companies incorporated by or under the laws of British India and carrying on business in the United Kingdom are not equally eligible with companies incorporated by or under the laws of the United Kingdom for the benefit of any grant, bounty or subsidy payable out of public moneys in the United Kingdom for the encouragement of the same trade or industry.

(2) Notwithstanding anything in this chapter, an Act of the Federal Legislature or of a Provincial Legislature may require, in the case of a company which at the date of the passing of that Act was not engaged in British India in that branch of trade or industry which it is the purpose of the grant, bounty or subsidy



to encourage, that the company shall not be eligible for any grant, bounty or subsidy under the Act unless and until—

- (a) the company is incorporated by or under the laws of British India or, if the Act so provides, is incorporated by or under the laws of British India or of a Federated State; and
- (b) such proportion, not exceeding one half, of the members of its governing body as the Act may prescribe, are British subjects domiciled in India or, if the Act so provides, are either British subjects domiciled in India or subjects of a Federated State; and
- (c) the company gives such reasonable facilities as may be so prescribed for the training of British subjects domiciled in India or, if the Act so provides, of British subjects domiciled in India or subjects of a Federated State.

(3) For the purposes of this section a company incorporated by or under the laws of the United Kingdom shall be deemed to be carrying on business in India if it owns ships which habitually trade to and from ports in India.

**117.** The foregoing provisions of this chapter shall apply in relation to any ordinance, order, byelaw, rule or regulation passed or made after the passing of this Act and having by virtue of any existing Indian law, or of any law of the Federal or any Provincial Legislature, the force of law as they apply in relation to Federal and Provincial laws, but, save as aforesaid, nothing in those provisions shall affect the operation of any existing Indian law. Supplemental.

**118.**—(1) If after the establishment of the Federation a convention is made between His Majesty's Government in the United Kingdom and the Federal Government whereby similarity of treatment is assured in the United Kingdom to British subjects domiciled in British India and to companies incorporated by or under the laws of British India and in British India to British subjects domiciled in the United Kingdom and to companies incorporated by or under the laws of the United Kingdom, respectively, Power to secure reciprocal treatment by convention.

PART V.  
—*cont.*

in respect of the matters, or any of the matters, with regard to which provision is made in the preceding sections of this chapter, His Majesty may, if he is satisfied that all necessary legislation has been enacted both in the United Kingdom and in India for the purpose of giving effect to the convention, by Order in Council declare that the purposes of those sections are to such extent as may be specified in the Order sufficiently fulfilled by that convention and legislation, and while any such Order is in force, the operation of those sections shall to that extent be suspended.

(2) An Order in Council under this section shall cease to have effect if and when the convention to which it relates expires or is terminated by either party thereto.

Professional  
and techni-  
cal qualifica-  
tions in  
general.

**119.**—(1) No Bill or amendment which prescribes, or empowers any authority to prescribe, the professional or technical qualifications which are to be requisite for any purpose in British India or which imposes, or empowers any authority to impose, by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(2) The Governor-General or a Governor shall not give his sanction for the purposes of the preceding subsection unless he is satisfied that the proposed legislation is so framed as to secure that no person who, immediately before the coming into operation of any disability, liability, restriction or condition to be imposed by or under that legislation, was lawfully practising any profession, carrying on any occupation, trade, or business, or holding any office in British India shall, except in so far as may be necessary in the interests of the public, be debarred from continuing to practise that profession, carry on that occupation, trade or business, or hold that office, or from doing anything in the course of that

profession, occupation, trade or business, or in the discharge of the duties of that office which he could lawfully have done if that disability, liability, restriction or condition had not come into operation.

(3) All regulations made under the provisions of any Federal or Provincial law which prescribe the professional or technical qualifications which are to be requisite for any purpose in British India or impose, by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall, not less than four months before they are expressed to come into operation, be published in such manner as may be required by general or special directions of the Governor-General, or, as the case may be, the Governor, and, if within two months from the date of the publication complaint is made to the Governor-General or, as the case may be, the Governor that the regulations or any of them will operate unfairly as against any class of persons affected thereby, the Governor-General or Governor, if he is of opinion that the complaint is well founded, may, at any time before the regulations are expressed to come into operation, by public notification disallow the regulations or any of them.

In this subsection the expression "regulations" includes rules, byelaws, orders and ordinances.

In the discharge of his functions under this subsection the Governor-General or a Governor shall exercise his individual judgment.

(4) If the Governor-General exercising his individual judgment by public notification directs that the provisions of the last preceding subsection shall apply in relation to any existing Indian law, those provisions shall apply in relation to that law accordingly, and the functions which under those provisions are to be performed in relation to a Federal law by the Governor-General and in relation to a Provincial law by the Governor shall, in relation to that existing Indian law, be performed, according as may be directed by the notification, by the Governor-General exercising his individual judgment, by the Governor exercising his individual judgment or partly by the one and partly by the other of them.

PART V.  
—*cont.*Medical  
qualifica-  
tions.

**120.**—(1) So long as the condition set out in subsection (3) of this section continues to be fulfilled, a British subject domiciled in the United Kingdom or India who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not by or under any existing Indian law or any law of the Federal or any Provincial Legislature, be excluded from practising medicine, surgery or midwifery in British India, or in any part thereof, or from being registered as qualified so to do, on any ground other than the ground that the diploma held by him does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and he shall not be so excluded on that ground unless a law of the Federation or of the Province, as the case may be, makes provision for securing—

- (a) that no proposal for excluding the holders of any particular diploma from practice or registration shall become operative until the expiration of twelve months after notice thereof has been given to the Governor-General and to the University or other body granting that diploma; and
- (b) that such a proposal shall not become operative or, as the case may be, shall cease to operate, if the Privy Council on an application made to them under the next succeeding subsection determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

(2) If any University or other body in the United Kingdom which grants a medical diploma, or any British subject who holds such a diploma, is aggrieved by the proposal to exclude holders of that diploma from practice or registration in British India, that body or person may make an application to the Privy Council, and the Privy Council, after giving to such authorities and persons both in British India and in the United Kingdom as they think fit an opportunity of tendering evidence or submitting representations in writing, shall determine whether the diploma in question does or does not furnish a sufficient guarantee of the

possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall notify their determination to the Governor-General, who shall communicate it to such authorities, and cause it to be published in such manner, as he thinks fit.

(3) The condition referred to in subsection (1) of this section is that British subjects domiciled in India who hold a medical diploma granted after examination in British India shall not be excluded from practising medicine, surgery or midwifery in the United Kingdom or from being registered therein as qualified medical practitioners, except on the ground that that diploma does not furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall only be excluded on that ground so long as the law of the United Kingdom makes provision for enabling any question as to the sufficiency of that diploma to be referred to and decided by the Privy Council.

(4) A medical practitioner entitled to practise or to be registered in British India by virtue of a diploma granted in the United Kingdom, or in the United Kingdom by virtue of a diploma granted in British India, shall not in the practice of his profession be subjected to any liability, disability, restriction or condition to which persons entitled to practise by virtue of diplomas granted in the other country are not subject.

(5) The foregoing provisions of this section shall, subject to the modifications hereinafter mentioned, apply in relation to British subjects domiciled in Burma who, by virtue of medical diplomas granted to them in Burma or the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners as they apply in relation to British subjects domiciled in the United Kingdom who, by virtue of medical diplomas granted in the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners.

The said modifications are as follows, that is to say,—

- (a) subsection (3) shall not apply and the reference in subsection (1) to the condition set out therein shall be deemed to be omitted;

PART V.  
—cont.

(b) any reference in subsection (2) or subsection (4) to the United Kingdom shall be construed as a reference to Burma.

(6) Nothing in this section shall be construed as affecting any power of any recognised authority in the United Kingdom or British India to suspend or debar any person from practice on the ground of misconduct, or to remove any person from a register on that ground.

(7) In this section the expression “diploma” includes any certificate, degree, fellowship, or other document or status granted to persons passing examinations.

Officers of  
Indian Med-  
ical Service,  
&c.

**121.** A person who holds a commission from His Majesty as a medical officer in the Indian Medical Service or any other branch of His Majesty’s forces and is on the active list shall by virtue of that commission be deemed to be qualified to practise medicine, surgery and midwifery in British India, and be entitled to be registered in British India or any part thereof as so qualified.

## PART VI.

ADMINISTRATIVE RELATIONS BETWEEN  
FEDERATION, PROVINCES AND STATES.*General.*

Obligation  
of units and  
Federation.

**122.—(1)** The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State.

(2) The reference in subsection (1) of this section to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing Indian law applying in that Province.

(3) Without prejudice to any of the other provisions of this Part of this Act, in the exercise of the executive authority of the Federation in any Province or

Federated State regard shall be had to the interests of that Province or State.

PART VI.  
—cont.

**123.**—(1) The Governor-General may direct the Governor of any Province to discharge as his agent, either generally or in any particular case, such functions in and in relation to the tribal areas as may be specified in the direction.

Governor-General may require Governors to discharge certain functions as his agents.

(2) If in any particular case it appears to the Governor-General necessary or convenient so to do, he may direct the Governor of any Province to discharge as his agent such functions in relation to defence, external affairs, or ecclesiastical affairs as may be specified in the direction.

(3) In the discharge of any such functions the Governor shall act in his discretion.

**124.**—(1) Notwithstanding anything in this Act, the Governor-General may, with the consent of the Government of a Province or the Ruler of a Federated State, entrust either conditionally or unconditionally to that Government or Ruler, or to their respective officers, functions in relation to any matter to which the executive authority of the Federation extends.

Power of Federation to confer powers, &c. on Provinces and States in certain cases.

(2) An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof.

(3) An Act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities thereof to be designated for the purpose by the Ruler.

(4) Where by virtue of this section powers and duties have been conferred or imposed upon a Province or Federated State or officers or authorities thereof, there shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra costs of administration incurred by the Province or State in connection with the exercise of those powers and duties.

## PART VI.

—cont.

Adminis-  
tration of  
Federal  
Acts in  
Indian  
States.

**125.**—(1) Notwithstanding anything in this Act, agreements may, and, if provision has been made in that behalf by the Instrument of Accession of the State, shall, be made between the Governor-General and the Ruler of a Federated State for the exercise by the Ruler or his officers of functions in relation to the administration in his State of any law of the Federal Legislature which applies therein.

(2) An agreement made under this section shall contain provisions enabling the Governor-General in his discretion to satisfy himself, by inspection or otherwise, that the administration of the law to which the agreement relates is carried out in accordance with the policy of the Federal Government and, if he is not so satisfied, the Governor-General, acting in his discretion, may issue such directions to the Ruler as he thinks fit.

(3) All courts shall take judicial notice of any agreement made under this section.

Control of  
Federation  
over Pro-  
vince in  
certain  
cases.

**126.**—(1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorises the giving of such directions :

Provided that a Bill or amendment which proposes to authorise the giving of any such directions as aforesaid shall not be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of military importance :

Provided that nothing in this subsection shall be taken as restricting the power of the Federation to



construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

PART VI.  
—cont.

(4) If it appears to the Governor-General that in any Province effect has not been given to any directions given under this section, the Governor-General, acting in his discretion, may issue as orders to the Governor of that Province either the directions previously given or those directions modified in such manner as the Governor-General thinks proper.

(5) Without prejudice to his powers under the last preceding subsection, the Governor-General, acting in his discretion, may at any time issue orders to the Governor of a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity of India or of any part thereof.

127. The Federation may, if it deems it necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which the Federal Legislature has power to make laws, require the Province to acquire the land on behalf, and at the expense, of the Federation or, if the land belongs to the Province, to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India.

Acquisition  
of land for  
Federal  
purposes.

128.—(1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation so far as it is exercisable in the State by virtue of a law of the Federal Legislature which applies therein.

Duty of  
Ruler of a  
State as  
respects  
Federal  
subjects.

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding subsection, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler issue such directions to the Ruler as he thinks fit:

Provided that, if any question arises under this section as to whether the executive authority of the Federation is exercisable in a State with respect to any matter

PART VI.  
—cont.

or as to the extent to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.

*Broadcasting.*

Broad-  
casting.

**129.**—(1) The Federal Government shall not unreasonably refuse to entrust to the Government of any Province or the Ruler of any Federated State such functions with respect to broadcasting as may be necessary to enable that Government or Ruler—

- (a) to construct and use transmitters in the Province or State;
- (b) to regulate, and impose fees in respect of, the construction and use of transmitters and the use of receiving apparatus in the Province or State:

Provided that nothing in this subsection shall be construed as requiring the Federal Government to entrust to any such Government or Ruler any control over the use of transmitters constructed or maintained by the Federal Government or by persons authorised by the Federal Government, or over the use of receiving apparatus by persons so authorised.

(2) Any functions so entrusted to a Government or Ruler shall be exercised subject to such conditions as may be imposed by the Federal Government, including, notwithstanding anything in this Act, any conditions with respect to finance, but it shall not be lawful for the Federal Government so to impose any conditions regulating the matter broadcast by, or by authority of, the Government or Ruler.

(3) Any Federal laws which may be passed with respect to broadcasting shall be such as to secure that effect can be given to the foregoing provisions of this section.

(4) If any question arises under this section whether any conditions imposed on any such Government or Ruler are lawfully imposed, or whether any refusal by the Federal Government to entrust functions is unreasonable, the question shall be determined by the Governor-General in his discretion.

(5) Nothing in this section shall be construed as restricting the powers conferred on the Governor-General by this Act for the prevention of any grave menace to the peace or tranquillity of India or any part thereof, or as prohibiting the imposition on Governments or Rulers of such conditions regulating matter broadcast as appear to be necessary to enable the Governor-General to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment.

PART VI.  
—cont

*Interference with Water Supplies.*

**130.** If it appears to the Government of any Governor's Province or to the Ruler of any Federated State that the interests of that Province or State, or of any of the inhabitants thereof, in the water from any natural source of supply in any Governor's or Chief Commissioner's Province or Federated State, have been, or are likely to be, affected prejudicially by—

Complaints  
as to in-  
terference  
with water  
supplies.

- (a) any executive action or legislation taken or passed, or proposed to be taken or passed; or
- (b) the failure of any authority to exercise any of their powers,

with respect to the use, distribution or control of water from that source, the Government or Ruler may complain to the Governor-General.

**131.—(1)** If the Governor-General receives such a complaint as aforesaid, he shall, unless he is of opinion that the issues involved are not of sufficient importance to warrant such action, appoint a Commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law, as he thinks fit, and request that Commission to investigate in accordance with such instructions as he may give to them, and to report to him on, the matters to which the complaint relates, or such of those matters as he may refer to them.

Decision of  
complaints.

(2) A Commission so appointed shall investigate the matters referred to them and present to the Governor-General a report setting out the facts as found by them and making such recommendations as they think proper.

PART VI.  
—cont.

(3) If it appears to the Governor-General upon consideration of the Commission's report that anything therein contained requires explanation, or that he needs guidance upon any point not originally referred by him to the Commission, he may again refer the matter to the Commission for further investigation and a further report.

(4) For the purpose of assisting a Commission appointed under this section in investigating any matters referred to them, the Federal Court, if requested by the Commission so to do, shall make such orders and issue such letters of request for the purposes of the proceedings of the Commission as they may make or issue in the exercise of the jurisdiction of the court.

(5) After considering any report made to him by the Commission, the Governor-General shall give such decision and make such order, if any, in the matter of the complaint as he may deem proper :

Provided that if, before the Governor-General has given any decision, the Government of any Province or the Ruler of any State affected request him so to do, he shall refer the matter to His Majesty in Council and His Majesty in Council may give such decision and make such order, if any, in the matter as he deems proper.

(6) Effect shall be given in any Province or State affected to any order made under this section by His Majesty in Council or the Governor-General, and any Act of a Provincial Legislature or of a State which is repugnant to the order shall, to the extent of the repugnancy, be void.

(7) Subject as hereinafter provided the Governor-General, on application made to him by the Government of any Province, or the Ruler of any State affected, may at any time, if after a reference to, and report from, a Commission appointed as aforesaid he considers it proper so to do, vary any decision or order given or made under this section :

Provided that, where the application relates to a decision or order of His Majesty in Council and in any other case if the Government of any Province or the Ruler of any State affected request him so to do, the Governor-General shall refer the matter to His Majesty in Council, and His Majesty in Council may, if he considers proper so to do, vary the decision or order.

(8) An order made by His Majesty in Council or the Governor-General under this section may contain directions as to the Government or persons by whom the expenses of the Commission and any costs incurred by any Province, State or persons in appearing before the Commission are to be paid, and may fix the amount of any expenses or costs to be so paid, and so far as it relates to expenses or costs, may be enforced as if it were an order made by the Federal Court.

PART VI.  
—cont.

(9) The functions of the Governor-General under this section shall be exercised by him in his discretion.

**132.** If it appears to the Governor-General that the interests of any Chief Commissioner's Province, or of any of the inhabitants of such a Province, in the water from any natural source of supply in any Governor's Province or Federated State have been or are likely to be affected prejudicially by—

Interference  
with water  
supplies  
of Chief  
Commis-  
sioner's  
Province.

- (a) any executive action or legislation taken or passed, or proposed to be taken or passed; or
- (b) the failure of any authority to exercise any of their powers,

with respect to the use, distribution or control of water from that source, he may, if he in his discretion thinks fit, refer the matter to a Commission appointed in accordance with the provisions of the last preceding section and thereupon those provisions shall apply as if the Chief Commissioner's Province were a Governor's Province and as if a complaint with respect to the matter had been made by the Government of that Province to the Governor-General.

**133.** Notwithstanding anything in this Act, neither the Federal Court nor any other court shall have jurisdiction to entertain any action or suit in respect of any matter if action in respect of that matter might have been taken under any of the three last preceding sections by the Government of a Province, the Ruler of a State, or the Governor-General.

Jurisdiction  
of Courts  
excluded.

**134.** The provisions contained in this Part of this Act with respect to interference with water supplies shall not apply in relation to any Federated State the Ruler whereof has declared in his Instrument of Accession that those provisions are not to apply in relation to his State.

Ruler of  
State may  
exclude ap-  
plication of  
provisions  
as to water  
supply.

PART VI.  
—cont.

Provisions with respect to an Inter-Provincial Council.

*Inter-Provincial Co-operation.*

**135.** If at any time it appears to His Majesty upon consideration of representations addressed to him by the Governor-General that the public interests would be served by the establishment of an Inter-Provincial Council charged with the duty of—

- (a) inquiring into and advising upon disputes which may have arisen between Provinces;
- (b) investigating and discussing subjects in which some or all of the Provinces, or the Federation and one or more of the Provinces, have a common interest; or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for His Majesty in Council to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure.

An Order establishing any such Council may make provision for representatives of Indian States to participate in the work of the Council.

## PART VII.

## FINANCE, PROPERTY, CONTRACTS AND SUITS.

## CHAPTER I.

## FINANCE.

*Distribution of Revenues between the Federation and the Federal Units.*

Meaning of "revenues of Federation" and "revenues of Province."

**136.** Subject to the following provisions of this chapter with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to Provinces and Federated States, and subject to the provisions of this Act with respect to the Federal Railway Authority, the expression "revenues of the Federation" includes all revenues and public moneys raised or received by the Federation, and the expression

“revenues of the Province” includes all revenues and public moneys raised or received by a Province. PART VII.  
—cont.

**137.** Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature: Certain  
succession  
duties,  
stamp  
duties,  
terminal  
taxes and  
taxes on  
fares and  
freights.

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

**138.**—(1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but a prescribed percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that tax is leviable in that year, and shall be distributed among the Provinces and those States in such manner as may be prescribed: Taxes on  
income.

Provided that—

- (a) the percentage originally prescribed under this subsection shall not be increased by any subsequent Order in Council;
- (b) the Federal Legislature may at any time increase the said taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

PART VII.  
—cont.

(2) Notwithstanding anything in the preceding subsection, the Federation may retain out of the moneys assigned by that subsection to Provinces and States—

- (a) in each year of a prescribed period such sum as may be prescribed; and
- (b) in each year of a further prescribed period a sum less than that retained in the preceding year by an amount, being the same amount in each year, so calculated that the sum to be retained in the last year of the period will be equal to the amount of each such annual reduction :

Provided that—

- (i) neither of the periods originally prescribed shall be reduced by any subsequent Order in Council;
- (ii) the Governor-General in his discretion may in any year of the second prescribed period direct that the sum to be retained by the Federation in that year shall be the sum retained in the preceding year, and that the second prescribed period shall be correspondingly extended, but he shall not give any such direction except after consultation with such representatives of Federal, Provincial and State interests as he may think desirable, nor shall he give any such direction unless he is satisfied that the maintenance of the financial stability of the Federal Government requires him so to do.

(3) Where an Act of the Federal Legislature imposes a surcharge for Federal purposes under this section, the Act shall provide for the payment by each Federated State in which taxes on income are not leviable by the Federation of a contribution to the revenues of the Federation assessed on such basis as may be prescribed with a view to securing that the contribution shall be the equivalent, as near as may be, of the net proceeds which it is estimated would result from the surcharge if it were leviable in that State, and the State shall become liable to pay that contribution accordingly.

(4) In this section—

“taxes on income” does not include a corporation tax;



“prescribed” means prescribed by His Majesty in Council; and PART VII.  
—cont.

“Federal emoluments” includes all emoluments and pensions payable out of the revenues of the Federation or of the Federal Railway Authority in respect of which income tax is chargeable.

**139.**—(1) Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation. Corporation  
tax.

(2) Any Federal law providing for the levying of corporation tax shall contain provisions enabling the Ruler of any Federated State in which the tax would otherwise be leviable to elect that the tax shall not be levied in the State, but that in lieu thereof there shall be paid by the State to the revenues of the Federation a contribution as near as may be equivalent to the net proceeds which it is estimated would result from the tax if it were levied in the State.

(3) Where the Ruler of a State so elects as aforesaid, the officers of the Federation shall not call for any information or returns from any corporation in the State, but it shall be the duty of the Ruler thereof to cause to be supplied to the Auditor-General of India such information as the Auditor-General may reasonably require to enable the amount of any such contribution to be determined.

If the Ruler of a State is dissatisfied with the determination as to the amount of the contribution payable by his State in any financial year, he may appeal to the Federal Court, and if he establishes to the satisfaction of that Court that the amount determined is excessive, the Court shall reduce the amount accordingly and no appeal shall lie from the decision of the Court on the appeal.

**140.**—(1) Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation, but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among Salt duties,  
excise duties  
and export  
duties.

PART VII.  
—cont.

the Provinces and those States in accordance with such principles of distribution as may be formulated by the Act.

(2) Notwithstanding anything in the preceding subsection, one half, or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the Provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein.

Prior  
sanction of  
Governor-  
General  
required to  
Bills  
affecting  
taxation  
in which  
Provinces  
are  
interested.

**141.**—(1) No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression “ agricultural income ” as defined for the purposes of the enactments relating to Indian income tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion.

(2) The Governor-General shall not give his sanction to the introduction of any Bill or the moving of any amendment imposing in any year any such Federal surcharge as aforesaid unless he is satisfied that all practicable economies and all practicable measures for otherwise increasing the proceeds of Federal taxation or the portion thereof retainable by the Federation would not result in the balancing of Federal receipts and expenditure on revenue account in that year.

(3) In this section the expression “ tax or duty in which Provinces are interested ” means—

- (a) a tax or duty the whole or part of the net proceeds whereof are assigned to any Province; or
- (b) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the revenues of the Federation to any Provinces.

**142.** Such sums as may be prescribed by His Majesty in Council shall be charged on the revenues of the Federation in each year as grants in aid of the revenues of such Provinces as His Majesty may determine to be in need of assistance, and different sums may be prescribed for different Provinces :

PART VII.  
—cont.  
Grants from  
Federation  
to certain  
Provinces.

Provided that, except in the case of the North West Frontier Province, no grant fixed under this section shall be increased by a subsequent Order, unless an address has been presented to the Governor-General by both Chambers of the Federal Legislature for submission to His Majesty praying that the increase may be made.

**143.**—(1) Nothing in the foregoing provisions of this chapter affects any duties or taxes levied in any Federated State otherwise than by virtue of an Act of the Federal Legislature applying in the State.

Savings.

(2) Any taxes, duties, cesses or fees which, immediately before the commencement of Part III of this Act, were being lawfully levied by any Provincial Government, municipality or other local authority or body for the purposes of the Province, municipality, district or other local area under a law in force on the first day of January, nineteen hundred and thirty-five, may, notwithstanding that those taxes, duties, cesses or fees are mentioned in the Federal Legislative List, continue to be levied and to be applied to the same purposes until provision to the contrary is made by the Federal Legislature.

**144.**—(1) In the foregoing provisions of this chapter "net proceeds" means in relation to any tax or duty the proceeds thereof reduced by the cost of collection, and for the purposes of those provisions the net proceeds of any tax or duty, or of any part of any tax or duty, in or attributable to any area shall be ascertained and certified by the Auditor-General of India, whose certificates shall be final.

Calculation  
of "net  
proceeds,"  
&c.

(2) Subject as aforesaid, and to any other express provision of this chapter, an Act of the Federal Legislature may, in any case where under this Part of this Act the proceeds of any duty or tax are, or may be,

PART VII.  
—cont.

assigned to any Province or State, or a contribution is, or may be, made to the revenues of the Federation by any State, provide for the manner in which the proceeds of any duty or tax and the amount of any contribution are to be calculated, for the times in each year and the manner at and in which any payments are to be made, for the making of adjustments between one financial year and another, and for any other incidental or ancillary matters.

*The Crown and the States.*

Expenses  
of the  
Crown in  
connection  
with Indian  
States.

**145.** There shall be paid to His Majesty by the Federation in each year the sums stated by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States to be required, whether on revenue account or otherwise, for the discharge of those functions, including the making of any payments in respect of any customary allowances to members of the family or servants of any former Ruler of any territories in India.

Payments  
from or by  
Indian  
States.

**146.** All cash contributions and payments in respect of loans and other payments due from or by any Indian State which, if this Act had not been passed, would have formed part of the revenues of India, shall be received by His Majesty, and shall, if His Majesty has so directed, be placed at the disposal of the Federation, but nothing in this Act shall derogate from the right of His Majesty, if he thinks fit so to do, to remit at any time the whole or any part of any such contributions or payments.

Remission  
of States'  
contri-  
butions.

**147.**—(1) Subject to the provisions of subsection (3) of this section, His Majesty may, in signifying his acceptance of the Instrument of Accession of a State, agree to remit over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State.

(2) Subject as aforesaid, where any territories have been voluntarily ceded to the Crown by a Federated State before the passing of this Act—

(a) in return for specific military guarantees, or

(b) in return for the discharge of the State from obligations to provide military assistance,

there shall, if His Majesty, in signifying his acceptance of the Instrument of Accession of that State, so directs,

be paid to that State, but in the first-mentioned case on condition that the said guarantees are waived, such sums as in the opinion of His Majesty ought to be paid in respect of any such cession as aforesaid.

PART VII.  
—cont.

(3) Notwithstanding anything in this section—

- (a) every such agreement or direction as aforesaid shall be such as to secure that no such remission or payment shall be made by virtue of the agreement or direction until the Provinces have begun to receive moneys under the section of this chapter relating to taxes on income, and, in the case of a remission, that the remission shall be complete before the expiration of twenty years from the date of the accession to the Federation of the State in question, or before the end of the second prescribed period referred to in subsection (2) of the said section, whichever first occurs; and
- (b) no contribution shall be remitted by virtue of any such agreement save in so far as it exceeds the value of any privilege or immunity enjoyed by the State; and
- (c) in fixing the amount of any payments in respect of ceded territories, account shall be taken of the value of any such privilege or immunity.

(4) This section shall apply in the case of any cash contributions the liability for which has before the passing of this Act been discharged by payment of a capital sum or sums, and accordingly His Majesty may agree that the capital sum or sums so paid shall be repaid either by instalments or otherwise, and such repayments shall be deemed to be remissions for the purposes of this section.

(5) In this chapter “cash contributions” means—

- (a) periodical contributions in acknowledgment of the suzerainty of His Majesty, including contributions payable in connection with any arrangement for the aid and protection of a State by His Majesty, and contributions in commutation of any obligation of a State to provide military assistance to His Majesty, or

PART VII.  
—cont.

in respect of the maintenance by His Majesty of a special force for service in connection with a State, or in respect of the maintenance of local military forces or police, or in respect of the expenses of an agent ;

- (b) periodical contributions fixed on the creation or restoration of a State, or on a re-grant or increase of territory, including annual payments for grants of land on perpetual tenure or for equalisation of the value of exchanged territory ;
- (c) periodical contributions formerly payable to another State but now payable to His Majesty by right of conquest, assignment or lapse.

(6) In this chapter “ privilege or immunity ” means any such right, privilege, advantage or immunity of a financial character as is hereinafter mentioned, that is to say—

- (a) rights, privileges or advantages in respect of, or connected with, the levying of sea customs or the production and sale of untaxed salt ;
- (b) sums receivable in respect of the abandonment or surrender of the right to levy internal customs duties, or to produce or manufacture salt, or to tax salt or other commodities or goods in transit, or sums receivable in lieu of grants of free salt ;
- (c) the annual value to the Ruler of any privilege or territory granted in respect of the abandonment or surrender of any such right as is mentioned in the last preceding paragraph ;
- (d) privileges in respect of free service stamps or the free carriage of State mails on government business ;
- (e) the privilege of entry free from customs duties of goods imported by sea and transported in bond to the State in question ; and
- (f) the right to issue currency notes,

not being a right, privilege, advantage or immunity surrendered upon the accession of the State, or one which, in the opinion of His Majesty, for any other reason ought not to be taken into account for the purposes of this chapter.

(7) An Instrument of Accession of a State shall not be deemed to be suitable for acceptance by His Majesty, unless it contains such particulars as appear to His Majesty to be necessary to enable due effect to be given to the provisions of this and the next but one succeeding sections, and in particular provision for determining from time to time the value to be attributed for the purposes of those provisions to any privilege or immunity the value of which is fluctuating or uncertain.

PART VII.  
—cont.

148. Any payments made under the last preceding section and any payments heretofore made to any State by the Governor-General in Council or by any Local Government under any agreements made with that State before the passing of this Act, shall be charged on the revenues of the Federation or on the revenues of the corresponding Province under this Act, as the case may be.

Certain payments to Federated States, &c., to be charged on Federal revenues.

149. Where under the foregoing provisions of this chapter there is made in any year by the Federation to a Federated State any payment or distribution of, or calculated by reference to, the net proceeds of any duty or tax, the value in and for that year of any privilege or immunity enjoyed by that State in respect of any former or existing source of revenue from a similar duty or tax or from goods of the same kind, being a privilege or immunity which has not been otherwise taken into account shall, if and in so far as the Act of the Federal Legislature under which the payment or distribution is made so provides, be set off against the payment or distribution.

Value of privileges and immunities to be set off against share of taxes, &c., assigned to Federated States.

#### *Miscellaneous Financial Provisions.*

150.—(1) No burden shall be imposed on the revenues of the Federation or the Provinces except for the purposes of India or some part of India.

Expenditure defrayable out of Indian revenues.

(2) Subject as aforesaid, the Federation or a Province may make grants for any purpose, notwithstanding that the purpose is not one with respect to which the Federal or the Provincial Legislature, as the case may be, may make laws.

151.—(1) Rules may be made by the Governor-General and by the Governor of a Province for the purpose

Provisions as to the

## PART VII.

—cont.

custody of  
public  
moneys.

of securing that all moneys received on account of the revenues of the Federation or of the Province, as the case may be, shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the Federation or of the Province, and the rules so made may prescribe, or authorise some person to prescribe, the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matters connected with or ancillary to the matters aforesaid.

(2) In the exercise of his powers under this section the Governor-General or a Governor shall exercise his individual judgment.

Exercise by  
Governor-  
General of  
certain  
powers with  
respect to  
Reserve  
Bank.

**152.**—(1) The functions of the Governor-General with respect to the following matters shall be exercised by him in his discretion, that is to say—

- (a) the appointment and removal from office of the Governor and Deputy Governors of the Reserve Bank of India, the approval of their salaries and allowances, and the fixing of their terms of office;
- (b) the appointment of an officiating Governor or Deputy Governor of the Bank;
- (c) the supersession of the Central Board of the Bank and any action consequent thereon; and
- (d) the liquidation of the Bank.

(2) In nominating directors of the Reserve Bank of India and in removing from office any director nominated by him, the Governor-General shall exercise his individual judgment.

Previous  
sanction of  
Governor-  
General to  
legislation  
with respect  
to Reserve  
Bank,  
currency and  
coinage.

**153.** No Bill or amendment which affects the coinage or currency of the Federation or the constitution or functions of the Reserve Bank of India shall be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

Exemption  
of certain  
public  
property  
from taxa-  
tion.

**154.** Property vested in His Majesty for purposes of the government of the Federation shall, save in so far as any Federal law may otherwise provide, be exempt from all taxes imposed by, or by any authority within, a Province or Federated State :



Provided that, until any Federal law otherwise provides, any property so vested which was immediately before the commencement of Part III of this Act liable, or treated as liable, to any such tax, shall, so long as that tax continues, continue to be liable, or to be treated as liable, thereto.

PART VII.  
—cont.

**155.**—(1) Subject as hereinafter provided, the Government of a Province and the Ruler of a Federated State shall not be liable to Federal taxation in respect of lands or buildings situate in British India or income accruing, arising or received in British India :

Exemption of Provincial Governments and Rulers of Federated States in respect of Federal taxation.

Provided that—

- (a) where a trade or business of any kind is carried on by or on behalf of the Government of a Province in any part of British India outside that Province or by a Ruler in any part of British India, nothing in this subsection shall exempt that Government or Ruler from any Federal taxation in respect of that trade or business, or any operations connected therewith, or any income arising in connection therewith, or any property occupied for the purposes thereof;
- (b) nothing in this subsection shall exempt a Ruler from any Federal taxation in respect of any lands, buildings or income being his personal property or personal income.

(2) Nothing in this Act affects any exemption from taxation enjoyed as of right at the passing of this Act by the Ruler of an Indian State in respect of any Indian Government securities issued before that date.

**156.** Where under the provisions of this Act the expenses of any court or commission, or the pension payable to or in respect of a person who has served under the Crown in India, are charged on the revenues of the Federation or the revenues of a Province, then if—

Adjustment in respect of certain expenses and pensions.

- (a) in the case of a charge on the revenues of the Federation, the court or commission serves any of the separate needs of a Province, or the person has served wholly or in part in connection with the affairs of a Province; or

PART VII.  
—cont.

(b) in the case of a charge on the revenues of a Province, the court or commission serves any of the separate needs of the Federation or another Province, or the person has served wholly or in part in connection with the affairs of the Federation or another Province,

there shall be charged on and paid out of the revenues of the Province or, as the case may be, the revenues of the Federation or of the other Province, such contribution in respect of the expenses or pension as may be agreed, or as may in default of agreement be determined by an arbitrator to be appointed by the Chief Justice of India.

Duty of Federation and Provinces to supply Secretary of State with funds.

**157.**—(1) The Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State sufficient moneys to enable him to make such payments as he may have to make in respect of any liability which falls to be met out of the revenues of the Federation or of the Province as the case may be.

(2) Without prejudice to their obligations under the preceding subsection, the Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State and the High Commissioner sufficient moneys to enable payment to be made of all pensions payable out of the revenues of the Federation or the Province, as the case may be, in the United Kingdom or through officers accounting to the Secretary of State or to the High Commissioner.

Provisions as to relation of Burma monetary system with India.

**158.**—(1) His Majesty in Council may make such provision as may appear to him to be necessary or proper for defining and regulating the relations between the monetary systems of India and Burma and for purposes connected with or ancillary to those purposes, and in particular, but without prejudice to the generality of this section, such provision as may appear to His Majesty to be necessary or proper for the purpose of giving effect to any arrangements with respect to the said matters made before the commencement of Part III of this Act with the approval of the Secretary of State by the Governor of Burma in Council with the Governor-General in Council or any other persons.

(2) Any sums required by an Order under this section to be paid by the Federation shall be charged on the revenues of the Federation.

PART VII.  
—cont.

**159.** His Majesty in Council may make provision for the grant of relief from any Federal tax on income in respect of income taxed or taxable in Burma.

Relief in respect of tax on income taxable both in India and Burma.

**160.** With a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma and with a view to safeguarding the economic interests of Burma during that period, His Majesty may by Order in Council give such directions as he thinks fit for those purposes with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma and with respect to ancillary and related matters.

Provisions as to customs duties on India-Burma trade.

## CHAPTER II.

### BORROWING AND AUDIT.

#### *Borrowing.*

**161.** Upon the commencement of Part III of this Act all powers vested in the Secretary of State in Council of borrowing on the security of the revenues of India shall cease and determine, but nothing in this section affects the provisions of Part XIII of this Act with respect to borrowing in sterling by the Secretary of State.

Cessation of borrowing by Secretary of State in Council.

**162.** Subject to the provisions of Part XIII of this Act with respect to borrowing in sterling, the executive authority of the Federation extends to borrowing upon the security of the revenues of the Federation within such limits, if any, as may from time to time be fixed by Act of the Federal Legislature and to the giving of guarantees within such limits, if any, as may be so fixed.

Borrowing by Federal Government.

**163.**—(1) Subject to the provisions of this section, the executive authority of a Province extends to borrowing upon the security of the revenues of the Province within such limits, if any, as may from time to time be fixed by the Act of the Provincial Legislature and to the giving of guarantees within such limits, if any, as may be so fixed.

Borrowing by Provincial Governments.

PART VII.  
—*cont.*

(2) The Federation may, subject to such conditions, if any, as it may think fit to impose, make loans to, or, so long as any limits fixed under the last preceding section are not exceeded, give guarantees in respect of loans raised by, any Province and any sums required for the purpose of making loans to a Province shall be charged on the revenues of the Federation.

(3) A Province may not without the consent of the Federation borrow outside India, nor without the like consent raise any loan if there is still outstanding any part of a loan made to the Province by the Federation or by the Governor-General in Council, or in respect of which a guarantee has been given by the Federation or by the Governor-General in Council.

A consent under this subsection may be granted subject to such conditions, if any, as the Federation may think fit to impose.

(4) A consent required by the last preceding subsection shall not be unreasonably withheld, nor shall the Federation refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Province, or seek to impose in respect of any of the matters aforesaid any condition which is unreasonable, and, if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the matter shall be referred to the Governor-General and the decision of the Governor-General in his discretion shall be final.

Loans by  
Federal  
Government  
to Federated  
States.

164. The Federation may, subject to such conditions, if any, as it may think fit to impose, make loans to, or, so long as any limits fixed under the last but one preceding section are not exceeded, give guarantees in respect of loans raised by, any Federated State.

Application  
of Colonial  
Stock Acts  
to stocks  
issued by  
Federation.

165.—(1) The Colonial Stock Acts, 1877 to 1900, shall, notwithstanding anything to the contrary in those Acts, apply in relation to sterling stock issued after the establishment of the Federation and forming part of the public debt of the Federation as they apply in relation to stock forming part of the public debt of any British Possession mentioned in those Acts, so however that nothing in section twenty of the Colonial Stock Act, 1877, shall be construed as compelling a person desirous of

bringing proceedings to proceed in the manner therein specified and that, until Parliament otherwise determines, any conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900, shall be deemed to have been complied with with respect to all such stock so issued by the Federation. PART VII.  
—cont.  
63 & 64 Vict.  
c. 62.

(2) The expression “colonial stock” in section eleven of the Trusts (Scotland) Act, 1921, shall include any stock in relation to which the said Acts apply by virtue of this section. 11 & 12  
Geo. 5. c. 58.

(3) In paragraph (d) of subsection (1) of section one of the Trustee Act, 1925, the words “or any other securities the interest in sterling whereon is payable out of, and charged on, the revenues of India” shall be repealed : 15 & 16  
Geo. 5. c. 19.

Provided that, notwithstanding anything in this Act, any securities which by virtue of the said words were immediately before the commencement of Part III of this Act securities in which a trustee might invest trust funds shall continue to be securities in which a trustee may invest such funds.

#### *Audit and Accounts.*

**166.**—(1) There shall be an Auditor-General of India, who shall be appointed by His Majesty and shall only be removed from office in like manner and on the like grounds as a judge of the Federal Court. Auditor-  
General of  
India.

(2) The conditions of service of the Auditor-General shall be such as may be prescribed by His Majesty in Council, and he shall not be eligible for further office under the Crown in India after he has ceased to hold his office :

Provided that neither the salary of an Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(3) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Federation and of the Provinces as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any subsequent Act of the Federal Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the

PART VII previous sanction of the Governor-General in his  
—cont. discretion.

(4) The salary, allowances and pension payable to or in respect of an Auditor-General shall be charged on the revenues of the Federation, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

Provincial  
Auditor-  
General.

**167.**—(1) If a Provincial Legislature after the expiration of two years from the commencement of Part III of this Act passes an Act charging the salary of an Auditor-General for that Province on the revenues of the Province, an Auditor-General of the Province may be appointed by His Majesty to perform the same duties and to exercise the same powers in relation to the audit of the accounts of the Province as would be performed and exercised by the Auditor-General of India, if an Auditor-General of the Province had not been appointed :

Provided that no appointment of an Auditor-General in a Province shall be made until the expiration of at least three years from the date of the Act of the Provincial Legislature by which provision is made for an Auditor-General of that Province.

(2) The provisions of the last preceding section shall apply in relation to the Auditor-General of a Province and his staff as they apply in relation to the Auditor-General of India and his staff, subject to the following modifications, that is to say—

- (a) a person who is, or has been, Auditor-General of a Province shall be eligible for appointment as Auditor-General of India ;
- (b) in subsection (3) of the said section, for the reference to the Federal Legislature there shall be substituted a reference to the Provincial Legislature, and for the reference to the Governor-General there shall be substituted a reference to the Governor ; and
- (c) in subsection (4) of the said section for the reference to the revenues of the Federation there shall be substituted a reference to the revenues of the Province :

Provided that nothing in this section shall derogate from the power of the Auditor-General of India to give

such directions in respect to the accounts of Provinces as are mentioned in the next succeeding section. PART VII.  
—cont.

**168.** The accounts of the Federation shall be kept in such form as the Auditor-General of India may, with the approval of the Governor-General, prescribe and, in so far as the Auditor-General of India may, with the like approval, give any directions with regard to the methods or principles in accordance with which any accounts of Provinces ought to be kept, it shall be the duty of every Provincial Government to cause accounts to be kept accordingly. Power of Auditor-General of India to give directions as to accounts.

**169.** The reports of the Auditor-General of India relating to the accounts of the Federation shall be submitted to the Governor-General, who shall cause them to be laid before the Federal Legislature, and the reports of the Auditor-General of India or of the Auditor-General of the Province, as the case may be, relating to the accounts of a Province shall be submitted to the Governor of the Province, who shall cause them to be laid before the Provincial Legislature. Audit reports.

**170.—(1)** There shall be an Auditor of Indian Home Accounts who shall be appointed by the Governor-General in his discretion and shall only be removed from office in like manner and on the like grounds as a judge of the Federal Court. Auditor of Indian Home Accounts.

(2) The conditions of service of the Auditor of Indian Home Accounts shall be such as may be prescribed by the Governor-General in his discretion :

Provided that neither the salary of an Auditor of Indian Home Accounts nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(3) The Auditor of Indian Home Accounts shall perform such duties and exercise such powers in relation to transactions in the United Kingdom affecting the revenues of the Federation, of the Federal Railway Authority, or of any Province, as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any Act of the Federal Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the prior sanction of the Governor-General in his discretion.

**PART VII.**  
—*cont.*

(4) The reports of the Auditor of Indian Home Accounts relating to such transactions as aforesaid shall be submitted to the Auditor-General of India, or, in the case of transactions affecting the revenues of a Province which has an Auditor-General, to the Auditor-General of the Province, and shall be included by any such Auditor-General in the reports which under this Part of this Act he is required to submit to the Governor-General or, as the case may be, to the Governor.

(5) The Auditor of Indian Home Accounts shall be subject to the general superintendence of the Auditor-General of India.

(6) The salary, allowances and pension payable to or in respect of the Auditor of Indian Home Accounts shall be charged on the revenues of the Federation, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

(7) His Majesty in Council may require the Auditor of Indian Home Accounts to perform in relation to Burma all or any of the functions which he performs in relation to India, and may fix the payments to be made in respect of his services from the revenues of Burma to the revenues of the Federation, and may make such incidental and consequential provision as may appear to him to be proper.

Audit of accounts relating to the discharge of the functions of the Crown in relation to Indian States.

171. The accounts relating to the discharge of the functions of the Crown in its relations with Indian States shall be audited by the Auditor-General of India, or, in so far as those accounts concern transactions in the United Kingdom, by the Auditor of Indian Home Accounts acting on his behalf and under his general superintendence, and the Auditor-General of India shall make to the Secretary of State annual reports on the accounts so audited by him or on his behalf.

## CHAPTER III.

## PROPERTY, CONTRACTS, LIABILITIES, AND SUITS.

Vesting of lands and buildings.

172.—(1) All lands and buildings which immediately before the commencement of Part III of this Act were



vested in His Majesty for the purposes of the government of India shall as from that date—

PART VII.  
—*cont.*

- (a) in the case of lands and buildings which are situate in a Province, vest in His Majesty for the purposes of the government of that Province unless they were then used, otherwise than under a tenancy agreement between the Governor-General in Council and the Government of that Province, for purposes which thereafter will be purposes of the Federal Government or of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or unless they are lands and buildings formerly used for such purposes as aforesaid, or intended or formerly intended to be so used, and are certified by the Governor-General in Council or, as the case may be, His Majesty's Representative, to have been retained for future use for such purposes, or to have been retained temporarily for the purpose of more advantageous disposal by sale or otherwise;
- (b) in the case of lands and buildings which are situate in a Province but do not by virtue of the preceding paragraph vest in His Majesty for the purposes of the government of that Province, and in the case of lands and buildings which are situate in India elsewhere than in a Province, vest in His Majesty for the purposes of the government of the Federation or for the purposes of the exercise of the functions of the Crown in its relations with Indian States, according to the purpose for which they were used immediately before the commencement of Part III of this Act; and
- (c) in the case of lands and buildings which are situate elsewhere than in India (except lands and buildings situate in Burma or Aden), vest in His Majesty for the purposes of the government of the Federation or, if they were immediately before the commencement of Part III of this Act used for purposes of the department of the Secretary of State in Council, for the purposes of His Majesty's Government in the United Kingdom.

PART VII.  
—*cont.*

(2) Except with the consent of the Governor-General, effect shall not be given to any proposal for the sale of any lands or buildings which by virtue of this section are vested in His Majesty for the purposes of His Majesty's Government in the United Kingdom, or to any proposal for the diversion of any such lands and buildings to uses not connected with the discharge of the functions of the Crown in relation to India or Burma.

(3) The lands and buildings vested in His Majesty by virtue of this section for the purpose of His Majesty's Government in the United Kingdom shall be under the management of the Commissioners of Works, and, subject to the provisions of subsection (2) of this section, the provisions of the Acts relating to the Commissioners of Works shall apply in relation to those lands and buildings as if they had been acquired by the Commissioners in pursuance of those Acts.

(4) The provisions of this section shall apply in relation to the contents of buildings vested in His Majesty for the purposes of His Majesty's Government in the United Kingdom, other than any money or securities, as they apply in relation to the buildings themselves :

Provided that, in the case of such articles and classes of articles as may be agreed upon between the Secretary of State and the Governor-General, the provisions of subsection (2) of this section shall not apply and, notwithstanding anything in subsection (3) of this section, the contents of those buildings shall be under the control of the Secretary of State.

(5) Any question which may arise within the five years next following the commencement of Part III of this Act as to the purposes for which any lands or buildings are by virtue of this section vested in His Majesty may be determined by His Majesty in Council.

Provisions  
as to other  
property.

**173.**—(1) Subject to the provisions of this and the last preceding section, all property vested in His Majesty which by virtue of any delegation from the Secretary of State in Council or otherwise is immediately before the commencement of Part III of this Act in the possession or under the control of, or held on account of, the Governor-General in Council or any Local Government

shall, as from the commencement of Part III of this Act, vest in His Majesty—

PART VII.  
—cont.

- (a) for the purposes of the Government of the Federation; or
- (b) for the purposes of the exercise of the functions of the Crown in its relations with Indian States; or
- (c) for the purposes of the Government of a Province,

according as the purposes for which the property was held immediately before the commencement of Part III of this Act will thereafter be purposes of the Government of the Federation, purposes of His Majesty's Representative for the exercise of the said functions of the Crown or purposes of the Government of a Province :

Provided that—

- (i) all moneys which immediately before the commencement of Part III of this Act were in the public account of which the Governor-General in Council was custodian shall be vested in His Majesty for the purposes of the Government of the Federation;
- (ii) all credits and debits of the Local Government of any Governor's Province (other than Burma) in account with the Governor-General in Council shall be deemed to be credits and debits of the corresponding Province under this Act in account with the Federation.

(2) Subject as aforesaid, all other property vested in His Majesty and under the control of the Secretary of State in Council immediately before the commencement of Part III of this Act shall as from the commencement of Part III of this Act vest in His Majesty for the purposes of the Government of the Federation, for the purposes of the exercise of the functions of the Crown in its relations with Indian States or for the purposes of the Government of a Province, according as the Secretary of State may determine having regard to the circumstances of the case, and the Secretary of State shall have power to and shall deal with the property accordingly.

(3) In this section "property" includes money, securities, bank balances and movable property of any description.

## PART VII.

—cont.

(4) Arrears of any taxes outstanding immediately before the commencement of Part III of this Act shall be deemed to be due to and may be recovered by the Federal Government or a Provincial Government according as the proceeds of any such tax imposed after the commencement of Part III of this Act would be due to and recoverable by the Federal Government or the Provincial Government.

(5) This section shall apply in relation to any equipment, stores, moneys, bank balances and other property held in connection with His Majesty's Indian forces stationed in Burma (not being forces raised in Burma) as it applies in relation to property held for purposes which will be purposes of the Government of the Federation, but, save as aforesaid, nothing in this section applies to any property situate in Burma or Aden, or to arrears of taxes in Burma or Aden, or to any property which by virtue of any delegation from the Secretary of State in Council or otherwise is, immediately before the commencement of Part III of this Act, in the possession or under the control of, or held on account of, the Local Government of Burma or Aden.

(6) Nothing in this section shall affect any adjustments made or to be made by or under this Act by reason of the creation before the commencement of Part III of this Act of the Provinces of Orissa and Sind.

Property  
accruing by  
escheat or  
lapse, or as  
bona  
vacantia.

**174.** Subject as hereinafter provided, any property in India accruing to His Majesty by escheat or lapse, or as bona vacantia for want of a rightful owner, shall, if it is property situate in a Province, vest in His Majesty for the purposes of the government of that Province, and shall in any other case vest in His Majesty for the purposes of the government of the Federation :

Provided that any property which at the date when it accrued to His Majesty was in the possession or under the control of the Federal Government or the Government of a Province shall, according as the purposes for which it was then used or held were purposes of the Federation or of a Province, vest in His Majesty for the purposes of the government of the Federation or for the purposes of the government of that Province.

**175.**—(1) The executive authority of the Federation and of a Province shall extend, subject to any Act of the appropriate Legislature, to the grant, sale, disposition or mortgage of any property vested in His Majesty for the purposes of the government of the Federation or of the Province, as the case may be, and to the purchase or acquisition of property on behalf of His Majesty for those purposes respectively, and to the making of contracts :

PART VII.  
—cont.  
Power to acquire property and to make contracts, &c.

Provided that any land or building used as an official residence of the Governor-General or a Governor shall not be sold, nor any change made in the purposes for which it is being used, except with the concurrence, in his discretion, of the Governor-General or the Governor, as the case may be.

(2) All property acquired for the purposes of the Federation or of a Province or of the exercise of the functions of the Crown in its relations with Indian States, as the case may be, shall vest in His Majesty for those purposes.

(3) Subject to the provisions of this Act with respect to the Federal Railway Authority, all contracts made in the exercise of the executive authority of the Federation or of a Province shall be expressed to be made by the Governor-General, or by the Governor of the Province, as the case may be, and all such contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor-General or Governor by such persons and in such manner as he may direct or authorise.

(4) Neither the Governor-General, nor the Governor of a Province, nor the Secretary of State shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Act, or for the purposes of the Government of India Act or of any Act repealed thereby, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.

**176.**—(1) The Federation may sue or be sued by the name of the Federation of India and a Provincial Government may sue or be sued by the name of the Province, and, without prejudice to the subsequent provisions of this chapter, may, subject to any

Suits and Proceedings.

PART VII.  
—cont.

provisions which may be made by Act of the Federal or a Provincial Legislature enacted by virtue of powers conferred on that Legislature by this Act, sue or be sued in relation to their respective affairs in the like cases as the Secretary of State in Council might have sued or been sued if this Act had not been passed.

(2) Rules of court may provide that, where the Federation, the Federal Railway Authority, or a Province sue or are sued in the United Kingdom, service of all proceedings may be effected upon the High Commissioner for India or such other representative in the United Kingdom of the Federation, Authority or Province, as may be specified in the rules.

Existing  
contracts  
of Secretary  
of State in  
Council.

**177.**—(1) Without prejudice to the special provisions of the next succeeding section relating to loans, guarantees and other financial obligations, any contract made before the commencement of Part III of this Act by, or on behalf of, the Secretary of State in Council shall, as from that date—

- (a) if it was made for purposes which will after the commencement of Part III of this Act be purposes of the Government of a Province, have effect as if it had been made on behalf of that Province; and
- (b) in any other case have effect as if it had been made on behalf of the Federation,

and references in any such contract to the Secretary of State in Council shall be construed accordingly, and any such contract may be enforced in accordance with the provisions of the next but one succeeding section.

(2) This section does not apply in relation to contracts solely in connection with the affairs of Burma or Aden, or solely for purposes which will after the commencement of Part III of this Act be purposes of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States.

Special  
provisions  
as to  
existing  
loans, guar-  
antees and  
other  
financial  
obligations.

**178.**—(1) All liabilities in respect of such loans, guarantees and other financial obligations of the Secretary of State in Council as are outstanding immediately before the commencement of Part III of this Act and were secured on the revenues of India shall, as from that date, be liabilities of the Federation and shall be secured upon the revenues of the Federation and of all the Provinces.

(2) All enactments relating to any such loans, guarantees and other financial obligations of the Secretary of State in Council as aforesaid shall, in relation to those loans, guarantees and obligations, continue to have effect with the substitution therein, except in so far as the context otherwise requires, of references to the Secretary of State for references to the Secretary of State in Council, and with such other modifications and such adaptations as His Majesty in Council may deem necessary.

PART VII.  
— cont.

(3) No deduction in respect of taxation imposed by or under any existing Indian law or any law of the Federal or a Provincial Legislature shall be made from any payment of principal or interest in respect of any securities, the interest whereon is payable in sterling, being a payment which would, but for the provisions of this Act, have fallen to be made by the Secretary of State in Council.

(4) If in the case of any Local Government in India there are outstanding immediately before the commencement of Part III of this Act any loans or other financial obligations secured upon the revenues of the Province, all liabilities in respect of those loans and obligations shall, as from that date, be liabilities of the Government of, and shall be secured upon the revenues of, the corresponding Province under this Act.

(5) Any liabilities in respect of any such loan, guarantee or financial obligation as is mentioned in this section may be enforced in accordance with the provisions of the next succeeding section.

(6) The provisions of this section apply to the liabilities of the Secretary of State in Council in respect of the Burma Railways three per cent. Debenture Stock, but, save as aforesaid, do not apply to any liability solely in connection with the affairs of Burma or Aden.

**179.**—(1) Any proceedings which, if this Act had not been passed, might have been brought against the Secretary of State in Council may, in the case of any liability arising before the commencement of Part III of this Act or arising under any contract or statute made or passed before that date, be brought against the Federation or a Province, according to the subject matter of the proceedings, or, at the option of the person by whom the proceedings are brought, against the Secretary of State, and any sum ordered to be paid by way of debt, damages or costs in

Legal proceedings as to certain matters.

PART VII.  
—*cont.*

any such proceedings, and any costs or expenses incurred in or in connection with the defence thereof, shall be paid out of the revenues of the Federation or the Province, as the case may be, or, if the proceedings are brought against the Secretary of State, out of such revenues as the Secretary of State may direct.

The provisions of this subsection shall apply with respect to proceedings arising under any contract declared by the terms thereof to be supplemental to any such contract as is mentioned in those provisions as they apply in relation to the contracts so mentioned.

(2) If at the commencement of Part III of this Act any legal proceedings are pending in the United Kingdom or in India to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council, and the provisions of subsection (1) of this section shall apply in relation to sums ordered to be paid, and costs or expenses incurred, by the Secretary of State or the Secretary of State in Council in or in connection with any such proceedings as they apply in relation to sums ordered to be paid in, and costs or expenses incurred in or in connection with the defence of, proceedings brought against the Secretary of State under the said subsection (1).

(3) Any contract made in respect of the affairs of the Federation or a Province by or on behalf of the Secretary of State after the commencement of Part III of this Act may provide that any proceedings under that contract shall be brought in the United Kingdom by or against the Secretary of State and any such proceedings may be brought accordingly, and any sum ordered to be paid by the Secretary of State by way of debt, damages or costs in any such proceedings, and any costs or expenses incurred by the Secretary of State in or in connection therewith, shall be paid out of the revenues of the Federation or the Province, as the case may be.

(4) Nothing in this section shall be construed as imposing any liability upon the Exchequer of the United Kingdom in respect of any debt, damages, costs or expenses in or in connection with any proceedings brought or continued by or against the Secretary of State by virtue of this section, or as derogating from the provisions of subsection (1) of the last preceding section.



(5) This section does not apply in relation to contracts or liabilities solely in connection with the affairs of Burma or Aden, other than liabilities which are by this Act made liabilities of the Federation, or to contracts or liabilities for purposes which will, after the commencement of Part III of this Act, be purposes of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States.

PART VII.  
—cont.

180.—(1) Any contract made before the commencement of Part III of this Act by or on behalf of the Secretary of State in Council solely in connection with the exercise of the functions of the Crown in its relations with Indian States shall, as from the commencement of Part III of this Act, have effect as if it had been made on behalf of His Majesty and references in any such contract to the Secretary of State in Council shall be construed accordingly.

Contracts in connection with functions of Crown in its relations with Indian States.

(2) Any proceedings which if this Act had not been passed might have been brought by or against the Secretary of State in Council in respect of any such contract as aforesaid may be brought by or against the Secretary of State and if at the commencement of Part III of this Act any proceedings in respect of any such contract are pending in the United Kingdom or in India to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council.

(3) Any contract made after the commencement of Part III of this Act on behalf of His Majesty solely in connection with the exercise of the said functions of the Crown shall, if it is such a contract as would have been legally enforceable by or against the Secretary of State in Council, be legally enforceable by or against the Secretary of State.

(4) Any sums ordered to be paid by the Secretary of State by way of debt, damages or costs in any such proceedings as are mentioned in this section and any costs or expenses incurred by him in or in connection with the prosecution or defence thereof shall be deemed to be sums required for the discharge of the functions of the Crown in its relations with Indian States, and any sum received by the Secretary of State by virtue of any such proceedings shall be paid or credited to the Federation.

## PART VIII.

## THE FEDERAL RAILWAY AUTHORITY.

Executive  
authority in  
respect of  
railways to  
be exercised  
by Federal  
Railway  
Authority.

**181.**—(1) The executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways shall be exercised by a Federal Railway Authority (hereinafter referred to as “the Authority”).

(2) The said executive authority extends to the carrying on in connection with any Federal railways of such undertakings as, in the opinion of the Authority, it is expedient should be carried on in connection therewith and to the making and carrying into effect of arrangements with other persons for the carrying on by those persons of such undertakings :

Provided that, as respects their powers under this subsection, the Authority shall be subject to any relevant provisions of any Federal, Provincial or existing Indian law, and to the relevant provisions of the law of any Federated State, but nothing in this subsection shall be construed as limiting the provisions of Part VI of this Act regulating the relations of the Federation with Provinces and States.

(3) Notwithstanding anything in this section, the Federal Government or its officers shall perform in regard to the construction, equipment, and operation of railways such functions for securing the safety both of members of the public and of persons operating the railways, including the holding of inquiries into the causes of accidents, as in the opinion of the Federal Government should be performed by persons independent of the Authority and of any railway administration.

So much of Part X of this Act as provides that powers in relation to railway services of the Federation shall be exercised by the Authority shall not apply in relation to officers of the Federal Government employed in the performance of any of the functions mentioned in this subsection.

Composi-  
tion, &c. of  
Railway  
Authority.

**182.**—(1) Not less than three-sevenths of the members of the Authority shall be persons appointed by the Governor-General in his discretion, and the Governor-General shall in his discretion appoint a member of the Authority to be the President thereof.

(2) Subject as aforesaid, the provisions of the Eighth Schedule to this Act, as supplemented or amended by any Act of the Federal Legislature for the time being in force, shall have effect with respect to the appointment, qualifications and conditions of service of members of the Authority, and with respect to the Authority's proceedings, executive staff and liability to income tax :

PART VIII.  
—cont.

Provided that, except with the previous sanction of the Governor-General in his discretion, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or any amendment for supplementing or amending the provisions of the said Schedule.

**183.**—(1) The Authority in discharging their functions under this Act shall act on business principles, due regard being had by them to the interests of agriculture, industry, commerce and the general public, and in particular shall make proper provision for meeting out of their receipts on revenue account all expenditure to which such receipts are applicable under the provisions of this Part of this Act.

Directions  
and  
principles to  
be observed  
by Railway  
Authority.

(2) In the discharge of their said functions the Authority shall be guided by such instructions on questions of policy as may be given to them by the Federal Government.

If any dispute arises under this subsection between the Federal Government and the Authority as to whether a question is or is not a question of policy, the decision of the Governor-General in his discretion shall be final.

(3) The provisions of subsection (1) of this section shall apply in relation to the discharge by the Federal Government of their functions with respect to railways as they apply in relation to the functions of the Authority, but nothing in this subsection shall be construed as limiting the powers of the Governor-General under the next succeeding subsection.

(4) The provisions of this Act relating to the special responsibilities of the Governor-General, and to his duty as regards certain matters to exercise his functions in his discretion or to exercise his individual judgment, shall apply as regards matters entrusted to the Authority as if the executive authority of the Federation in regard to those matters were vested in him, and as if the functions

PART VIII.  
—cont.

of the Authority as regards those matters were the functions of ministers, and the Governor-General may issue to the Authority such directions as he may deem necessary as regards any matter which appears to him to involve any of his special responsibilities, or as regards which he is by or under this Act required to act in his discretion or to exercise his individual judgment, and the Authority shall give effect to any directions so issued to them.

Conduct of  
business  
between  
Railway  
Authority  
and  
Federal  
Govern-  
ment.

**184.**—(1) The Governor-General exercising his individual judgment, but after consultation with the Authority, may make rules for the more convenient transaction of business arising out of the relations between the Federal Government and the Authority.

(2) The rules shall include provisions requiring the Authority to transmit to the Federal Government all such information with respect to their business as may be specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular provisions requiring the Authority and their chief executive officer to bring to the notice of the Governor-General any matter under consideration by the Authority or by that officer which involves, or appears to them or him likely to involve, any special responsibility of the Governor-General.

Acquisition  
and sale of  
land, con-  
tracts and  
working  
agreements.

**185.**—(1) Except in such classes of case as may be specified in regulations to be made by the Federal Government, the Authority shall not acquire or dispose of any land, and, when it is necessary for the Authority to acquire compulsorily any land for the purposes of their functions, the Federal Government shall cause that land to be acquired on their behalf and at their expense.

(2) Contracts made by or on behalf of the Authority shall be enforceable by or against the Authority and not by or against the Federation, and, subject to any provision which may hereafter be made by Act of the Federal Legislature, the Authority may sue and be sued in the like manner and in the like cases as a company operating a railway may sue and be sued:

Provided that this subsection does not apply in relation to any contract declared by its terms to be supplemental to a contract made before the establishment of the Authority, and any such supplemental contract

may be enforced in any manner in which the principal contract may be enforced. PART VIII.  
—cont.

(3) The Authority may make working agreements with, and carry out working agreements made with, any Indian State or person owning or operating any railway in India, or in territories adjacent to India, with respect to the persons by whom and the terms on which any of the railways with which the parties are respectively concerned shall be operated.

**186.**—(1) The Authority shall establish, maintain and control a fund (which shall be known as the “Railway Fund”) and all moneys received by the Authority, whether on revenue account or on capital account, in the discharge of their functions and all moneys provided, whether on revenue account or on capital account, out of the revenues of the Federation to enable them to discharge those functions shall be paid into that Fund, and all expenditure, whether on revenue account or on capital account, required for the discharge of their functions shall be defrayed out of that Fund : Finance of  
the Railway  
Authority.

Provided that nothing in this subsection shall prevent the Authority from establishing and maintaining separate provident funds for the benefit of persons who are or have been employed in connection with railways.

(2) The receipts of the Authority on revenue account in any financial year shall be applied in—

- (a) defraying working expenses;
- (b) meeting payments due under contracts or agreements to railway undertakings;
- (c) paying pensions, and contributions to provident funds;
- (d) repaying to the revenues of the Federation so much of any pensions and contributions to provident funds charged by this Act on those revenues as is attributable to service on railways in India;
- (e) making due provision for maintenance, renewals, improvements and depreciation;
- (f) making to the revenues of the Federation any payments by way of interest which they are required by this Part of this Act to make; and
- (g) defraying other expenses properly chargeable against revenue in that year.

PART VIII.  
—cont.

(3) Any surpluses on revenue account shown in the accounts of the Authority shall be apportioned between the Federation and the Authority in accordance with a scheme to be prepared, and from time to time reviewed, by the Federal Government, or, until such a scheme has been prepared, in accordance with the principles which immediately before the establishment of the Authority regulated the application of surpluses in railway accounts, and any sum apportioned to the Federation under this subsection shall be transferred accordingly and shall form part of the revenues of the Federation.

(4) The Federation may provide any moneys, whether on revenue account or capital account, for the purposes of the Railway Authority, but, where any moneys are so provided, the provision thereof shall be deemed to be expenditure and shall accordingly be shown as such in the estimates of expenditure laid before the Chambers of the Legislature.

Provisions  
as to certain  
obligations  
of the  
Railway  
Authority.

**187.**—(1) There shall be deemed to be owing from the Authority to the Federation such sum as may be agreed or, in default of agreement, determined by the Governor-General in his discretion, to be equivalent to the amount of the moneys provided, whether before or after the passing of this Act, out of the revenues of India or of the Federation for capital purposes in connection with railways in India (exclusive of Burma) and the Authority shall out of their receipts on revenue account pay to the Federation interest on that amount at such rate as may be so agreed or determined, and also make payments in reduction of the principal of that amount in accordance with a repayment scheme so agreed or determined.

For the purposes of this subsection, where the Secretary of State in Council has assumed or incurred any obligation in connection with any such railways, he shall be deemed to have provided for the said purposes an amount equal to the capital value of that obligation as shown in the accounts of the Government of India immediately before the establishment of the Authority.

Nothing in this subsection shall be construed as preventing the Authority from making payments to the Federation in reduction of the principal of any such amount as aforesaid out of moneys other than receipts on revenue account.

(2) It shall be an obligation of the Authority to repay to the Federation any sums defrayed out of the revenues of the Federation in respect of any debt, damages, costs, or expenses in, or in connection with, any proceedings brought or continued by or against the Federation or against the Secretary of State under Part VII of this Act in respect of railways in India.

PART VIII.  
—cont.

(3) It shall be an obligation of the Authority to pay to any Province or Indian State such sums as may be equivalent to the expenses incurred by that Province or State in the provision of police required for the maintenance of order on Federal railway premises, and any question which may arise between the Authority and a Province or State as to the amount of any expenses so incurred shall be determined by the Governor-General in his discretion.

**188.** Subject to such conditions, if any, as may be prescribed by the Federal Government, the Authority may from time to time invest any moneys in the railway fund or any provident fund which are not for the time being required to meet expenses properly defrayable out of that fund, and may, subject as aforesaid, from time to time transfer and realise investments made by them.

Investment  
of funds of  
Railway  
Authority.

**189.**—(1) Nothing in the foregoing provisions of this Part of this Act shall be construed as entitling the Authority to require that any moneys which immediately before the establishment of the Authority were held by the Governor-General in Council on account of any railway depreciation fund, reserve fund or provident fund shall be transferred to the Authority for investment by them, but the Authority may from time to time require the transfer to themselves of so much of any such fund as they require to defray expenditure chargeable against that fund, and the Federal Government shall credit each such fund with interest on the untransferred balance thereof at such rate as may be agreed, or, in default of agreement, determined by the Governor-General in his discretion.

Special  
provisions  
as to certain  
existing  
funds.

(2) In this section references to any such fund as aforesaid shall be construed as references to so much of that fund as is not attributable to the railways of Burma.

## PART VIII.

—cont.

Audit and  
annual  
reports.

**190.**—(1) The accounts of the receipts and expenditure of the Authority shall be audited and certified by, or on behalf of, the Auditor-General of India.

(2) The Authority shall publish annually a report of their operations during the preceding year and a statement of accounts in a form approved by the Auditor-General.

Railway  
Rates  
Committee.

**191.** The Governor-General may from time to time appoint a Railway Rates Committee to give advice to the Authority in connection with any dispute between persons using, or desiring to use, a railway and the Authority as to rates or traffic facilities which he may require the Authority to refer to the committee.

Bills and amend-  
ments for regu-  
lating rates and  
fares to require  
recommendation  
of Governor-  
General.

**192.** A Bill or amendment making provision for regulating the rates or fares to be charged on any railway shall not be introduced or moved in either Chamber of the Federal Legislature except on the recommendation of the Governor-General.

Obligation  
of Railway  
Authority  
and Feder-  
ated States  
to afford  
mutual  
traffic faci-  
ties and to  
avoid unfair  
discrimina-  
tion, &c.

**193.**—(1) It shall be the duty of the Authority and every Federated State so to exercise their powers in relation to the railways with which they are respectively concerned as to afford all reasonable facilities for the receiving, forwarding, and delivering of traffic upon and from those railways, including the receiving, forwarding, and delivering of through traffic at through rates, and as to secure that there shall be between one railway system and another no unfair discrimination, by the granting of undue preferences or otherwise, and no unfair or uneconomic competition.

(2) Any complaint by the Authority against a Federated State or by a Federated State against the Authority on the ground that the provisions of the preceding subsection have not been complied with shall be made to and determined by the Railway Tribunal.

Appeal by  
State to  
Railway  
Tribunal  
from certain  
directions of  
Railway  
Authority.

**194.** If the Authority, in the exercise of any executive authority of the Federation in relation to interchange of traffic, or maximum or minimum rates and fares, or station or service terminal charges, give any direction to a Federated State, the State may complain that the direction discriminates unfairly against the railways of the State, or imposes on the State an obligation to afford facilities which are not in the circumstances reasonable,



and any such complaint shall be determined by the Railway Tribunal.

PART VIII.  
—cont.

**195.**—(1) The Governor-General acting in his discretion shall make rules requiring the Authority and any Federated State to give notice in such cases as the rules may prescribe of any proposal for constructing a railway or for altering the alignment or gauge of a railway, and to deposit plans.

Con-  
struction  
and recon-  
struction of  
railways.

(2) The rules so made shall contain provisions enabling objections to be lodged by the Authority or by a Federated State on the ground that the carrying out of the proposal will result in unfair or uneconomic competition with a Federal railway or a State railway, as the case may be, and, if an objection so lodged is not withdrawn within the prescribed time, the Governor-General shall refer to the Railway Tribunal the question whether the proposal ought to be carried into effect, either without modification or with such modification as the Tribunal may approve, and the proposal shall not be proceeded with save in accordance with the decision of the Tribunal.

(3) This section shall not apply in any case where the Governor-General in his discretion certifies that for reasons connected with defence effect should, or should not, be given to a proposal.

**196.**—(1) There shall be a Tribunal (in this Act referred to as “the Railway Tribunal”) consisting of a President and two other persons to be selected to act in each case by the Governor-General in his discretion from a panel of eight persons appointed by him in his discretion, being persons with railway, administrative, or business experience.

Railway  
Tribuna<sup>l</sup>.

(2) The President shall be such one of the judges of the Federal Court as may be appointed for the purpose by the Governor-General in his discretion after consultation with the Chief Justice of India and shall hold office for such period of not less than five years as may be specified in the appointment, and shall be eligible for re-appointment for a further period of five years or any less period :

Provided that, if the President ceases to be a judge of the Federal Court, he shall thereupon cease to be President of the Tribunal and, if he is for any reason

PART VIII. temporarily unable to act, the Governor-General in his  
—*cont.* discretion may after the like consultation appoint another  
judge of the Federal Court to act for the time being in  
his place.

(3) It shall be the duty of the Railway Tribunal to exercise such jurisdiction as is conferred on it by this Act, and for that purpose the Tribunal may make such orders, including interim orders, orders varying or discharging a direction or order of the Authority, orders for the payment of compensation or damages and of costs and orders for the production of documents and the attendance of witnesses, as the circumstances of the case may require, and it shall be the duty of the Authority and of every Federated State and of every other person or authority affected thereby to give effect to any such order.

(4) An appeal shall lie to the Federal Court from any decision of the Railway Tribunal on a question of law, but no appeal shall lie from the decision of the Federal Court on any such appeal.

(5) The Railway Tribunal or the Federal Court, as the case may be, may, on application made for the purpose, if satisfied that in view of an alteration in the circumstances it is proper so to do, vary or revoke any previous order made by it.

(6) The President of the Railway Tribunal may, with the approval of the Governor-General in his discretion, make rules regulating the practice and procedure of the Tribunal and the fees to be taken in proceedings before it.

(7) Subject to the provisions of this section relating to appeals to the Federal Court, no court shall have any jurisdiction with respect to any matter with respect to which the Railway Tribunal has jurisdiction.

(8) There shall be paid out of the revenues of the Federation to the members of the Railway Tribunal other than the President such remuneration as may be determined by the Governor-General in his discretion, and the administrative expenses of the Railway Tribunal, including any such remuneration as aforesaid, shall be charged on the revenues of the Federation, and any fees or other moneys taken by the Tribunal shall form part of those revenues.

The Governor-General shall exercise his individual judgment as to the amount to be included in respect of the administrative expenses of the Railway Tribunal in any estimates of expenditure laid by him before the Chambers of the Federal Legislature.

PART VIII.  
—cont.

**197.**—(1) Without prejudice to the general provisions of this Act with respect to rights and liabilities under contracts made by or on behalf of the Secretary of State in Council, the provisions of this section shall have effect with respect to any contract so made with a railway company which immediately before the commencement of Part III of this Act was operating a railway in British India.

Rights of railway companies in respect of arbitration under contracts.

(2) If a dispute arises under any such contract between the railway company concerned and either the Authority or the Federal Government, and if the matter in dispute is of such a nature that under the contract the company might require, or, but for some provision of this Act, might have required, it to be submitted to arbitration, the dispute shall be deemed to have arisen between the company and the Secretary of State, and the provisions of the contract relating to the determination of such a dispute shall have effect with the substitution of the Secretary of State for the Secretary of State in Council.

Any award made in an arbitration under the foregoing provisions of this section and any settlement of the dispute agreed to by the Secretary of State with the concurrence of his advisers shall be binding on the Federal Government and the Authority, and any sum which the Secretary of State may become liable or may so agree to pay by way of debt, damage or costs, and any costs or expenses incurred by him in connection with the matter, shall be paid out of the revenues of the Federation and shall be charged on those revenues but shall be a debt due to the Federation from the Authority.

**198.** If and in so far as His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States may entrust to the Authority the performance of any functions in relation to railways in an Indian State which is not a Federated State, the Authority shall undertake the performance of those functions.

Railways in Indian States which have not federated.

## PART VIII.

—*cont.*Official  
directors of  
Indian  
railway  
companies.

**199.** Any powers of the Secretary of State in Council with respect to the appointment of directors and deputy directors of Indian railway companies shall be exercised by the Governor-General in his discretion after consultation with the Authority.

## PART IX.

## THE JUDICATURE.

## CHAPTER I.

## THE FEDERAL COURT.

Establish-  
ment and  
constitution  
of Federal  
Court.

**200.**—(1) There shall be a Federal Court consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of judges, the number of puisne judges shall not exceed six.

(2) Every judge of the Federal Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty-five years :

Provided that—

- (a) a judge may by resignation under his hand addressed to the Governor-General resign his office;
  - (b) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.
- (3) A person shall not be qualified for appointment as a judge of the Federal Court unless he—
- (a) has been for at least five years a judge of a High Court in British India or in a Federated State; or
  - (b) is a barrister of England or Northern Ireland of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing; or

- (c) has been for at least ten years a pleader of a High Court in British India or in a Federated State or of two or more such Courts in succession:

PART IX.  
—cont.

Provided that—

- (i) a person shall not be qualified for appointment as Chief Justice of India unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader; and
- (ii) in relation to the Chief Justice of India, for the references in paragraphs (b) and (c) of this subsection to ten years there shall be substituted references to fifteen years.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which a person has held judicial office after he became a barrister, a member of the Faculty of Advocates or a pleader, as the case may be, shall be included.

(4) Every person appointed to be a judge of the Federal Court shall, before he enters upon his office, make and subscribe before the Governor-General or some person appointed by him an oath according to the form set out in that behalf in the Fourth Schedule to this Act.

201. The judges of the Federal Court shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council:

Salaries,  
&c. of  
judges.

Provided that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

202. If the office of Chief Justice of India becomes vacant, or if the Chief Justice is, by reason of absence or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed

Temporary  
appoint-  
ment of  
acting Chief  
Justice.

PART IX. by such one of the other judges of the court as the  
 —cont. Governor-General may in his discretion appoint for  
 the purpose.

Seat of  
 Federal  
 Court.

203. The Federal Court shall be a court of record and shall sit in Delhi and at such other place or places, if any, as the Chief Justice of India may, with the approval of the Governor-General, from time to time appoint.

Original  
 jurisdiction  
 of Federal  
 Court.

204.—(1) Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends :

Provided that the said jurisdiction shall not extend to—

(a) a dispute to which a State is a party, unless the dispute—

(i) concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State; or

(ii) arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature, or otherwise concerns some matter with respect to which the Federal Legislature has power to make laws for that State; or

(iii) arises under an agreement made after the establishment of the Federation, with the approval of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, between that State and the Federation or a Province, being an agreement which expressly provides that the said jurisdiction shall extend to such a dispute;

(b) a dispute arising under any agreement which expressly provides that the said jurisdiction shall not extend to such a dispute.

PART IX.  
—cont.

(2) The Federal Court in the exercise of its original jurisdiction shall not pronounce any judgment other than a declaratory judgment.

**205.**—(1) An appeal shall lie to the Federal Court from any judgment, decree or final order of a High Court in British India, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act or any Order in Council made thereunder, and it shall be the duty of every High Court in British India to consider in every case whether or not any such question is involved and of its own motion to give or to withhold a certificate accordingly.

Appellate jurisdiction of Federal Court in appeals from High Courts in British India.

(2) Where such a certificate is given, any party in the case may appeal to the Federal Court on the ground that any such question as aforesaid has been wrongly decided, and on any ground on which that party could have appealed without special leave to His Majesty in Council if no such certificate had been given, and, with the leave of the Federal Court, on any other ground, and no direct appeal shall lie to His Majesty in Council, either with or without special leave.

**206.**—(1) The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment decree or final order of a High Court in British India without any such certificate as aforesaid, but no appeal shall lie under any such Act unless—

Power of Federal Legislature to enlarge appellate jurisdiction.

(a) the amount or value of the subject matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than fifty thousand rupees or such other sum not less than fifteen thousand rupees as may be specified by the Act, or the judgment decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value; or

(b) the Federal Court gives special leave to appeal.

PART IX.  
—*cont.*

(2) If the Federal Legislature makes such provision as is mentioned in the last preceding subsection, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in civil cases from High Courts in British India to His Majesty in Council, either with or without special leave.

(3) A Bill or amendment for any of the purposes specified in this section shall not be introduced into, or moved in, either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

Appellate jurisdiction of Federal Court in appeals from High Courts in Federated States.

**207.**—(1) An appeal shall lie to the Federal Court from a High Court in a Federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of an Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State, or arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature.

(2) An appeal under this section shall be by way of special case to be stated for the opinion of the Federal Court by the High Court, and the Federal Court may require a case to be so stated, and may return any case so stated in order that further facts may be stated therein.

Appeals to His Majesty in Council.

**208.** An appeal may be brought to His Majesty in Council from a decision of the Federal Court—

- (a) from any judgment of the Federal Court given in the exercise of its original jurisdiction in any dispute which concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of any State, or arises under an agreement made under Part VI of this Act in relation to the administration in any State of a law of the Federal Legislature, without leave; and
- (b) in any other case, by leave of the Federal Court or of His Majesty in Council.



**209.**—(1) The Federal Court shall, where it allows an appeal, remit the case to the court from which the appeal was brought with a declaration as to the judgment, decree or order which is to be substituted for the judgment, decree or order appealed against, and the court from which the appeal was brought shall give effect to the decision of the Federal Court.

PART IX.  
—cont.  
Form of  
judgment  
on appeal.

(2) Where the Federal Court upon any appeal makes any order as to the costs of the proceedings in the Federal Court, it shall, as soon as the amount of the costs to be paid is ascertained, transmit its order for the payment of that sum to the court from which the appeal was brought and that court shall give effect to the order.

(3) The Federal Court may, subject to such terms or conditions as it may think fit to impose, order a stay of execution in any case under appeal to the Court, pending the hearing of the appeal, and execution shall be stayed accordingly.

**210.**—(1) All authorities, civil and judicial, throughout the Federation, shall act in aid of the Federal Court.

Enforce-  
ment of  
decrees and  
orders of  
Federal  
Court and  
orders as to  
discovery,  
&c.

(2) The Federal Court shall, as respects British India and the Federated States, have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of court, which any High Court in British India has power to make as respects the territory within its jurisdiction, and any such orders, and any orders of the Federal Court as to the costs of and incidental to any proceedings therein, shall be enforceable by all courts and authorities in every part of British India or of any Federated State as if they were orders duly made by the highest court exercising civil or criminal jurisdiction, as the case may be, in that part.

(3) Nothing in this section—

- (a) shall apply to any such order with respect to costs as is mentioned in subsection (2) of the last preceding section; or
- (b) shall, as regards a Federated State, apply in relation to any jurisdiction exercisable by the

PART IX.  
—*cont.*

Federal Court by reason only of the making by the Federal Legislature of such provision as is mentioned in this chapter for enlarging the appellate jurisdiction of the Federal Court.

Letters of request to Federated States.

**211.** Where in any case the Federal Court require a special case to be stated or re-stated by, or remit a case to, or order a stay of execution in a case from, a High Court in a Federated State, or require the aid of the civil or judicial authorities in a Federated State, the Federal Court shall cause letters of request in that behalf to be sent to the Ruler of the State, and the Ruler shall cause such communication to be made to the High Court or to any judicial or civil authority as the circumstances may require.

Law declared by Federal Court and Privy Council to be binding on all courts.

**212.** The law declared by the Federal Court and by any judgment of the Privy Council shall, so far as applicable, be recognised as binding on, and shall be followed by, all courts in British India, and, so far as respects the application and interpretation of this Act or any Order in Council thereunder or any matter with respect to which the Federal Legislature has power to make laws in relation to the State, in any Federated State.

Power of Governor-General to consult Federal Court.

**213.**—(1) If at any time it appears to the Governor-General that a question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Federal Court upon it, he may in his discretion refer the question to that court for consideration, and the court may, after such hearing as they think fit, report to the Governor-General thereon.

(2) No report shall be made under this section save in accordance with an opinion delivered in open court with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

Rules of court, &c.

**214.**—(1) The Federal Court may from time to time, with the approval of the Governor-General in his discretion, make rules of court for regulating generally the practice and procedure of the court, including rules as to

the persons practising before the court, as to the time within which appeals to the court are to be entered, as to the costs of and incidental to any proceedings in the court, and as to the fees to be charged in respect of proceedings therein, and in particular may make rules providing for the summary determination of any appeal which appears to the court to be frivolous or vexatious or brought for the purpose of delay.

(2) Rules made under this section may fix the minimum number of judges who are to sit for any purpose, so however that no case shall be decided by less than three judges:

Provided that, if the Federal Legislature makes such provision as is mentioned in this chapter for enlarging the appellate jurisdiction of the court, the rules shall provide for the constitution of a special division of the court for the purpose of deciding all cases which would have been within the jurisdiction of the court even if its jurisdiction had not been so enlarged.

(3) Subject to the provisions of any rules of court, the Chief Justice of India shall determine what judges are to constitute any division of the court and what judges are to sit for any purpose.

(4) No judgment shall be delivered by the Federal Court save in open court and with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge who does not concur from delivering a dissenting judgment.

(5) All proceedings in the Federal Court shall be in the English language.

**215.** The Federal Legislature may make provision by Act for conferring upon the Federal Court such supplemental powers not inconsistent with any of the provisions of this Act as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by or under this Act.

Ancillary  
powers of  
Federal  
Court.

**216.**—(1) The administrative expenses of the Federal Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of

Expenses of  
Federal  
Court.

PART IX. the court, shall be charged upon the revenues of the  
—*cont.* Federation, and any fees or other moneys taken by the  
court shall form part of those revenues.

(2) The Governor-General shall exercise his individual judgment as to the amount to be included in respect of the administrative expenses of the Federal Court in any estimates of expenditure laid by him before the Chambers of the Federal Legislature.

Construc-  
tion of  
references to  
High Courts  
in States.

217. References in any provision of this Part of this Act to a High Court in a Federated State shall be construed as references to any court which His Majesty may, after communication with the Ruler of the State, declare to be a High Court for the purposes of that provision.

Savings.

218. Nothing in this chapter shall be construed as conferring, or empowering the Federal Legislature to confer, any right of appeal to the Federal Court in any case in which a High Court in British India is exercising jurisdiction on appeal from a court outside British India, or as affecting any right of appeal in any such case to His Majesty in Council with or without leave.

## CHAPTER II.

### THE HIGH COURTS IN BRITISH INDIA.

Meaning of  
“High  
Court.”

219.—(1) The following courts shall in relation to British India be deemed to be High Courts for the purposes of this Act, that is to say, the High Courts in Calcutta, Madras, Bombay, Allahabad, Lahore, and Patna, the Chief Court in Oudh, the Judicial Commissioner’s Courts in the Central Provinces and Berar, in the North-West Frontier Province and in Sind, any other court in British India constituted or reconstituted under this chapter as a High Court, and any other comparable court in British India which His Majesty in Council may declare to be a High Court for the purposes of this Act :

Provided that, if provision has been made before the commencement of Part III of this Act for the establishment of a High Court to replace any court or courts mentioned in this subsection, then as from the establishment of the new court this section shall have effect as if

the new court were mentioned therein in lieu of the court or courts so replaced. PART IX.  
—cont.

(2) The provisions of this chapter shall apply to every High Court in British India.

**220.**—(1) Every High Court shall be a court of record and shall consist of a chief justice and such other judges as His Majesty may from time to time deem it necessary to appoint : Constitution  
of High  
Courts.

Provided that the judges so appointed together with any additional judges appointed by the Governor-General in accordance with the following provisions of this chapter shall at no time exceed in number such maximum number as His Majesty in Council may fix in relation to that court.

(2) Every judge of a High Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty years :

Provided that—

- (a) a judge may by resignation under his hand addressed to the Governor resign his office ;
- (b) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

(3) A person shall not be qualified for appointment as a judge of a High Court unless he—

- (a) is a barrister of England or Northern Ireland, of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing ; or
- (b) is a member of the Indian Civil Service of at least ten years standing, who has for at least three years served as, or exercised the powers of, a district judge ; or
- (c) has for at least five years held a judicial office in British India not inferior to that of a subordinate judge, or judge of a small cause court ; or

PART IX.  
—*cont.*

(d) has for at least ten years been a pleader of any High Court, or of two or more such Courts in succession :

Provided that a person shall not, unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader, be qualified for appointment as Chief Justice of any High Court constituted by letters patent until he has served for not less than three years as a judge of a High Court.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which the person has held judicial office after he became a barrister, a member of the Faculty of Advocates, or a pleader, as the case may be, shall be included.

(4) Every person appointed to be a judge of a High Court shall, before he enters upon his office, make and subscribe before the Governor or some person appointed by him an oath according to the form set out in that behalf in the Fourth Schedule to this Act.

Salaries, &c.  
of judges.

**221.** The judges of the several High Courts shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council:

Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment.

Temporary  
and addi-  
tional  
judges.

**222.**—(1) If the office of chief justice of a High Court becomes vacant, or if any such chief justice is by reason of absence, or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the chief justice has resumed his duties, as the case may be, be performed by such one of the other judges of the court as the Governor-General may in his discretion think fit to appoint for the purpose.

(2) If the office of any other judge of a High Court becomes vacant, or if any such judge is

appointed to act temporarily as a chief justice, or is by reason of absence, or for any other reason, unable to perform the duties of his office, the Governor-General may in his discretion appoint a person duly qualified for appointment as a judge to act as a judge of that court, and the person so appointed shall, unless the Governor-General in his discretion thinks fit to revoke his appointment, be deemed to be a judge of that court until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the permanent judge has resumed his duties.

PART IX.  
—cont.

(3) If by reason of any temporary increase in the business of any High Court or by reason of arrears of work in any such court it appears to the Governor-General that the number of the judges of the court should be for the time being increased, the Governor-General in his discretion may, subject to the foregoing provisions of this chapter with respect to the maximum number of judges, appoint persons duly qualified for appointment as judges to be additional judges of the court for such period not exceeding two years as he may specify.

**223.** Subject to the provisions of this Part of this Act, to the provisions of any Order in Council made under this or any other Act and to the provisions of any Act of the appropriate Legislature enacted by virtue of powers conferred on that Legislature by this Act, the jurisdiction of, and the law administered in, any existing High Court, and the respective powers of the judges thereof in relation to the administration of justice in the court, including any power to make rules of court and to regulate the sittings of the court and of members thereof sitting alone or in division courts, shall be the same as immediately before the commencement of Part III of this Act.

Jurisdiction  
of existing  
High  
Courts.

**224.—(1)** Every High Court shall have superintendence over all courts in India for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say,—

Adminis-  
trative  
functions of  
High  
Courts.

- (a) call for returns ;
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts ;

PART IX.  
—cont.

(c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and

(d) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts :

Provided that such rules, forms and tables shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(2) Nothing in this section shall be construed as giving to a High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision.

Transfer of  
certain cases  
to High  
Court for  
trial.

**225.**—(1) If on an application made in accordance with the provisions of this section a High Court is satisfied that a case pending in an inferior court, being a case which the High Court has power to transfer to itself for trial, involves or is likely to involve the question of the validity of any Federal or Provincial Act, it shall exercise that power.

(2) An application for the purposes of this section shall not be made, except in relation to a Federal Act, by the Advocate-General for the Federation and, in relation to a Provincial Act, by the Advocate-General for the Federation or the Advocate-General for the Province.

Jurisdiction  
in revenue  
matters.

**226.**—(1) Until otherwise provided by Act of the appropriate Legislature, no High Court shall have any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force.

(2) A Bill or amendment for making such provision as aforesaid shall not be introduced into or moved in a Chamber of the Federal or a Provincial Legislature without the previous sanction of the Governor-General in his discretion or, as the case may be, of the Governor in his discretion.

Proceedings of  
High Courts to  
be in English.

**227.** All proceedings in every High Court shall be in the English language.



**228.**—(1) The administrative expenses of a High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the court and the salaries and allowances of the judges of the court shall be charged upon the revenues of the Province, and any fees or other moneys taken by the court shall form part of those revenues.

PART IX.  
—cont.  
Expenses  
of High  
Courts.

(2) The Governor shall exercise his individual judgment as to the amount to be included in respect of such expenses as aforesaid in any estimates of expenditure laid by him before the Legislature.

**229.**—(1) His Majesty, if the Chamber or Chambers of the Legislature of any Province present an address in that behalf to the Governor of the Province for submission to His Majesty, may by letters patent constitute a High Court for that Province or any part thereof or reconstitute in like manner any existing High Court for that Province or for any part thereof, or, where there are two High Courts in that Province, amalgamate those courts.

Power of His  
Majesty to  
constitute  
or recon-  
stitute  
High Court  
by letters  
patent.

(2) Where any Court is reconstituted, or two Courts are amalgamated, as aforesaid, the letters patent shall provide for the continuance in their respective offices of the existing judges, officers and servants of the Court or Courts, and for the carrying on before the reconstituted Court or the new Court of all pending matters, and may contain such other provisions as may appear to His Majesty to be necessary by reason of the reconstitution or amalgamation.

**230.**—(1) His Majesty in Council may, if satisfied that an agreement in that behalf has been made between the Governments concerned, extend the jurisdiction of a High Court in any Province to any area in British India not forming part of that Province, and the High Court shall thereupon have the same jurisdiction in relation to that area as it has in relation to any other area in relation to which it exercises jurisdiction.

Extra-  
provincial  
jurisdiction  
of High  
Courts.

(2) Nothing in this section affects the provisions of any law or letters patent in force immediately before the commencement of Part III of this Act empowering any High Court to exercise jurisdiction in relation to more than one Province or in relation to a Province and an area not forming part of any Province.

PART IX.  
—cont.

(3) Where a High Court exercises jurisdiction in relation to any area or areas outside the Province in which it has its principal seat, nothing in this Act shall be construed—

- (a) as empowering the Legislature of the Province in which the Court has its principal seat to increase, restrict or abolish that jurisdiction; or
- (b) as preventing the Legislature having power to make laws in that behalf for any such area from passing such laws with respect to the jurisdiction of the court in relation to that area as it would be competent to pass if the principal seat of the court were in that area.

Saving and definitions.

231.—(1) Any judge appointed before the commencement of Part III of this Act to any High Court shall continue in office and shall be deemed to have been appointed under this Part of this Act, but shall not by virtue of this Act be required to relinquish his office at any earlier age than he would have been required so to do, if this Act had not been passed.

(2) Where a High Court exercises jurisdiction in relation to more than one Province or in relation to a Province and an area not forming part of a Province, references in this chapter to the Governor in relation to the judges and expenses of a High Court and references to the revenues of the Province shall be construed as references to the Governor and the revenues of the Province in which the Court has its principal seat, and the reference to the approval by the Governor of rules, forms and tables for subordinate courts shall be construed as a reference to the approval thereof by the Governor of the Province in which the subordinate court is situate, or, if it is situate in an area not forming part of a Province, by the Governor-General.

## PART X.

## THE SERVICES OF THE CROWN IN INDIA.

## CHAPTER I.

## DEFENCE SERVICES.

Pay, &c., of  
Comman-  
der-in-Chief.

232. The pay and allowances of the Commander-in-Chief of His Majesty's Forces in India and the other conditions of his service shall be such as His Majesty in Council may direct.

**233.**—(1) His Majesty in Council may require that appointments to such offices connected with defence as he may specify shall be made by him or in such manner as he may direct.

PART X.  
—cont.

Control of His Majesty as to defence appointments.

(2) Nothing in this section derogates from any power vested in His Majesty by virtue of any Act or by virtue of his Royal Prerogative.

**234.** The power of His Majesty, and of any person authorised in that behalf by His Majesty, to grant commissions in any naval, military or air force raised in India extends to the granting of a commission in any such force to any person who might be, or has been, lawfully enlisted or enrolled in that force.

Eligibility for commissions in Indian Forces.

**235.** Without prejudice to the generality of the powers conferred on him by this Act, the Secretary of State may, acting with the concurrence of his advisers, from time to time specify what rules, regulations and orders affecting the conditions of service of all or any of His Majesty's Forces in India shall be made only with his previous approval.

Control of Secretary of State with respect to conditions of service.

**236.** Nothing in this Act affects any right of appeal which members of His Majesty's Forces in India enjoyed immediately before the passing of this Act, and the Secretary of State may entertain any such memorial from a member of those Forces as the Secretary of State, or the Secretary of State in Council, might previously have entertained.

Saving of rights of appeal.

**237.** Any sums payable out of the revenues of the Federation in respect of pay, allowances, pensions or other sums payable to, or in respect of, persons who are serving, or have served, in His Majesty's forces shall be charged on those revenues, but nothing herein contained shall be construed as limiting the interpretation of the general provisions of this Act charging on the said revenues expenditure with respect to defence.

Pay, &c., of members of forces to be charged on Federal revenues.

**238.** The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's forces, hold, or have held, posts in India connected with the equipment or administration of those forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those forces.

Provisions as to certain civilian personnel.

PART X.  
—cont.  
King's India  
cadetships.

**239.** In the appointment of officers to His Majesty's army the same provision as heretofore, or equal provision, shall be made for the appointment of sons of persons who have served in India in the military or civil service of the Crown.

In this section the reference to persons who have served in India in the military or civil service of the Crown includes persons who have so served in Burma or in Aden before their respective separations from India.

## CHAPTER II.

### CIVIL SERVICES.

#### *General Provisions.*

Tenure of  
office of  
persons  
employed  
in civil  
capacities  
in India.

**240.**—(1) Except as expressly provided by this Act, every person who is a member of a civil service of the Crown in India, or holds any civil post under the Crown in India, holds office during His Majesty's pleasure.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided that this subsection shall not apply—

- (a) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

(4) Notwithstanding that a person holding a civil post under the Crown in India holds office during His Majesty's pleasure, any contract under which a person, not being a member of a civil service of the Crown in India, is appointed under this Act to hold such a post may, if the Governor-General, or, as the case may be,

the Governor, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

PART X.  
—cont.

241.—(1) Except as expressly provided by this Act, appointments to the civil services of, and civil posts under, the Crown in India, shall, after the commencement of Part III of this Act, be made—

Recruit-  
ment and  
conditions  
of service.

- (a) in the case of services of the Federation, and posts in connection with the affairs of the Federation, by the Governor-General or such person as he may direct;
- (b) in the case of services of a Province, and posts in connection with the affairs of a Province, by the Governor or such person as he may direct.

(2) Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in India shall, subject to the provisions of this section, be such as may be prescribed—

- (a) in the case of persons serving in connection with the affairs of the Federation, by rules made by the Governor-General or by some person or persons authorised by the Governor-General to make rules for the purpose;
- (b) in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by some person or persons authorised by the Governor to make rules for the purpose:

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily on the terms that their employment may be terminated on one month's notice or less, and nothing in this subsection shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class.

PART X.  
—cont.

(3) The said rules shall be so framed as to secure—

(a) that, in the case of a person who before the commencement of Part III of this Act was serving His Majesty in a civil capacity in India, no order which alters or interprets to his disadvantage any rule by which his conditions of service are regulated shall be made except by an authority which would have been competent to make such an order on the eighth day of March, nineteen hundred and twenty-six, or by some person empowered by the Secretary of State to give directions in that respect;

(b) that every such person as aforesaid shall have the same rights of appeal to the same authorities from any order which—

(i) punishes or formally censures him; or

(ii) alters or interprets to his disadvantage any rule by which his conditions of service are regulated; or

(iii) terminates his appointment otherwise than upon his reaching the age fixed for superannuation,

as he would have had immediately before the commencement of Part III of this Act, or such similar rights of appeal to such corresponding authorities as may be directed by the Secretary of State or by some person empowered by the Secretary of State to give directions in that respect;

(c) that every other person serving His Majesty in a civil capacity in India shall have at least one appeal against any such order as aforesaid, not being an order of the Governor-General or a Governor.

(4) Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the appropriate Legislature in India may regulate the conditions of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act :

Provided that nothing in any such Act shall have effect so as to deprive any person of any rights required to be given to him by the provisions of the last preceding subsection.

(5) No rules made under this section and no Act of any Legislature in India shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable :

Provided that, where any such rule or Act is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule or Act.

242.—(1) In its application to appointments to, and to persons serving in, the railway services of the Federation, the last preceding section shall have effect as if for any reference to the Governor-General in paragraph (a) of subsection (1), in paragraph (a) of subsection (2) and in subsection (5) there were substituted a reference to the Federal Railway Authority.

Application of preceding section to railway, customs, postal and telegraph services, and officials of courts.

(2) In framing rules for the regulation of recruitment to superior railway posts, the Federal Railway Authority shall consult the Federal Public Service Commission, and in recruitment to such posts and in recruitment generally for railway purposes shall have due regard to the past association of the Anglo-Indian community with railway services in India, and particularly to the specific class, character and numerical percentages of the posts hitherto held by members of that community and the remuneration attaching to such posts, and shall give effect to any instructions which may be issued by the Governor-General for the purpose of securing, so far as practicable to each community in India a fair representation in the railway services of the Federation, but, save as aforesaid, it shall not be obligatory on the Authority to consult with, or otherwise avail themselves of the services of, the Federal Public Service Commission.

(3) In framing the rules for the regulation of recruitment to posts in the customs, postal and telegraph services, the Governor-General or person authorised by him in that behalf shall have due regard to the past association of the Anglo-Indian community with the said services, and particularly to the specific class, character and

PART X.  
—*cont.*

numerical percentages of the posts previously held in the said services by members of the said community and to the remuneration attaching to such posts.

(4) In its application to appointments to, and to persons serving on, the staff attached to the Federal Court or the staff attached to a High Court, the said section shall have effect as if, in the case of the Federal Court, for any reference to the Governor-General in paragraph (a) of subsection (1), in paragraph (a) of subsection (2) and in subsection (5) there were substituted a reference to the Chief Justice of India and as if, in the case of a High Court, for any reference to the Governor in paragraph (b) of subsection (1), in paragraph (b) of subsection (2) and in subsection (5) there were substituted a reference to the chief justice of the court:

Provided that—

(a) in the case of the Federal Court, the Governor-General and, in the case of a High Court, the Governor may in his discretion require that in such cases as he may in his discretion direct no person not already attached to the court shall be appointed to any office connected with the court save after consultation with the Federal Public Service Commission, or the Provincial Public Service Commission, as the case may be;

(b) rules made under the said subsection (2) by a chief justice shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor-General or, as the case may be, the Governor.

Special provisions as to police.

**243.** Notwithstanding anything in the foregoing provisions of this chapter, the conditions of service of the subordinate ranks of the various police forces in India shall be such as may be determined by or under the Acts relating to those forces respectively.

*Recruitment by Secretary of State and provisions as to certain posts.*

Services recruited by Secretary of State.

**244.**—(1) As from the commencement of Part III of this Act appointments to the civil services known as the Indian Civil Service, the Indian Medical Service



(Civil), and the Indian Police Service (which last-mentioned service shall thereafter be known as "the Indian Police") shall, until Parliament otherwise determines, be made by the Secretary of State.

PART X.  
—cont.

(2) Until Parliament otherwise determines, the Secretary of State may also make appointments to any service or services which at any time after the said date he may deem it necessary to establish for the purpose of securing the recruitment of suitable persons to fill civil posts in connection with the discharge of any functions of the Governor-General which the Governor-General is by or under this Act required to exercise in his discretion.

(3) The respective strengths of the said services shall be such as the Secretary of State may from time to time prescribe, and the Secretary of State shall in each year cause to be laid before each House of Parliament a statement of the appointments made thereto and the vacancies therein.

(4) It shall be the duty of the Governor-General to keep the Secretary of State informed as to the operation of this section, and he may after the expiration of such period as he thinks fit make recommendations for the modification thereof.

In discharging his functions under this subsection, the Governor-General shall act in his discretion.

**245.** Until Parliament otherwise determines, the Secretary of State may for the purpose of securing efficiency in irrigation in any Province, appoint persons to any civil service of, or civil post under, the Crown in India concerned with irrigation.

Special provision as to irrigation.

**246.**—(1) The Secretary of State shall make rules specifying the number and character of the civil posts under the Crown (other than posts in connection with any functions of the Governor-General which the Governor-General is by or under this Act required to exercise in his discretion), which, subject to the provisions of this subsection, are to be filled by persons appointed by the Secretary of State to a civil service of, or a civil post under, the Crown in India, and except under such conditions as may be prescribed in the rules no such post

Reserved posts.

PART X.  
—cont.

shall, without the previous sanction of the Secretary of State—

- (a) be kept vacant for more than three months; or
- (b) be filled otherwise than by the appointment of such a person as aforesaid; or
- (c) be held jointly with any other such post.

(2) Appointments and postings to the said posts (hereinafter in this Part of this Act referred to as “reserved posts”) shall—

- (a) in the case of posts in connection with the affairs of the Federation, be made by the Governor-General, exercising his individual judgment;
- (b) in the case of posts in connection with the affairs of a Province, be made by the Governor of the Province, exercising his individual judgment.

(3) All rules made under this section shall, so soon as may be after they are made, be laid before each House of Parliament and, if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.

Conditions  
of service,  
pensions,  
&c. of  
persons  
recruited by  
Secretary of  
State.

247.—(1) The conditions of service of all persons appointed to a civil service or a civil post by the Secretary of State shall—

- (a) as respects pay, leave and pensions, and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;
- (b) as respects other matters with respect to which express provision is not made by this chapter, be such as may be prescribed by rules to be made by the Secretary of State in so far as he thinks fit to make such rules, and, in so far and so long as provision is not made by such rules, by rules to be made, as respects persons serving in connection with the affairs of the Federation, by the Governor-General or some person or persons authorised by the

Governor-General to make rules for the purpose and, as respects persons serving in connection with the affairs of a Province, by the Governor of the Province or some person or persons authorised by the Governor to make rules for the purpose :

PART X.  
—cont.

Provided that no rule made under this subsection shall have effect so as to give to any person appointed to a civil service or civil post by the Secretary of State less favourable terms as respects remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post.

(2) Any promotion of any person appointed to a civil service or a civil post by the Secretary of State or any order relating to leave of not less than three months of any such person, or any order suspending any such person from office shall, if he is serving in connection with the affairs of the Federation, be made by the Governor-General exercising his individual judgment and, if he is serving in connection with the affairs of a Province, be made by the Governor exercising his individual judgment.

(3) If any such person as aforesaid is suspended from office, his remuneration shall not during the period of his suspension be reduced except to such extent, if any, as may be directed by the Governor-General exercising his individual judgment or, as the case may be, by the Governor exercising his individual judgment.

(4) The salary and allowances of any such person as aforesaid shall, if he is serving in connection with the affairs of the Federation, be charged on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, be charged on the revenues of the Province :

Provided that, if any such person is serving in connection with the railways in India, so much only of his salary and allowances shall be charged on the revenues of the Federation as is not paid out of the Railway Fund.

(5) Pensions payable to or in respect of any such person as aforesaid, and government contributions in respect of any such person to any pension fund or provident fund, shall be charged on the revenues of the Federation.

PART X:  
—*cont.*

(6) No award of a pension less than the maximum pension allowable under rules made under this section shall be made, except in each case with the consent of the Secretary of State.

(7) No rules made under this section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable, and no rules made under this section by any person other than the Secretary of State shall be construed to limit or abridge the power of the Governor-General or, as the case may be, the Governor of a Province to deal with the case of any such person in such manner as may appear to him to be just and equitable :

Provided that, where any rule made under this section is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule.

Rights in  
respect of  
complaints,  
appeals, &c.

**248.**—(1) If any person appointed to a civil service or a civil post by the Secretary of State is aggrieved by an order affecting his conditions of service and on due application to the person by whom the order was made does not receive the redress to which he considers himself entitled, he may, without prejudice to any other mode of obtaining redress, complain, if he is serving in connection with the affairs of the Federation, to the Governor-General and, if he is serving in connection with the affairs of a Province, to the Governor of the Province, and the Governor-General or Governor, as the case may be, shall examine into the complaint and cause such action to be taken thereon as appears to him exercising his individual judgment to be just and equitable.

(2) No order which punishes or formally censures any such person as aforesaid, or affects adversely his emoluments or rights in respect of pension, or decides adversely to him the subject-matter of any memorial, shall be made except, if he is serving in connection with the affairs of the Federation, by the Governor-General, exercising his individual judgment, or, if he is serving in connection with the affairs of a Province, by the Governor of that Province, exercising his individual judgment.

(3) Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary

of State against any order made by any authority in India which punishes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.

PART X.  
—cont.

(4) Any sums ordered to be paid out of the revenues of the Federation or a Province to or in respect of any such person as aforesaid on an appeal made under this section shall be charged on those revenues.

249.—(1) If by reason of anything done under this Act the conditions of service of any person appointed to a civil service or a civil post by the Secretary of State have been adversely affected, or if for any other reason it appears to the Secretary of State that compensation ought to be granted to, or in respect of, any such person, he or his representatives shall be entitled to receive from the revenues of the Federation, or if the Secretary of State so directs, from the revenues of a Province, such compensation as the Secretary of State may consider just and equitable. Compensa-  
tion.

(2) Any sum payable under this section from the revenues of the Federation or the revenues of a Province shall be charged on the revenues of the Federation or, as the case may be, that Province.

(3) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section in no way prohibit expenditure by the Governor-General, or, as the case may be, the Governor, from the revenues of the Federation or a Province by way of compensation to persons who are serving or have served His Majesty in India in cases to which those provisions do not apply.

*Provisions as to persons appointed by Secretary of State in Council, persons holding reserved posts and commissioned officers in civil employment.*

250.—(1) Subject to the provisions of this section, the provisions of the four last preceding sections and any rules made thereunder shall apply in relation to any person who was appointed before the commencement of Part III of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in India as they apply in relation to persons Application  
of four last  
preceding  
sections to  
persons  
appointed  
by Secre-  
tary of

PART X.  
—cont.

State in  
Council,  
and certain  
other  
persons.

appointed to a civil service or civil post by the Secretary of State.

(2) Subject to the provisions of this section, the said sections and rules shall, in such cases and with such exceptions and modifications as the Secretary of State may decide, also apply in relation to any person who—

(a) not being a person appointed as aforesaid by the Secretary of State or the Secretary of State in Council, holds or has held a reserved post; or

(b) holds or has held any civil post under the Crown in India and is, or was when he was first appointed to such a post, an officer in His Majesty's forces.

(3) In relation to any person who was appointed before the commencement of Part III of this Act to a civil service of, or to a civil post under, the Crown in India, the provision contained in the sections aforesaid that no rule as to conditions of service shall have effect so as to give to any person less favourable terms as regards remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post, shall be construed as a provision that no such rule shall have effect so as to give to any person less favourable terms as respects the said matters than were given to him by the rules in force immediately before the coming into operation of the rule.

(4) In its application, by virtue of this section, to persons serving in the railway services of the Federation, the second of the four last preceding sections (which relates to the conditions of service, pensions, &c., of persons recruited by the Secretary of State) shall have effect as if for any reference to the Governor-General in paragraph (b) of subsection (1) thereof and in subsections (2), (3) and (7) thereof there were substituted a reference to the Federal Railway Authority.

(5) Any liability of the Federation or of any Province to or in respect of any person appointed before the commencement of Part III of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in India, being a liability to pay a pension granted to or in respect of any such person or any other liability of such a nature as to have been

enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall, notwithstanding anything in this Act, be deemed, for the purposes of the provisions of Part VII of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of Part III of this Act.

PART X.  
—cont.

*Special provisions as to staffs of the High Commissioner for India and the Auditor of Indian Home Accounts.*

**251.** The provisions of this Part of this Act shall apply in relation to appointments to, and to persons serving on, the staffs of the High Commissioner for India and the Auditor of Indian Home Accounts as if the service of members of those staffs were service rendered in India :

Staff of  
High Com-  
missioner  
and Auditor  
of Indian  
Home  
Accounts.

Provided that—

- (a) appointments to the staff of the Auditor of Indian Home Accounts shall be made by him subject, as respects numbers, salaries and qualifications, to the approval of the Governor-General in his discretion; and
- (b) in relation to that staff the functions of the Governor-General under this Part of this Act shall be exercised by him in his discretion.

**252.**—(1) All persons who immediately before the commencement of Part III of this Act were members of the staff of the High Commissioner for India, or members of the staff of the Auditor of the accounts of the Secretary of State in Council, shall continue to be, or shall become, members of the staff of the High Commissioner for India or, as the case may be, of the Auditor of Indian Home Accounts.

Conditions  
of service  
of existing  
staff of  
High Com-  
missioner  
and Auditor  
of Indian  
Home  
Accounts.

(2) All such persons as aforesaid shall hold their offices or posts subject to like conditions of service as to remuneration, pensions or otherwise, as theretofore, or not less favourable conditions, and shall be entitled to reckon for purposes of pension any service which they would have been entitled to reckon if this Act had not been passed.

(3) The salaries, allowances and pensions payable to, or in respect of, such of the persons aforesaid as were members of the staff of the Auditor of the accounts of

**PART X.**  
—*cont.*

the Secretary of State in Council shall be charged on the revenues of the Federation, and the salaries, allowances and pensions payable to, or in respect of, other such persons as aforesaid shall be so charged in so far as those salaries, allowances and pensions would, but for the passing of this Act, have been payable without being submitted to the vote of the Legislative Assembly of the Indian Legislature.

*Special Provisions as to Judicial Officers.*

Judges of  
the Federal  
Court and  
High  
Courts.

**253.**—(1) The provisions of this chapter shall not apply to the judges of the Federal Court or of any High Court :

Provided that—

(a) for the purposes of this section a member of any of the civil services of the Crown in India who is acting temporarily as a judge of a High Court shall not be deemed to be a judge of that court :

(b) nothing in this section shall be construed as preventing the Orders in Council relating to the salaries, leave and pensions of judges of the Federal Court, or of any High Court, from applying to such of those judges as were, before they were appointed judges, members of a civil service of the Crown in India, such of the rules relating to that service as may appear to His Majesty to be properly applicable in relation to them :

(c) nothing in this section shall be construed as excluding the office of judge of the Federal Court or of a High Court from the operation of the provisions of this chapter with respect to the eligibility for civil office of persons who are not British subjects.

(2) Any pension which under the rules in force immediately before the commencement of Part III of this Act was payable to or in respect of any person who, having been a judge of a High Court within the meaning of this Act or of the High Court at Rangoon, retired before the commencement of the said Part III shall, notwithstanding anything in this Act, continue to be payable in accordance with those rules and shall be charged on the revenues of the Federation.



PART X.  
—cont.

(3) Any liability of the Federation or of any Province to or in respect of any person who is, at the commencement of Part III of this Act, a judge of a High Court within the meaning of this Act, or to or in respect of any such person as is mentioned in subsection (2) of this section, being a liability to pay a pension granted to or in respect of any such person or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall notwithstanding anything in this Act, be deemed, for the purposes of the provisions of Part VII of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of Part III of this Act.

**254.**—(1) Appointments of persons to be, and the posting and promotion of, district judges in any Province shall be made by the Governor of the Province, exercising his individual judgment, and the High Court shall be consulted before a recommendation as to the making of any such appointment is submitted to the Governor. District judges, &c.

(2) A person not already in the service of His Majesty shall only be eligible to be appointed a district judge if he has been for not less than five years a barrister, a member of the Faculty of Advocates in Scotland, or a pleader and is recommended by the High Court for appointment.

(3) In this and the next succeeding section the expression “district judge” includes additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, sessions judge, additional sessions judge, and assistant sessions judge.

**255.**—(1) The Governor of each Province shall, after consultation with the Provincial Public Service Commission and with the High Court, make rules defining the standard of qualifications to be attained by persons desirous of entering the subordinate civil judicial service of a Province. Subordinate civil judicial service.

In this section, the expression “subordinate civil judicial service” means a service consisting exclusively of persons intended to fill civil judicial posts inferior to the post of district judge.

PART X.  
—cont.

(2) The Provincial Public Service Commission for each Province, after holding such examinations, if any, as the Governor may think necessary, shall from time to time out of the candidates for appointment to the subordinate civil judicial service of the Province make a list or lists of the persons whom they consider fit for appointment to that service, and appointments to that service shall be made by the Governor from the persons included in the list or lists in accordance with such regulations as may from time to time be made by him as to the number of persons in the said service who are to belong to the different communities in the Province.

(3) The posting and promotion of, and the grant of leave to, persons belonging to the subordinate civil judicial service of a Province and holding any post inferior to the post of district judge, shall be in the hands of the High Court, but nothing in this section shall be construed as taking away from any such person the right of appeal required to be given to him by the foregoing provisions of this chapter, or as authorising the High Court to deal with any such person otherwise than in accordance with the conditions of his service prescribed thereunder.

Subordin-  
ate  
criminal  
magistracy.

**256.** No recommendation shall be made for the grant of magisterial powers or of enhanced magisterial powers to, or the withdrawal of any magisterial powers from, any person save after consultation with the district magistrate of the district in which he is working, or with the Chief Presidency magistrate, as the case may be.

*Special Provisions as to Political Department.*

Officers of  
political  
department.

**257.**—(1) Subject to the provisions of this section, the provisions of this Part of this Act shall not apply in relation to persons wholly or mainly employed in connection with the exercise of the functions of the Crown in its relations with Indian States.

(2) Notwithstanding anything in the preceding subsection, all persons so employed immediately before the commencement of Part III of this Act shall hold their offices or posts subject to the like conditions of service as to remuneration, pensions or otherwise as theretofore or not less favourable conditions, and in relation to those persons anything which might, but for the passing of this Act, have been done by or in

relation to the Secretary of State in Council shall be done by or in relation to the Secretary of State, acting with the concurrence of his advisers.

PART X.  
—cont.

(3) Nothing in this section shall be construed as affecting the application to such persons of the rule of law that, except as otherwise provided by statute, every person employed under the Crown holds office during His Majesty's pleasure.

*Provisions for the protection of certain existing officers.*

258.—(1) No civil post which, immediately before the commencement of Part III of this Act, was a post in, or a post required to be held by some member of, a Central Service Class I, a Central Service Class II, a Railway Service Class I, a Railway Service Class II, or a Provincial Service, shall, if the abolition thereof would adversely affect any person who immediately before the said date was a member of any such service, be abolished, except—

Provision for protection of existing officers of certain Services.

- (a) in the case of a post in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment;
- (b) in the case of a post in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment.

(2) No rule or order affecting adversely the pay, allowances or pensions payable to, or in respect of, a person appointed before the coming into operation of this Part of this Act to a Central Service Class I, to a Railway Service Class I, or to a Provincial service, and no order upon a memorial submitted by any such person, shall be made except—

- (a) in the case of a person who is serving or has served in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment;
- (b) in the case of a person who is serving or has served in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment.

(3) In relation to any person mentioned in this section who was appointed to a civil service of, or civil post under, the Crown in India by the Secretary of State

**PART X.**  
—cont.

or the Secretary of State in Council, or is an officer in His Majesty's forces, the foregoing provisions of this section shall have effect as if for the reference to the Governor-General or the Governor, as the case may be, there was substituted a reference to the Secretary of State.

Provisions  
as to  
certain per-  
sons serving  
in or  
before 1924.

**259.**—(1) The salary and allowances of any person who was appointed before the first day of April, nineteen hundred and twenty-four, otherwise than by the Secretary of State in Council, to a service or a post which at any time between that date and the coming into operation of this Part of this Act was classified as a superior service or post shall be charged, if he is serving in connection with the affairs of the Federation, on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, on the revenues of that Province :

Provided that, if any such person as aforesaid is serving in connection with the railways in India, so much only of his salary and allowances shall be charged on the revenues of the Federation as is not paid out of the railway fund.

(2) Any pension payable to or in respect of a person appointed as aforesaid, and any government contributions to any provident fund or pensions fund in respect of any such person, shall be charged on the revenues of the Federation.

(3) The provisions of the last preceding subsection shall also apply in relation to persons who retired before the first day of April, nineteen hundred and twenty-four, and before they retired belonged to services or held posts which were as from the said date classified as superior services or posts, or which are declared by the Secretary of State to have been services or posts equivalent in character to services or posts so classified.

General  
provisions  
as to  
persons  
retiring  
before com-  
mencement  
of Part III.

**260.**—(1) Except as otherwise expressly provided in this chapter, any pension payable to or in respect of any person who, having been appointed to a civil service of, or a civil post under, the Crown in India, retired from the service of His Majesty before the commencement of Part III of this Act shall, if it would have been payable by the Local Government in any Province if this Act had not passed, be paid out of the revenues of the corresponding Province and in any other case shall be paid out of the revenues of the Federation.

(2) Any pension payable to or in respect of any person who, having served in Burma or Aden, retired from an All-India Service, a Central Service Class I, a Central Service Class II, a Railway Service Class I, or a Railway Service Class II, before the commencement of Part III of this Act shall be paid out of the revenues of the Federation, but save as aforesaid nothing in this section applies to any person who retired after service in Burma or Aden.

PART X.  
—cont.

*Miscellaneous.*

**261.** The powers conferred by this and the subsequent chapters of this Part of this Act on the Secretary of State shall not be exercisable by him except with the concurrence of his advisers.

Secretary of State to act with concurrence of his advisers.

**262.**—(1) The Ruler or a subject of a Federated State shall be eligible to hold any civil office under the Crown in India in connection with the affairs of the Federation, and the Governor-General may declare that the Ruler or any subject of a specified Indian State which is not a Federated State, or any native of a specified tribal area or territory adjacent to India, shall be eligible to hold any such office, being an office specified in the declaration.

Eligibility for office of persons who are not British subjects.

(2) The Governor of a Province may declare that the Ruler or any subject of a specified Indian State, or any native of a specified tribal area or territory adjacent to India, shall be eligible to hold any civil office in connection with the affairs of the Province, being an office specified in the declaration.

(3) The Secretary of State may declare that any named subject of an Indian State, or any named native of a tribal area or territory adjacent to India, shall be eligible for appointment by him to any civil service under the Crown in India to which he makes appointments, and any person who, having been so declared eligible, is appointed to such a service, shall be eligible to hold any civil office under the Crown in India.

(4) Subject as aforesaid and to any other express provisions of this Act, no person who is not a British subject shall be eligible to hold any office under the Crown in India :

PART X.  
—*cont.*

Provided that the Governor-General or, in relation to a Province, the Governor may authorise the temporary employment for any purpose of a person who is not a British subject.

(5) In the discharge of his functions under this section the Governor-General or the Governor of a Province shall exercise his individual judgment.

Joint ser-  
vices and  
posts.

**263.** If an agreement is made between the Federation and one or more Provinces, or between two or more Provinces, for the maintenance or creation of a service common to the Federation and one or more Provinces, or common to two or more Provinces, or for the maintenance or creation of a post the functions whereof are not restricted to the affairs of the Federation or one Province, the agreement may make provision that the Governor-General or any Governor, or any Public Service Commission, shall do in relation to that service or post anything which would under the provisions of this chapter be done by the Governor or the Provincial Public Service Commission if the service or post was a service or post in connection with the affairs of one Province only.

## CHAPTER III.

## PUBLIC SERVICE COMMISSIONS.

Public  
Service  
Commis-  
sions.

**264.**—(1) Subject to the provisions of this section, there shall be a Public Service Commission for the Federation and a Public Service Commission for each Province.

(2) Two or more Provinces may agree that—

- (a) there shall be one Public Service Commission for that group of Provinces; or
- (b) that the Public Service Commission for one of the Provinces shall serve the needs of all the Provinces,

and any such agreement may contain such incidental and consequential provisions as may appear necessary or desirable for giving effect to the purposes of the agreement and shall, in the case of an agreement that there shall be one Commission for a group of Provinces, specify by what Governor or Governors the functions which are under this Part of this Act to be discharged by the Governor of a Province are to be discharged.

(3) The Public Service Commission for the Federation if requested so to do by the Governor of a Province may, with the approval of the Governor-General, agree to serve all or any of the needs of the Province.

PART X.  
—cont.

(4) References in this Act to the Federal Public Service Commission or a Provincial Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Federation or, as the case may be, the Province as respects the particular matter in question.

**265.**—(1) The chairman and other members of a Public Service Commission shall be appointed, in the case of the Federal Commission, by the Governor-General in his discretion, and in the case of a Provincial Commission, by the Governor of the Province in his discretion:

Composi-  
tion and  
staff of  
Commis-  
sions.

Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under the Crown in India.

(2) In the case of the Federal Commission, the Governor-General in his discretion and, in the case of a Provincial Commission, the Governor of the Province in his discretion, may by regulations—

- (a) determine the number of members of the commission, their tenure of office and their conditions of service; and
- (b) make provision with respect to the numbers of staff of the commission and their conditions of service.

(3) On ceasing to hold office—

- (a) the chairman of the Federal Commission shall be ineligible for further employment under the Crown in India;
- (b) the chairman of a Provincial Commission shall be eligible for appointment as the chairman or a member of the Federal Commission, or as the chairman of another Provincial Commission, but not for any other employment under the Crown in India;
- (c) no other member of the Federal or of any Provincial Commission shall be eligible for any other appointment under the Crown in

PART X.  
—cont.

India without the approval, in the case of an appointment in connection with the affairs of a Province, of the Governor of the Province in his discretion and, in the case of any other appointment, of the Governor-General in his discretion.

Functions  
of Public  
Service  
Commis-  
sions.

**266.**—(1) It shall be the duty of the Federal and the Provincial Public Service Commissions to conduct examinations for appointments to the services of the Federation and the services of the Province respectively.

(2) It shall also be the duty of the Federal Public Service Commission, if requested by any two or more Provinces so to do, to assist those Provinces in framing and operating schemes of joint recruitment for their forest services, and any other services for which candidates possessing special qualifications are required.

(3) The Secretary of State as respects services and posts to which appointments are made by him, the Governor-General in his discretion as respects other services and posts in connection with the affairs of the Federation, and the Governor in his discretion as respects other services and posts in connection with the affairs of a Province, may make regulations specifying the matters on which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted but, subject to regulations so made and to the provisions of the next succeeding subsection, the Federal Commission or, as the case may be, the Provincial Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and for civil posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
- (c) on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India, including memorials or petitions relating to such matters;



- (d) on any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity in India that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the Federation or, as the case may be, the Province;
- (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in a civil capacity in India, and any question as to the amount of any such award,

PART X.  
—cont.

and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the Governor-General in his discretion, or, as the case may be, the Governor in his discretion, may refer to them.

(4) Nothing in this section shall require a Public Service Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Federation or a Province or, in the case of the subordinate ranks of the various police forces in India, as respects any of the matters mentioned in paragraphs (a), (b), and (c) of subsection (3) of this section.

**267.** Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Service Commission or, as the case may be, by the Provincial Public Service Commission :

Power to extend functions of Public Service Commissions.

Provided that—

- (a) no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, or, as the case may be, of the Governor in his discretion; and
- (b) it shall be a term of every such Act that the functions conferred by it shall not be exercisable—
- (i) in relation to any person appointed to a service or a post by the Secretary of

PART X.  
—*cont.*

State or the Secretary of State in Council, any officer in His Majesty's Forces, or any holder of a reserved post, except with the consent of the Secretary of State; or

(ii) where the Act is a provincial Act, in relation to any person who is not a member of one of the services of the Province, except with the consent of the Governor-General.

Expenses  
of Public  
Service  
Commis-  
sions.

**268.** The expenses of the Federal or a Provincial Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the revenues of the Federation or, as the case may be, the Province :

Provided that nothing in this section shall charge on the revenues of a Province any pension which is by virtue of the provisions of chapter II of this Part of this Act charged on the revenues of the Federation.

## CHAPTER IV.

## CHAPLAINS.

Provisions  
as to  
chaplains.

**269.**—(1) There may, as heretofore, be an establishment of chaplains to minister in India to be appointed by the Secretary of State and the provisions of chapter II of this Part of this Act shall, with any necessary modifications, apply in relation to that establishment and to persons appointed as chaplains by the Secretary of State or by the Secretary of State in Council, as they apply in relation to the civil services to which appointments are to be made by the Secretary of State and to persons appointed to a civil service under the Crown in India by the Secretary of State or by the Secretary of State in Council, and for the purposes of the provisions of chapter II relating to persons who retired before the commencement of Part III of this Act the said establishment shall be deemed to be an all-India service.

(2) So long as an establishment of chaplains is maintained in the Province of Bengal, two members of that establishment in the Province must always be ministers of the Church of Scotland and shall be entitled to have out of the revenues of the Federation such salary as is from time to time allotted to the military chaplains in that Province.

This subsection applies to the Province of Madras and to the Province of Bombay as it applies to the Province of Bengal.

PART X.  
—cont.

(3) The ministers of the Church of Scotland so appointed chaplains must be ordained and inducted by the Presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the Presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland.

#### CHAPTER V.

#### GENERAL.

270.—(1) No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date, except with the consent, in the case of a person who was employed in connection with the affairs of the Government of India or the affairs of Burma, of the Governor-General in his discretion, and in the case of a person employed in connection with the affairs of a Province, of the Governor of that Province in his discretion.

Indemnity  
for past  
acts.

(2) Any civil or criminal proceedings instituted, whether before or after the coming into operation of this Part of this Act, against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date shall be dismissed unless the court is satisfied that the acts complained of were not done in good faith, and, where any such proceedings are dismissed, the costs incurred by the defendant shall, in so far as they are not recoverable from the persons instituting the proceedings, be charged, in the case of persons employed in connection with the functions of the Governor-General in Council or the affairs of Burma, on the revenues of the Federation, and in the case of persons employed in connection with the affairs of a Province, on the revenues of that Province.

PART X.  
—cont.

## (3) For the purposes of this section—

the expression “the relevant date” means, in relation to acts done by persons employed about the affairs of a Province or about the affairs of Burma, the commencement of Part III of this Act and, in relation to acts done by persons employed about the affairs of the Federation, the date of the establishment of the Federation;

references to persons employed in connection with the functions of the Governor-General in Council include references to persons employed in connection with the affairs of any Chief Commissioner’s Province;

a person shall be deemed to have been employed about the affairs of a Province if he was employed about the affairs of the Province as constituted at the date when the act complained of occurred or is alleged to have occurred.

Protection  
of public  
servants  
against  
prosecution  
and suits.

**271.**—(1) No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in India by section one hundred and ninety-seven of the Indian Code of Criminal Procedure, or by sections eighty to eighty-two of the Indian Code of Civil Procedure, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(2) The powers conferred upon a Local Government by the said section one hundred and ninety-seven with respect to the sanctioning of prosecutions and the determination of the court before which, the person by whom and the manner in which, a public servant is to be tried, shall be exercisable only—

(a) in the case of a person employed in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment; and

(b) in the case of a person employed in connection with the affairs of a Province, by the Governor of that Province exercising his individual judgment:

Provided that nothing in this subsection shall be construed as restricting the power of the Federal or a Provincial Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in subsection (1) of this section.

PART X.  
—cont.

(3) Where a civil suit is instituted against a public officer, within the meaning of that expression as used in the Indian Code of Civil Procedure, in respect of any act purporting to be done by him in his official capacity, the whole or any part of the costs incurred by him and of any damages or costs ordered to be paid by him shall, if the Governor-General exercising his individual judgment so directs in the case of a person employed in connection with the affairs of the Federation, or if the Governor exercising his individual judgment so directs in the case of a person employed in connection with the affairs of a Province, be defrayed out of and charged on the revenues of the Federation or of the Province, as the case may be.

272. Any pension payable to or in respect of a person who—

(a) before the commencement of Part III of this Act had served His Majesty in India, Burma or Aden, or elsewhere under the Governor-General in Council; or

(b) after the commencement of Part III of this Act—

(i) serves in India as an officer of His Majesty's forces; or

(ii) is appointed to a civil service of, or to an office or post under, the Crown in India by His Majesty or the Secretary of State; or

(iii) holds a reserved post,

shall, if the person to whom the pension is payable is residing permanently outside India, be paid on behalf of the Federation or the Province, as the case may be, by, or in accordance with arrangements made with, the Secretary of State, and be exempt from all taxation imposed by or under any existing Indian law, or any law of the Federal or of a Provincial Legislature.

Provisions as to payment of certain pensions and exemption of those pensions from taxation in India.

## PART X.

—cont.

Provisions  
as to  
family  
pension  
funds.

**273.**—(1) His Majesty may by Order in Council provide for the vesting in Commissioners to be appointed under the Order of—

- (a) the Indian Military Widows and Orphans Fund;
- (b) the Superior Services (India) Family Pension Fund;
- (c) a fund to be formed out of the moneys contributed and to be contributed under the Indian Military Service Family Pension Regulations for the purpose of paying pensions payable under those regulations;
- (d) a fund to be formed out of the moneys contributed and to be contributed under the Indian Civil Service Family Pension Rules for the purpose of paying pensions payable under those rules,

for the investment of the said funds by the Commissioners, in such manner as, subject to the provisions of the Order, they think fit, for the administration of the said funds in other respects by the Secretary of State, for the remuneration of the Commissioners out of the said funds, and for any other matters incidental to or consequential on the purposes of the Order; and if any such Order is made, then, as from such date as may be specified in the Order, any pensions payable under the said regulations and rules, shall, subject to the provisions of subsection (3) of this section be payable out of the appropriate fund in the hands of the Commissioners, and not otherwise.

Before recommending His Majesty to make any Order in Council under this subsection, the Secretary of State shall consider any representations made to him by any of the existing subscribers and beneficiaries or by any persons appearing to him to represent any body of those subscribers or beneficiaries.

(2) Any such Order as aforesaid shall provide that the balance in the hands of the Governor-General on the thirty-first day of March next following the passing of this Act in respect of the Indian Military Widows and Orphans Fund and the Superior Services (India) Family Pension Fund, and in respect of the moneys theretofore contributed under the Indian Military Service Family Pension Regulations and the Indian Civil Service Family Pension Rules shall, subject to the provisions of

subsection (3) of this section, be transferred to the Commissioners before the expiration of three years from the said date either all at one time or by instalments, together with such interest as may be prescribed by or under the Order :

Provided that His Majesty in Council may, if it appears to him necessary so to do, extend the said period of three years.

(3) Any such Order as aforesaid shall provide for the making of objections by and on behalf of existing subscribers and beneficiaries to the vesting of any such fund as aforesaid in the Commissioners and, if any objection is so made in the manner and within the time limited by the Order—

- (a) so much of any money in the hands of the Governor-General as represents the interest of the objector shall not be transferred to the Commissioners, but shall be dealt with as part of the revenues of the Federation; and
- (b) in lieu of any pensions which might be payable out of the said funds to or in respect of the objectors there shall be payable out of the revenues of the Federation to and in respect of the said persons such pensions on such conditions as may be specified in rules to be made by the Secretary of State.

(4) Any such Order as aforesaid may, notwithstanding anything in this Part of this Act or in the regulations or rules relating to the fund in question, provide for the making of such alterations in any pensions payable out of the fund to which the Order relates as may be reasonably necessary in consequence of the transfer effected under the Order.

(5) Any interest or dividends received by the Commissioners on sums forming part of any fund vested in them under this section shall be exempt from income tax in the United Kingdom, and estate duty shall not be payable in Great Britain, nor, if the Parliament of Northern Ireland so provides, in Northern Ireland, in respect of any pension payable under the regulations or rules relating to any such fund.

(6) In this section—

references to the Indian Military Service Family Pension Regulations or the Indian Civil

PART X.  
—*cont.*

Service Family Pension Rules shall be construed as including references to any regulations or rules which may be substituted therefor;

the expression “existing subscribers and beneficiaries” means, in relation to the Indian Military Widows and Orphans Fund and the Superior Services (India) Family Pension Fund, persons who have subscribed to, or are or have been in receipt of pensions from, those funds, and, in relation to the funds to be formed out of the moneys contributed under the Indian Military Service Family Pension Regulations and the Indian Civil Service Family Pension Rules, persons who have contributed under, or are or have been in receipt of pensions payable under, the regulations or rules, not being persons who have surrendered or forfeited their interest in the fund or, as the case may be, their interest under the regulations or rules;

references to pensions payable under the said regulations or the said rules do not include references to any pension or portion of a pension payable otherwise than out of the moneys contributed and to be contributed under those regulations or rules;

references to moneys so contributed, or to be so contributed, include references to interest upon such moneys.

(7) Notwithstanding anything in this Act, and in particular notwithstanding the separation of Burma and Aden from India, the provisions of this section shall apply in relation to persons who, before the commencement of Part III of this Act, were serving His Majesty in India, Burma or Aden, and after the commencement thereof continue to serve His Majesty in Burma or Aden, as they apply in relation to other persons who are serving or have served His Majesty in India, and accordingly the regulations and rules relating to any such fund may apply in relation to any such persons as aforesaid.

If any Order in Council is made under this section, and if provision in that behalf is made by the Acts or rules relating to conditions of service of persons serving



His Majesty in Burma, the said regulations and rules may also extend to persons appointed to the service of the Crown in Burma after the commencement of Part III of this Act.

PART X.  
—cont.

**274.** Notwithstanding anything in this Act, the India Military Funds Act, 1866, the East India Annuity Funds Act, 1874, and the Bombay Civil Fund Act, 1882, shall continue to have effect but subject to the following adaptations, that is to say, that anything to be done under the said Acts by or to the Secretary of State in Council shall, after the commencement of Part III of this Act, be done by or to the Secretary of State, and for any reference in the said Acts to the revenues of India there shall be substituted a reference to the revenues of the Federation.

Saving for certain Funds Acts. 29 & 30 Vict. c. 18. 37 & 38 Vict. c. 12. 45 & 46 Vict. c. 45.

**275.** A person shall not be disqualified by sex for being appointed to any civil service of, or civil post under, the Crown in India other than such a service or post as may be specified by any general or special order made—

Persons not to be disqualified by sex for holding certain offices.

- (a) by the Governor-General in the case of services and posts in connection with the affairs of the Federation;
- (b) by the Governor of a Province in the case of services and posts in connection with the affairs of the Province;
- (c) by the Secretary of State in relation to appointments made by him :

Provided that any such agreement with respect to joint services and posts as is mentioned in chapter II of this Part of this Act may provide for the powers conferred by this section on the Governor-General and the Governor of a Province being exercised, with respect to the services or posts to which the agreement applies, by the Governor-General or a specified Governor.

**276.** Until other provision is made under the appropriate provisions of this Part of this Act, any rules made under the Government of India Act relating to the civil services of, or civil posts under, the Crown in India which were in force immediately before the commencement of Part III of this Act, shall, notwithstanding the repeal of that Act, continue in force so far as consistent with this Act, and shall be deemed to be rules made under the appropriate provisions of this Act.

Transitional provisions.

## PART X.

—cont.

Interpreta-  
tion, &c.

277.—(1) In this Part of this Act—

the expressions “all-India Service,” “Central Service Class I,” “Central Service Class II,” “Railway Service Class I,” “Railway Service Class II” and “Provincial Service” mean respectively the services which were immediately before the commencement of Part III of this Act, so described respectively in the classification rules then in force under section ninety-six B of the Government of India Act; and

references to dismissal from His Majesty’s service include references to removal from His Majesty’s service.

(2) References in this Part of this Act to persons appointed to a civil service of, or a civil post under, the Crown in India—

(a) include references to persons who, after service in India, Burma, or Aden, retired from the service of His Majesty before the commencement of Part III of this Act;

(b) do not include references to persons so appointed who, after the commencement of Part III of this Act, become members of a civil service of, or hold civil posts under, the Crown in Burma or Aden.

(3) The inclusion in this Part of this Act of provisions expressly requiring the Governor-General or a Governor to exercise his individual judgment with respect to any matter shall not be construed as derogating from the special responsibility of the Governor-General and the Governors for the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests.

## PART XI.

THE SECRETARY OF STATE, HIS ADVISERS  
AND HIS DEPARTMENT.Advisers to  
Secretary of  
State.

278.—(1) There shall be a body of persons appointed by the Secretary of State, not being less than three nor more than six in number, as the Secretary of State may from time to time determine, whose duty it shall be to

advise the Secretary of State on any matter relating to India on which he may desire their advice.

PART XI.  
—cont.

(2) One-half at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be persons who have held office for at least ten years under the Crown in India and have not last ceased to perform in India official duties under the Crown more than two years before the date of their respective appointments as advisers under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment :

Provided that—

- (a) any person so appointed may by writing under his hand resign his office to the Secretary of State;
- (b) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year, and also to any of them who at the date of his appointment was domiciled in India a subsistence allowance of six hundred pounds a year.

(6) Except as otherwise expressly provided in this Act, it shall be in the discretion of the Secretary of State whether or not he consults with his advisers on any matter, and, if so, whether he consults with them collectively or with one or more of them individually, and whether or not he acts in accordance with any advice given to him by them.

(7) Any provision of this Act which requires that the Secretary of State shall obtain the concurrence of his advisers shall be deemed to be satisfied if at a meeting of his advisers he obtains the concurrence of at least one-half of those present at the meeting, or if such notice

PART XI. and opportunity for objection as may be prescribed has  
—cont. been given to those advisers and none of them has  
required that a meeting shall be held for discussion of the  
matter.

In this subsection "prescribed" means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of his advisers the concurrence of at least one-half of those present at the meeting.

(8) The Council of India as existing immediately before the commencement of Part III of this Act shall be dissolved.

(9) Notwithstanding anything in the foregoing provisions of this section, a person who immediately before the commencement of Part III of this Act was a member of the Council of India may be appointed under this section as an adviser to the Secretary of State to hold office as such for such period less than five years as the Secretary of State may think fit.

Existing  
accounts of  
Secretary of  
State in  
Council  
with Bank  
of England.

279.—(1) All stock or money standing to the credit of the Secretary of State in Council in the books of the Bank of England at the commencement of Part III of this Act shall, as from that date, be transferred to the credit of the Secretary of State, and any order or instrument with respect to that stock or money executed by the Secretary of State or by such person as may be authorised in writing by the Secretary of State for the purpose, either generally or specially, shall be a sufficient authority and discharge to the Bank in respect of anything done by the Bank in accordance therewith.

(2) Any directions, authority or power of attorney given or executed by or on behalf of the Secretary of State in Council and in force at the commencement of Part III of this Act shall continue in force until countermanded or revoked by the Secretary of State.

Organisa-  
tion and  
expenses of  
India  
Office.

280.—(1) As from the commencement of Part III of this Act the salary of the Secretary of State and the expenses of his department, including the salaries and remuneration of the staff thereof, shall be paid out of moneys provided by Parliament.

(2) Subject to the provisions of the next succeeding section with respect to the transfer of certain existing officers and servants, the Secretary of State may appoint such officers and servants as he, subject to

the consent of the Treasury as to numbers, may think fit and there shall be paid to persons so appointed such salaries or remuneration as the Treasury may from time to time determine.

PART XI.  
—cont.

(3) There shall be charged on and paid out of the revenues of the Federation into the Exchequer such periodical or other sums as may from time to time be agreed between the Governor-General and the Treasury in respect of so much of the expenses of the department of the Secretary of State as is attributable to the performance on behalf of the Federation of such functions as it may be agreed between the Secretary of State and the Governor-General that that department should so perform.

**281.**—(1) All persons who immediately before the commencement of Part III of this Act were officers or servants on the permanent establishment of the Secretary of State in Council shall on that date be transferred to the department of the Secretary of State and shall be deemed to be permanent Civil Servants of the State.

Transfer of  
existing  
personnel.

(2) Subject as hereinafter provided, the provisions of the Superannuation Acts, 1834 to 1935, and of any orders, rules and regulations made thereunder shall apply in relation to a person so transferred as aforesaid as they apply in relation to a person entering the Civil Service with a certificate from the Civil Service Commissioners, and for the purposes of those Acts, orders, rules and regulations his service shall be reckoned as if service on the permanent establishment of, and employment by, the Secretary of State in Council had at all times been service or employment in a public department the expenses whereof were wholly defrayed out of moneys provided by Parliament :

Provided that neither the Superannuation Act, 1909, nor section four of the Superannuation Act, 1935, shall apply in relation to any person so transferred unless that Act, or, as the case may be, that section (as applicable to persons on the permanent establishment of the Secretary of State in Council) would have applied in relation to him if this Act had not been passed.

9 Edw. 7.  
c. 10.  
25 & 26  
Geo. 5. c. 22.

(3) His Majesty may by Order in Council direct that in their application to any person so transferred the said Acts, orders, rules and regulations shall have effect

PART XI.  
—cont.

subject to any such modifications as may appear to His Majesty to be necessary for securing that the case of any such person shall not be dealt with in any manner less favourable to him than it would have been dealt with if this Act had not been passed and he had continued to serve on the establishment of the Secretary of State in Council.

(4) All persons who, not being on the permanent establishment of the Secretary of State in Council, were immediately before the commencement of Part III of this Act officers or servants employed in the United Kingdom by the Secretary of State in Council shall on that date be transferred to the department of the Secretary of State and, for the purposes of the Superannuation Acts, 1834 to 1935, and the orders, rules and regulations made thereunder, employment by the Secretary of State in Council shall be treated as if it had been employment by the Secretary of State.

(5) If the conditions of service of any person to whom the last preceding subsection applies included a condition as to eligibility for a retiring allowance in consideration of meritorious service, the Treasury may, if they think fit, grant to him such an allowance on his retirement.

(6) Notwithstanding anything in the Pensions Commutation Acts, 1877 to 1882, it shall be lawful for the Treasury to commute for a capital sum so much of any superannuation, compensation or retiring allowance as is payable out of moneys provided by Parliament to a person so transferred as aforesaid and for the Secretary of State so to commute so much of any such allowance as is payable to such a person out of the revenues of the Federation.

Any such commutation shall be made upon such conditions as His Majesty in Council may direct, not being more favourable than the conditions which would have applied to the person in question if he had retired from the establishment of the Secretary of State in Council.

Contributions from revenues of Federation.

**282.**—(1) So much of any superannuation allowances, compensation allowances, retiring allowances, additional allowances or gratuities which may become payable to or in respect of officers and servants transferred by the last preceding section to the department

of the Secretary of State as His Majesty in Council may determine to represent the proportion of such allowances or gratuities attributable to service before the date of transfer shall be paid out of the revenues of the Federation :

PART XI.  
—cont.

Provided that account shall not be taken of any service before the date of transfer in respect of which such an allowance or gratuity payable out of moneys provided by Parliament might, if this Act had not been passed, have been awarded under the Superannuation Acts, 1834 to 1935.

(2) If any officer or servant so transferred to the department of the Secretary of State, or any person who, having been previously on the establishment of the Secretary of State in Council, was immediately before the commencement of Part III of this Act a member of the staff of the High Commissioner for India, or any person who immediately before the commencement of Part III of this Act was the Auditor of the Accounts of the Secretary of State in Council or a member of his staff, loses his employment by reason of the abolition of his office or post, or by reason of any reorganisation of the department or of his office, where such abolition or reorganisation results in the opinion of the Secretary of State from the operation of this Act, the Secretary of State shall award to that officer or servant out of the revenues of the Federation such compensation as he may think just and equitable in augmentation of any allowance or gratuity for which that officer or servant may be otherwise eligible.

(3) Any payments directed by this section to be made out of the revenues of the Federation shall be charged upon those revenues.

233.—(1) The liability for payment of any superannuation allowances, compensation allowances, retiring allowances, additional allowances and gratuities which immediately before the commencement of Part III of this Act were payable to or in respect of persons in respect of service on the establishment of the Secretary of State in Council, or in respect of service as Auditor of the Accounts of the Secretary of State in Council, or in respect of service as a member of that Auditor's staff, or partly in respect of service on the establishment of the Secretary

Liability for  
pensions  
in respect of  
service  
before com-  
mencement  
of Part III.

PART XI. of State in Council or as a member of that Auditor's staff  
—cont. and partly in respect of service as a member of the  
staff of the High Commissioner for India shall be a  
liability of the Government of the Federation, and those  
allowances and gratuities shall be charged upon the  
revenues of the Federation.

(2) The provisions of subsection (1) of this section shall also apply to so much of any superannuation allowances, compensation allowances, retiring allowances, additional allowances, and gratuities awarded after the commencement of Part III of this Act to persons not transferred by the last but one preceding section as is attributable to such service before the commencement of Part III of this Act as is mentioned in the said subsection (1).

Provision as to certain India Office provident funds. 284. Any sums which, if this Act had not been passed, would have been payable, whether as of right or not, by the Secretary of State in Council out of the revenues of India to or in respect of a person who was a subscriber to the Regular Widows' Fund, the Elders Widows' Fund, or the India Office Provident Fund, shall be paid out of the revenues of the Federation and charged on those revenues.

## PART XII.

### MISCELLANEOUS AND GENERAL.

#### *The Crown and the Indian States.*

Saving for rights and obligations of the Crown in its relations with Indian States.

285. Subject in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State.

Use of His Majesty's forces in connection with discharge of the functions of the Crown in its relations with Indian States.

286.—(1) If His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States requests the assistance of armed forces for the due discharge of those functions, it shall be the duty of the Governor-General in the exercise of the executive authority of the Federation to cause the necessary forces to be employed accordingly, but the net additional expense, if any, incurred in connection with those forces by reason of that employment shall be deemed to be



expenses of His Majesty incurred in discharging the said functions of the Crown.

PART XII.

—cont.

(2) In discharging his functions under this section the Governor-General shall act in his discretion.

**287.** Arrangements may be made between His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States and the Governor of any Province for the discharge by the Governor and officers serving in connection with the affairs of the Province of powers and duties in connection with the exercise of the said functions of the Crown.

Arrangements  
for Governors  
and Provincial  
staff to assist  
in discharging  
functions of  
Political  
Department.

*Aden.*

**288.**—(1) On such date as His Majesty may by Order in Council appoint (in this section referred to as “the appointed day”) the then existing Chief Commissioner's Province of Aden (in this section referred to as “Aden”) shall cease to be a part of British India.

(2) At any time after the passing of this Act it shall be lawful for His Majesty in Council to make such provision as he deems proper for the government of Aden after the appointed day, and any such Order in Council may delegate to any person or persons within Aden power to make laws for the peace, order and good government of Aden, without prejudice to the power of His Majesty in Council, notwithstanding such delegation, from time to time to make laws for any of the purposes aforesaid.

(3) An Order made by His Majesty in Council by virtue of the preceding subsection may, without prejudice to the generality of the words of that subsection, contain provisions with respect to—

- (a) the continuing validity of all Acts, orders, ordinances and regulations in force in Aden immediately before the appointed day;
- (b) the continuing validity of lawful acts done by any authority in Aden before the appointed day;
- (c) the validity and continuance of proceedings commenced before the appointed day in any Court of Justice in, or having jurisdiction in, Aden; and

PART XII.  
—cont.

(d) the enforcement by or against the Government of Aden of claims which, if this Act had not been passed, might have been enforced by or against the Secretary of State in Council in connection with the administration of Aden.

(4) If any such Order is made, it shall confer appellate jurisdiction from courts in Aden upon such court in India as may be specified in the Order, and it shall be the duty of any court in India upon which jurisdiction is so conferred to exercise that jurisdiction, and such contribution, if any, as His Majesty in Council may determine shall be paid out of the revenues of Aden towards the expenses of that court.

The Order shall also make provision specifying the cases in which an appeal from that court in India may be brought to His Majesty in Council.

(5) Any property which immediately before the separation of Aden from India was vested in His Majesty for the purposes of the Government of India and either was then situate in Aden, or, by virtue of any delegation from the Secretary of State in Council or otherwise, was then in the possession, or under the control of, or held on account of, the Local Government of Aden, shall, as from the said separation, vest in His Majesty for the purposes of the Government of Aden, and any contract made or liability incurred by or on behalf of the Secretary of State in Council before the said separation solely for a purpose which will after the separation be a purpose of the Government of Aden shall, as from the separation, have effect as if it had been made or incurred by or on behalf of the Government of Aden.

*New Provinces and alterations of boundaries of Provinces.*

Creation of  
new Pro-  
vinces of  
Sind and  
Orissa.

**289.**—(1) As from such date as His Majesty may by Order in Council appoint—

- (a) Sind shall be separated from the Presidency of Bombay and shall form a Governor's Province to be known as the Province of Sind;
- (b) Orissa and such other areas in the Province of Bihar and Orissa as may be specified in the Order of His Majesty shall be separated from

that Province, and such areas as may be specified in the said Order shall be separated from the Presidency of Madras and the Central Provinces respectively, and Orissa and the other areas so separated shall together form a Governor's Province to be known as the Province of Orissa; and

PART XII.  
—cont.

(c) the Province formerly known as Bihar and Orissa shall be known as the Province of Bihar.

(2) An Order in Council made under this section shall define the boundaries of the Provinces of Sind and Orissa and may contain—

(a) such provisions for their government and administration during the period before Part III of this Act comes into operation;

(b) such provisions for varying during the said period the composition of the Local Legislature of any Presidency or Province the boundaries of which are altered under this section;

(c) such provisions with respect to the laws which, subject to amendment or repeal by the Provincial or, as the case may be, the Federal Legislature, are to be in force in, or in any part of, Sind or Orissa respectively;

(d) in the case of Orissa, such provisions with respect to the jurisdiction therein of any court theretofore exercising the jurisdiction of a High Court, either generally or for any particular purpose, in any area to be included in the Province;

(e) such provisions with respect to apportionments and adjustments of and in respect of assets and liabilities; and

(f) such supplemental, incidental and consequential provisions,

as His Majesty may deem necessary or proper.

(3) Subject to the provisions of any such Order as aforesaid, the Governor-General in Council may, until the date on which Part III of this Act comes into operation, exercise in relation to the Provinces of Sind and Orissa and any Presidency or Province the boundaries

PART XII. of which are altered under this section any powers  
 —cont. which he might have exercised if the said new Provinces  
 had been constituted, or those boundaries had been  
 altered, under the provisions in that behalf contained in  
 the Government of India Act.

(4) In this Act the expression “the Legislative Council of the Province” when used in relation to a date before the commencement of Part III of this Act shall in the case of Sind and Orissa be deemed to refer to the Legislative Councils of Bombay and of Bihar or Bihar and Orissa respectively.

Creation  
 of new  
 Provinces  
 and altera-  
 tions of  
 boundaries  
 of Pro-  
 vinces.

**290.**—(1) Subject to the provisions of this section, His Majesty may by Order in Council—

- (a) create a new Province;
- (b) increase the area of any Province;
- (c) diminish the area of any Province;
- (d) alter the boundaries of any Province :

Provided that, before the draft of any such Order is laid before Parliament, the Secretary of State shall take such steps as His Majesty may direct for ascertaining the views of the Federal Government and the Chambers of the Federal Legislature and the views of the Government and the Chamber or Chambers of the Legislature of any Province which will be affected by the Order, both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) An Order made under this section may contain such provisions for varying the representation in the Federal Legislature of any Governor’s Province the boundaries of which are altered by the Order and for varying the composition of the Legislature of any such Province, such provisions with respect to apportionments and adjustments of and in respect of assets and liabilities, and such other supplemental, incidental and consequential provisions as His Majesty may deem necessary or proper :

Provided that no such Order shall vary the total membership of either Chamber of the Federal Legislature.

(3) In this section the expression “Province” means either a Governor’s Province or a Chief Commissioner’s Province.

*Franchise.*

## PART XII.

—*cont.*

**291.** In so far as provision with respect to the matters hereinafter mentioned is not made by this Act, His Majesty in Council may from time to time make provision with respect to those matters or any of them, that is to say—

Power of His Majesty to make provision with respect to franchises and elections.

- (a) the delimitation of territorial constituencies for the purpose of elections under this Act;
- (b) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls;
- (c) the qualifications for being elected at such elections as a member of a legislative body;
- (d) the filling of casual vacancies in any such body;
- (e) the conduct of elections under this Act and the methods of voting thereat;
- (f) the expenses of candidates at such elections;
- (g) corrupt practices and other offences at or in connection with such elections;
- (h) the decision of doubts and disputes arising out of, or in connection with, such elections;
- (i) matters ancillary to any such matter as aforesaid.

*Provisions as to certain legal matters.*

**292.** Notwithstanding the repeal by this Act of the Government of India Act, but subject to the other provisions of this Act, all the law in force in British India immediately before the commencement of Part III of this Act shall continue in force in British India until altered or repealed or amended by a competent Legislature or other competent authority.

Existing law of India to continue in force.

**293.** His Majesty may by Order in Council to be made at any time after the passing of this Act provide that, as from such date as may be specified in the Order, any law in force in British India or in any part of British India shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to such adaptations and modifications as appear to His Majesty to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Act and, in particular, into accord with the provisions thereof which reconstitute under

Adaptation of existing Indian laws, &c.

PART XII. different names governments and authorities in India  
—*cont.* and prescribe the distribution of legislative and executive  
powers between the Federation and the Provinces :

Provided that no such law as aforesaid shall be made applicable to any Federated State by an Order in Council made under this section.

In this section the expression “law” does not include an Act of Parliament, but includes any ordinance, order, byelaw, rule or regulation having in British India the force of law.

Foreign  
jurisdiction.

294.—(1) Neither the executive authority of the Federation nor the legislative power of the Federal Legislature shall extend to any area in a Federated State which His Majesty in signifying his acceptance of the Instrument of Accession of that State may declare to be an area theretofore administered by or on behalf of His Majesty to which it is expedient that the provisions of this subsection should apply, and references in this Act to a Federated State shall not be construed as including references to any such area :

Provided that—

- (a) a declaration shall not be made under this subsection with respect to any area unless, before the execution by the Ruler of the Instrument of Accession, notice has been given to him of His Majesty’s intention to make that declaration;
- (b) if His Majesty with the assent of the Ruler of the State relinquishes his powers and jurisdiction in relation to any such area or any part of any such area, the foregoing provisions of this subsection shall cease to apply to that area or part, and the executive authority of the Federation and the legislative power of the Federal Legislature shall extend thereto in respect of such matters and subject to such limitations as may be specified in a supplementary Instrument of Accession for the State.

Nothing in this subsection applies to any area if it appears to His Majesty that jurisdiction to administer the area was granted to him solely in connection with a railway.

(2) Subject as aforesaid and to the following provisions of this section, if, after the accession of a State becomes effective, power or jurisdiction therein with respect to any matter is, by virtue of the Instrument of Accession of the State, exercisable, either generally or subject to limits, by the Federation, the Federal Legislature, the Federal Court, the Federal Railway Authority, or a Court or an authority exercising the power or jurisdiction by virtue of an Act of the Federal Legislature, or is, by virtue of an agreement made under Part VI of this Act in relation to the administration of a law of the Federal Legislature, exercisable, either generally or subject to limits, by the Ruler or his officers, then any power or jurisdiction formerly exercisable on His Majesty's behalf in that State, whether by virtue of the Foreign Jurisdiction Act, 1890, or otherwise, shall not be exercisable in that State with respect to that matter or, as the case may be, with respect to that matter within those limits.

PART XII.  
—cont.

53 & 54 Vict.  
c. 37.

(3) So much of any law as by virtue of any power exercised by or on behalf of His Majesty to make laws in a State is in force in a Federated State immediately before the accession of the State becomes effective and might by virtue of the Instrument of Accession of the State be re-enacted for that State by the Federal Legislature, shall continue in force and be deemed for the purposes of this Act to be a Federal law so re-enacted :

Provided that any such law may be repealed or amended by Act of the Federal Legislature and unless continued in force by such an Act shall cease to have effect on the expiration of five years from the date when the accession of the State becomes effective.

(4) Subject as aforesaid, the powers and jurisdiction exercisable by or on behalf of His Majesty before the commencement of Part III of this Act in Indian States shall continue to be exercisable, and any Order in Council with respect to the said powers or jurisdiction made under the Foreign Jurisdiction Act, 1890, or otherwise, and all delegations, rules and orders made under any such Order, shall continue to be of full force and effect until the Order is amended or revoked by a subsequent Order :

## PART XII.

—cont.

Provided that nothing in this subsection shall be construed as prohibiting His Majesty from relinquishing any power or jurisdiction in any Indian State.

(5) An Order in Council made by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, empowering any person to make rules and orders in respect of courts or administrative authorities acting for any territory shall not be invalid by reason only that it confers, or delegates powers to confer, on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers, or delegates power to confer, appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory.

(6) In the Foreign Jurisdiction Act, 1890, the expression “ a British court in a foreign country ” shall, in relation to any part of India outside British India, include any person duly exercising on behalf of His Majesty any jurisdiction, civil or criminal, original or appellate, whether by virtue of an Order in Council or not, and for the purposes of section nine of that Act the Federal Court shall, as respects appellate jurisdiction in cases tried by a British Court in a Federated State, be deemed to be a Court held in a British Possession or under the authority of His Majesty.

(7) Nothing in this Act shall be construed as limiting any right of His Majesty to determine by what courts British subjects and subjects of foreign countries shall be tried in respect of offences committed in Indian States.

(8) Nothing in this section affects the provisions of this Act with respect to Berar.

Provisions  
as to death  
sentences.

**295.**—(1) Where any person has been sentenced to death in a Province, the Governor-General in his discretion shall have all such powers of suspension, remission or commutation of sentence as were vested in the Governor-General in Council immediately before the commencement of Part III of this Act, but save as aforesaid no authority in India outside a Province shall have any power to suspend, remit or commute the sentence of any person convicted in the Province :



Provided that nothing in this subsection affects any power of any officer of His Majesty's forces to suspend, remit or commute a sentence passed by a court martial.

PART XII.  
—cont.

(2) Nothing in this Act shall derogate from the right of His Majesty, or of the Governor-General, if any such right is delegated to him by His Majesty, to grant pardons, reprieves, respites or remissions of punishment.

**296.**—(1) No member of the Federal or a Provincial Legislature shall be a member of any tribunal in British India having jurisdiction to entertain appeals or revise decisions in revenue cases.

Courts of  
Appeal in  
revenue  
matters.

(2) If in any Province any such jurisdiction as aforesaid was, immediately before the commencement of Part III of this Act, vested in the Local Government, the Governor shall constitute a tribunal, consisting of such person or persons as he, exercising his individual judgment, may think fit, to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature.

(3) There shall be paid to the members of any tribunal constituted under the last preceding subsection, such salaries and allowances as the Governor exercising his individual judgment may determine, and those salaries and allowances shall be charged on the revenues of the Province.

**297.**—(1) No Provincial Legislature or Government shall—

Prohibition  
of certain  
restrictions  
on internal  
trade.

(a) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the Province, or the entry in that list relating to the production, supply, and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the Province of goods of any class or description ;  
or

(b) by virtue of anything in this Act have power to impose any tax, cess, toll, or due which, as between goods manufactured or produced in the Province and similar goods not so manufactured

PART XII.  
—cont.

or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.

(2) Any law passed in contravention of this section shall, to the extent of the contravention, be invalid.

Persons not to be subjected to disability by reason of race, religion, &c.

298.—(1) No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.

(2) Nothing in this section shall affect the operation of any law which—

- (a) prohibits, either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or
- (b) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

(3) Nothing in this section shall be construed as derogating from the special responsibility of the Governor-General or of a Governor for the safeguarding of the legitimate interests of minorities.

Compulsory acquisition of land, &c.

299.—(1) No person shall be deprived of his property in British India save by authority of law.

(2) Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and

either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined.

PART XII.  
—cont.

(3) No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

(5) In this section “land” includes immovable property of every kind and any rights in or over such property, and “undertaking” includes part of an undertaking.

**300.**—(1) The executive authority of the Federation or of a Province shall not be exercised, save on an order of the Governor-General or Governor, as the case may be, in the exercise of his individual judgment, so as to derogate from any grant or confirmation of title of or to land, or of or to any right or privilege in respect of land or land revenue, being a grant or confirmation made before the first day of January, one thousand eight hundred and seventy, or made on or after that date for services rendered.

Protection  
for certain  
rights,  
privileges,  
and  
pensions.

(2) No pension granted or customarily payable before the commencement of Part III of this Act by the Governor-General in Council or any Local Government on political considerations or compassionate grounds shall be discontinued or reduced, otherwise than in accordance with any grant or order regulating the payment thereof, save on an order of the Governor-General in the exercise of his individual judgment or, as the case may be, of the Governor in the exercise of his individual judgment, and any sum required for the payment of any such pension shall be charged on the revenues of the Federation or, as the case may be, the Province.

PART XII.  
—*cont.*

(3) Nothing in this section affects any remedy for a breach of any condition on which a grant was made.

Repeal of  
s. 18 of  
21 Geo. 3.  
c. 70, and  
s. 12 of  
37 Geo. 3.  
c. 142.

**301.** Section eighteen of the East India Company Act, 1780, and section twelve of the East India Act, 1797 (being obsolete enactments containing savings for native law and custom) are hereby repealed.

*High Commissioner.*

High Com-  
missioner  
for India.

**302.**—(1) There shall be a High Commissioner for India in the United Kingdom who shall be appointed, and whose salary and conditions of service shall be prescribed, by the Governor-General, exercising his individual judgment.

(2) The High Commissioner shall perform on behalf of the Federation such functions in connection with the business of the Federation, and, in particular, in relation to the making of contracts as the Governor-General may from time to time direct.

(3) The High Commissioner may, with the approval of the Governor-General and on such terms as may be agreed, undertake to perform on behalf of a Province or Federated State, or on behalf of Burma, functions similar to those which he performs on behalf of the Federation.

*General Provisions.*

Provisions  
as to Sheriff  
of Calcutta.

**303.**—(1) The Sheriff of Calcutta shall be appointed annually by the Governor of Bengal from a panel of three persons to be nominated on the occasion of each vacancy by the High Court in Calcutta.

(2) The Sheriff shall hold office during the pleasure of the Governor and shall be entitled to such remuneration as the Governor may determine and no other remuneration.

(3) In exercising his powers with respect to the appointment and dismissal of the Sheriff, and with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Persons  
acting as  
Governor-  
General or  
Governor.

**304.** Any person appointed by His Majesty to act as Governor-General or as the Governor of a Province during the absence of the Governor-General or the Governor from India, or during any period during which the Governor-General or the Governor is for any reason

unable to perform the duties of his office, shall during, and in respect of, the period while he is so acting have all the powers and immunities, and be subject to all the duties of, the Governor-General or Governor, as the case may be, and, if he holds any other office, shall not act therein or be entitled to the salary and allowances appertaining thereto while he is acting as Governor-General or Governor.

PART XII.  
—*cont.*

**305.**—(1) The Governor-General and every Governor shall have his own secretarial staff to be appointed by him in his discretion.

Secretarial  
staffs of  
Governor-  
General and  
Governor.

(2) The salaries and allowances of persons so appointed and the office accommodation and other facilities to be provided for them shall be such as the Governor-General or, as the case may be, the Governor may in his discretion determine, and the said salaries and allowances and the expenses incurred in providing the said accommodation and facilities shall be charged on the revenues of the Federation or, as the case may be, the Province.

**306.**—(1) No proceedings whatsoever shall lie in, and no process whatsoever shall issue from, any court in India against the Governor-General, against the Governor of a Province, or against the Secretary of State, whether in a personal capacity or otherwise, and, except with the sanction of His Majesty in Council, no proceedings whatsoever shall lie in any court in India against any person who has been the Governor-General, the Governor of a Province, or the Secretary of State in respect of anything done or omitted to be done by any of them during his term of office in performance or purported performance of the duties thereof :

Protection  
of  
Governor-  
General,  
Governor or  
Secretary of  
State.

Provided that nothing in this section shall be construed as restricting the right of any person to bring against the Federation, a Province, or the Secretary of State such proceedings as are mentioned in chapter III of Part VII of this Act.

(2) The provisions of the preceding subsection shall apply in relation to His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States as they apply in relation to the Governor-General.

## PART XII.

—cont.

Removal of certain disqualifications on the occasion of the first elections to Legislature.

**307.** For the purposes of the first elections of persons to serve as members of the Federal Legislature and of Provincial Legislatures, no person shall be subject to any disqualification by reason only of the fact that he holds—

- (a) an office of profit as a non-official member of the Executive Council of the Governor-General or a Governor, or as a minister in a Province;
- (b) an office which is not a whole time office remunerated either by salary or by fees.

Procedure as respects proposals for amendment of certain provisions of Act and Orders in Council.

**308.—(1)** Subject to the provisions of this section, if the Federal Legislature or any Provincial Legislature, on motions proposed in each Chamber by a minister on behalf of the council of ministers, pass a resolution recommending any such amendment of this Act or of an Order in Council made thereunder as is hereinafter mentioned, and on motions proposed in like manner, present to the Governor-General or, as the case may be, to the Governor an address for submission to His Majesty praying that His Majesty may be pleased to communicate the resolution to Parliament, the Secretary of State shall, within six months after the resolution is so communicated, cause to be laid before both Houses of Parliament a statement of any action which it may be proposed to take thereon.

The Governor-General or the Governor, as the case may be, when forwarding any such resolution and address to the Secretary of State shall transmit therewith a statement of his opinion as to the proposed amendment and, in particular, as to the effect which it would have on the interests of any minority, together with a report as to the views of any minority likely to be affected by the proposed amendment and as to whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal, and the Secretary of State shall cause such statement and report to be laid before Parliament.

In performing his duties under this subsection the Governor-General or the Governor, as the case may be, shall act in his discretion.

(2) The amendments referred to in the preceding subsection are—

PART XII.  
—cont.

- (a) any amendment of the provisions relating to the size or composition of the Chambers of the Federal Legislature, or to the method of choosing or the qualifications of members of that Legislature, not being an amendment which would vary the proportion between the number of seats in the Council of State and the number of seats in the Federal Assembly, or would vary, either as regards the Council of State or the Federal Assembly, the proportion between the number of seats allotted to British India and the number of seats allotted to Indian States;
- (b) any amendment of the provisions relating to the number of Chambers in a Provincial Legislature or the size or composition of the Chamber, or of either Chamber, of a Provincial Legislature, or to the method of choosing or the qualifications of members of a Provincial Legislature;
- (c) any amendment providing that, in the case of women, literacy shall be substituted for any higher educational standard for the time being required as a qualification for the franchise, or providing that women, if duly qualified, shall be entered on electoral rolls without any application being made for the purpose by them or on their behalf; and
- (d) any other amendment of the provisions relating to the qualifications entitling persons to be registered as voters for the purposes of elections.

(3) So far as regards any such amendment as is mentioned in paragraph (c) of the last preceding subsection, the provisions of subsection (1) of this section shall apply to a resolution of a Provincial Legislature whenever passed, but, save as aforesaid, those provisions shall not apply to any resolution passed before the expiration of ten years, in the case of a resolution of the Federal Legislature, from the establishment of the Federation, and, in the case of a resolution of a Provincial Legislature, from the commencement of Part III of this Act.

PART XII.  
—*cont.*

(4) His Majesty in Council may at any time before or after the commencement of Part III of this Act, whether the ten years referred to in the last preceding subsection have elapsed or not, and whether any such address as is mentioned in this section has been submitted to His Majesty or not, make in the provisions of this Act any such amendment as is referred to in subsection (2) of this section :

Provided that—

- (i) if no such address has been submitted to His Majesty, then, before the draft of any Order which it is proposed to submit to His Majesty is laid before Parliament, the Secretary of State shall, unless it appears to him that the proposed amendment is of a minor or drafting nature, take such steps as His Majesty may direct for ascertaining the views of the Governments and Legislatures in India who would be affected by the proposed amendment and the views of any minority likely to be so affected, and whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal;
- (ii) the provisions of Part II of the First Schedule to this Act shall not be amended without the consent of the Ruler of any State which will be affected by the amendment.

Orders in  
Council.

**309.**—(1) Any power conferred by this Act on His Majesty in Council shall be exercisable only by Order in Council, and subject as hereinafter provided, the Secretary of State shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty to make in Council under any provision of this Act, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Order may be made either in the form of the draft, or with such amendments as may have been agreed to by resolutions of both Houses :

Provided that, if at any time when Parliament is dissolved or prorogued, or when both Houses of Parliament are adjourned for more than fourteen days, the Secretary



of State is of opinion that on account of urgency an Order in Council should be made under this Act forthwith, it shall not be necessary for a draft of the Order to be laid before Parliament, but the Order shall cease to have effect at the expiration of twenty-eight days from the date on which the Commons House first sits after the making of the Order unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

PART XII.  
—cont.

(2) Subject to any express provision of this Act, His Majesty in Council may by a subsequent Order, made in accordance with the provisions of the preceding subsection, revoke or vary any Order previously made by him in Council under this Act.

(3) Nothing in this section applies to any Order of His Majesty in Council made in connection with any appeal to His Majesty in Council, or to any Order of His Majesty in Council sanctioning the taking of proceedings against a person who has been the Governor-General, His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, the Governor of a Province or the Secretary of State.

**310.**—(1) Whereas difficulties may arise in relation to the transition from the provisions of the Government of India Act to the provisions of this Act, and in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act :

Power of  
His Majesty  
in Council  
to remove  
difficulties.

And whereas the nature of those difficulties, and of the provision which should be made for meeting them, cannot at the date of the passing of this Act be fully foreseen :

Now therefore, for the purpose of facilitating each of the said transitions His Majesty may by Order in Council—

- (a) direct that this Act and any provisions of the Government of India Act still in force shall, during such limited period as may be specified in the Order, have effect subject to such adaptations and modifications as may be so specified ;
- (b) make, with respect to a limited period so specified such temporary provision as he thinks fit for ensuring that, while the transition is being effected and during the period immediately

PART XII.  
—*cont.*

following it, there are available to all governments in India and Burma sufficient revenues to enable the business of those governments to be carried on; and

- (c) make such other temporary provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Order.

(2) No Order in Council in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act shall be made under this section after the expiration of six months from the establishment of the Federation, and no other Order in Council shall be made under this section after the expiration of six months from the commencement of Part III of this Act.

*Interpretation.*

Interpreta-  
tion, &c.

**311.**—(1) In this Act and, unless the context otherwise requires, in any other Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ British India ” means all territories for the time being comprised within the Governors’ Provinces and the Chief Commissioners’ Provinces ;

“ India ” means British India together with all territories of any Indian Ruler under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, the tribal areas, and any other territories which His Majesty in Council may, from time to time, after ascertaining the views of the Federal Government and the Federal Legislature, declare to be part of India ;

“ Burma ” includes (subject to the exercise by His Majesty of any powers vested in him with respect to the alteration of the boundaries thereof) all territories which were immediately before the commencement of Part III of this Act comprised in India, being territories lying to the east of Bengal, the State of Manipur, Assam, and any tribal areas connected with Assam ;

“ British Burma ” means so much of Burma as belongs to His Majesty ;

- “ Tribal areas ” means the areas along the frontiers of India or in Baluchistan which are not part of British India or of Burma or of any Indian State or of any foreign State ;
- “ Indian State ” includes any territory, whether described as a State, an Estate, a Jagir or otherwise, belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being part of British India ;
- “ Ruler ” in relation to a State means the Prince, Chief or other person recognised by His Majesty as the Ruler of the State.

PART XII.  
—cont.

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

- “ agricultural income ” means agricultural income as defined for the purposes of the enactments relating to Indian income tax ;
- “ borrow ” includes the raising of money by the grant of annuities and “ loan ” shall be construed accordingly ;
- “ chief justice ” includes in relation to a High Court a chief judge or judicial commissioner, and “ judge ” includes an additional judicial commissioner ;
- “ corporation tax ” means any tax on so much of the income of companies as does not represent agricultural income, being a tax to which the enactments requiring or authorising companies to make deductions in respect of income tax from payments of interest or dividends, or from other payments representing a distribution of profits, have no application ;
- “ corresponding Province ” means in case of doubt such Province as may be determined by His Majesty in Council to be the corresponding Province for the particular purpose in question ;
- “ debt ” includes any liability in respect of any obligation to repay capital sums by way of

PART XII.  
—cont.

annuities and any liability under any guarantee, and “debt charges” shall be construed accordingly;

“existing Indian law” means any law, ordinance, order, byelaw, rule or regulation passed or made before the commencement of Part III of this Act by any legislature, authority or person in any territories for the time being comprised in British India, being a legislature, authority or person having power to make such a law, ordinance, order, byelaw, rule or regulation;

“goods” includes all materials, commodities, and articles;

“guarantee” includes any obligation undertaken before the commencement of Part III of this Act to make payments in the event of the profits of an undertaking falling short of a specified amount;

“High Court” does not, except where it is expressly so provided, include a High Court in a Federated State;

“Local Government” means any such Governor in Council, Governor acting with ministers, Lieutenant-Governor in Council, Lieutenant-Governor or Chief Commissioner as was at the relevant time a Local Government for the purposes of the Government of India Act or any Act repealed by that Act, but does not, save where the context otherwise requires, include any Local Government in Burma or Aden;

“pension” in relation to persons in or formerly in the service of the Crown in India, Burma or Aden, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of any such person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund;

“pleader” includes advocate;

“ Provincial Act ” and “ Provincial law ” mean, PART XII.  
—cont.  
subject to the provisions of this section, an Act passed or law made by a Provincial Legislature established under this Act;

“ public notification ” means a notification in the Gazette of India or, as the case may be, the official Gazette of a Province;

“ securities ” includes stock;

“ taxation ” includes the imposition of any tax or impost whether general or local or special, and “ tax ” shall be construed accordingly;

“ railway ” includes a tramway not wholly within a municipal area;

“ federal railway ” does not include an Indian State railway but, save as aforesaid, includes any railway not being a minor railway;

“ Indian State railway ” means a railway owned by a State and either operated by the State, or operated on behalf of the State otherwise than in accordance with a contract made with the State by or on behalf of the Secretary of State in Council, the Federal Government, the Federal Railway Authority, or any company operating a federal railway;

“ minor railway ” means a railway which is wholly situate in one unit and does not form a continuous line of communication with a federal railway, whether of the same gauge or not; and

“ unit ” means a Governor’s Province, a Chief Commissioner’s Province or a Federated State.

(3) No Indian State shall, for the purpose of any reference in this Act to Federated States, be deemed to have become a Federated State until the establishment of the Federation.

(4) In paragraph (3) of section eighteen of the Interpretation Act, 1889 (which paragraph defines the expression “ colony ”) for the words “ exclusive of ” 52 & 53 Vict.  
c. 63.

PART XII.  
—cont.

the British Islands and of British India” there shall be substituted the words “exclusive of the British Islands and of British India and of British Burma.”

(5) Any Act of Parliament containing references to India or any part thereof, to countries other than or situate outside India or other than or situate outside British India, to His Majesty’s dominions, to a British possession, to the Secretary of State in Council, to the Governor-General in Council, to a Governor in Council or to Legislatures, courts, or authorities in, or to matters relating to the government or administration of, India or British India shall have effect subject to such adaptations and modifications as His Majesty in Council may direct, being adaptations and modifications which appear to His Majesty in Council to be necessary or expedient in consequence of the provisions of this Act.

Any power of any legislature under this Act to repeal or amend any Act adapted or modified by an Order in Council under this subsection shall extend to the repeal or amendment of that Order, and any reference in this Act to an Act of Parliament shall be construed as including a reference to any such Order.

(6) Any reference in this Act to Federal Acts or laws or Provincial Acts or laws, or to Acts or laws of the Federal or a Provincial Legislature, shall be construed as including a reference to an ordinance made by the Governor-General or a Governor-General’s Act or, as the case may be, to an ordinance made by a Governor or a Governor’s Act.

(7) References in this Act to the taking of an oath include references to the making of an affirmation.

## PART XIII.

### TRANSITIONAL PROVISIONS.

Operation of  
Part XIII.

**312.** The provisions of this Part of this Act shall apply with respect to the period elapsing between the commencement of Part III of this Act and the establishment of the Federation.

**313.**—(1) Subject to the provisions of this Act for the time being in force, such executive authority as is hereinafter mentioned shall be exercised on behalf of His Majesty by the Governor-General in Council, either directly or through officers subordinate to him, but nothing in this section shall prevent the Indian Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General in Council any functions conferred by any existing Indian law on any court, judge or officer, or on any local or other authority.

PART XIII  
—cont.  
Executive  
Govern-  
ment.

(2) Subject to the provisions of this Act for the time being in force, the said executive authority extends—

- (a) to the matters with respect to which the Indian Legislature has, under the said provisions, power to make laws;
- (b) to the raising in British India on behalf of His Majesty of naval, military or air forces, and to the governance of His Majesty's forces borne on the Indian establishment;
- (c) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise in and in relation to the tribal areas :

Provided that—

- (i) the said authority does not, save as expressly provided in the provisions of this Act for the time being in force, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws;
- (ii) the said authority does not extend to the enlistment or enrolment in any force raised in British India of any person unless he is either a subject of His Majesty, or a native of India or of territories adjacent thereto; and
- (iii) commissions in any such forces shall be granted by His Majesty, save in so far as he

PART XIII.  
—*cont.*

may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

(3) References in the provisions of this Act for the time being in force to the Governor-General and the Federal Government shall, except as respects matters with respect to which the Governor-General is required by the said provisions to act in his discretion, be construed as references to the Governor-General in Council, and any reference to the Federation, except where the reference is to the establishment of the Federation, shall be construed as a reference to British India, the Governor-General in Council, or the Governor-General, as the circumstances and the context may require :

Provided that—

- (a) any reference to the revenues of the Federation shall be construed as a reference to the revenues of the Governor-General in Council ;
- (b) the revenues of the Governor-General in Council shall, subject to the provisions of chapter I of Part VII of this Act with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to Provinces and to the provisions of this Act with respect to the Federal Railway Authority (so far as any such provisions are for the time being in force), include all revenues and public moneys raised or received either by the Governor-General in Council or by the Governor-General ;
- (c) the expenses of the Governor-General in discharging his functions as respects matters with respect to which he is required by the provisions of this Act for the time being in force to act in his discretion shall be defrayed out of the revenues of the Governor-General in Council.

(4) Any requirement in this Act that the Governor-General shall exercise his individual judgment with



respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation, the following provisions of this Act, that is to say—

PART XIII.

—cont.

- (a) the provisions requiring the prior sanction of the Governor-General for certain legislative proposals;
- (b) the provisions relating to broadcasting;
- (c) the provisions relating to directions to, and principles to be observed by, the Federal Railway Authority; and
- (d) the provisions relating to civil services to be recruited by the Secretary of State,

shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor-General is by the provisions of this Act for the time being in force required to act in his discretion, and any reference in any of the provisions of this Act for the time being in force to the special responsibilities of the Governor-General shall be construed as a reference to the special responsibilities which he will have when Part II of this Act comes into operation.

(5) Nothing in this section shall be construed as conferring on the Governor-General in Council any functions connected with the exercise of the functions of the Crown in its relations with Indian States.

**314.**—(1) The Governor-General in Council and the Governor-General, both as respects matters with respect to which he is required by or under this Act to act in his discretion and as respects other matters, shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the Secretary of State, but the validity of anything done by the Governor-General in Council or the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this subsection.

Control of  
the Secre-  
tary of  
State.

PART XIII.  
—cont.

(2) The Secretary of State shall not give any direction to the Governor-General in Council with respect to any grant or appropriation of any part of the revenues of the Governor-General in Council except with the concurrence of his advisers.

(3) While this Part of this Act is in operation, the advisers of the Secretary of State shall not be more than twelve, nor less than eight, in number, and, notwithstanding anything in Part XI of this Act with respect to their term of office, on the establishment of the Federation such of the advisers as the Secretary of State may direct shall cease to hold office.

Sterling  
loans.

**315.**—(1) While this Part of this Act is in operation, no sterling loans shall be contracted by the Governor-General in Council, but in lieu thereof, if provision is made in that behalf by an East India Loans Act of the Parliament of the United Kingdom, the Secretary of State may, within such limits as may be prescribed by the Act, contract such loans on behalf of the Governor-General in Council.

(2) The Secretary of State shall not exercise any such powers of borrowing as are mentioned in this section unless at a meeting of the Secretary of State and his advisers the borrowing has been approved by a majority of the persons present.

(3) There shall be inserted—

(a) in paragraph (d) of subsection (1) of section one of the Trustee Act, 1925, after the words “on the revenues of India”; and

(b) at the end of sub-paragraph (9) of paragraph (a) of section ten of the Trusts (Scotland) Act, 1921,

the words “or in any sterling loans raised by the Secretary of State on behalf of the Governor-General of India in Council under the provisions of Part XIII of the Government of India Act, 1935.”

(4) No deduction in respect of taxes imposed by or under any existing Indian law or any law of the Indian,

the Federal, or a Provincial Legislature shall be made, either before or after the establishment of the Federation, from any payment of principal or interest in respect of any loan contracted under this section.

PART XIII.  
—cont.

(5) Any legal proceedings in respect of any loan raised under this section may, either before or after the establishment of the Federation, be brought in the United Kingdom against the Secretary of State, but nothing in this section shall be construed as imposing any liability on the Exchequer of the United Kingdom.

**316.** The powers conferred by the provisions of this Act for the time being in force on the Federal Legislature shall be exercisable by the Indian Legislature, and accordingly references in those provisions to the Federal Legislature and Federal Laws shall be construed as references to the Indian Legislature and laws of the Indian Legislature, and references in those provisions to Federal taxes shall be construed as references to taxes imposed by laws of the Indian Legislature :

Provided that nothing in this section shall empower the Indian Legislature to impose limits on the power of the Governor-General in Council to borrow money.

**317.**—(1) The provisions of the Government of India Act set out, with amendments consequential on the provisions of this Act, in the Ninth Schedule to this Act (being certain of the provisions of that Act relating to the Governor-General, the Commander-in-Chief, the Governor-General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by this Act :

Continuance  
of certain  
provisions of  
Government  
of India  
Act.

Provided that nothing in the said provisions shall affect the provisions of the last but one preceding section.

(2) In the said provisions, the expression "this Act" means the said provisions.

PART XIII.  
— cont.

(3) The substitution in the said provisions of references to the Secretary of State for references to the Secretary of State in Council shall not render invalid anything done thereunder by the Secretary of State in Council before the commencement of Part III of this Act.

Provisions  
as to  
Federal  
Court and  
certain  
other  
Federal  
authorities.

**318.**—(1) Notwithstanding that the Federation has not yet been established, the Federal Court and the Federal Public Service Commission and the Federal Railway Authority shall come into existence and be known by those names, and shall perform in relation to British India the like functions as they are by or under this Act to perform in relation to the Federation when established.

(2) Nothing in this section affects any power of His Majesty in Council to fix a date later than the commencement of Part III of this Act for the coming into operation, either generally or for particular purposes, of any of the provisions of this Act relating to the Federal Court, the Federal Public Service Commission or the Federal Railway Authority.

Rights and  
liabilities  
of Governor-  
General in  
Council and  
Governor-  
General to  
continue  
after estab-  
lishment of  
Federation.

**319.**—(1) Any rights acquired by, or liabilities incurred by or on behalf of, the Governor-General in Council or the Governor-General between the commencement of Part III of this Act and the establishment of the Federation shall, after the establishment of the Federation, be rights and liabilities of the Federation, and any legal proceedings pending at the establishment of the Federation by or against the Governor-General in Council or the Governor-General shall, after the establishment of the Federation, be continued by or against the Federation.

(2) The provisions of subsection (1) of this section shall apply in relation to rights and liabilities of the Secretary of State in Council which have, by virtue of the provisions of this Act, become rights or liabilities of the Governor-General in Council as they apply in relation to the rights and liabilities therein mentioned.

## PART XIV.

## BURMA.

## CHAPTER I.

## INTRODUCTORY.

**320.**—(1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the government of the territories in Burma for the time being vested in him and all rights, authority and jurisdiction exercisable by treaty, grant, usage, sufferance or otherwise in, or in relation to, any other territories in Burma, are exercisable by His Majesty, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Majesty.

Government  
of Burma by  
the Crown.

(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in relation to any territories in Burma by the Secretary of State, the Secretary of State in Council, the Governor-General of India, the Governor-General of India in Council, the Governor of Burma or the Local Government of Burma, whether by delegation from His Majesty or otherwise.

## CHAPTER II.

## THE EXECUTIVE.

*The Governor.*

**321.**—(1) The Governor of Burma is appointed by His Majesty by a Commission under the Royal Sign Manual and has all such powers and duties as are conferred or imposed on him by or under this Act, and such other powers of His Majesty as His Majesty may be pleased to assign to him.

Appoint-  
ment and  
functions of  
the  
Governor.

(2) Any reference in this Act to the functions of the Governor shall be construed as not including a reference to powers exercisable by him by reason that they have been assigned to him by His Majesty under subsection (1) of this section.

PART XIV.  
—cont.

(3) The provisions of the Tenth Schedule to this Act shall have effect with respect to the salary and allowances of the Governor, and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office, and with respect to persons appointed to act temporarily as Governor.

Executive  
authority  
of Burma.

**322.**—(1) Subject to the provisions of this Act, the executive authority of Burma shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Burma Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred on any court, judge or officer, or any local or other authority, by any existing Indian or Burman law.

(2) The executive authority of Burma extends—

- (a) to the raising in Burma on behalf of His Majesty of naval, military and air forces, and to the governance of His Majesty's forces borne on the Burma establishment;
- (b) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise in, and in relation to, any areas in Burma which are not part of the territories of His Majesty:

Provided that—

- (i) the said authority does not extend to the enlistment or enrolment in any forces raised in Burma of any person unless he is either a subject of His Majesty, or a native of Burma or India, or of territories adjacent to Burma or India; and
- (ii) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of subsection (1) of the first section of this chapter or otherwise.

#### *Administration.*

Council of  
ministers.

**323.**—(1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor

in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

PART XIV.  
—cont.

Provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where he is by or under this Act required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

**324.—(1)** The Governor's ministers shall be chosen and summoned by the Governor, shall be sworn as members of the council, and shall hold office during his pleasure.

Other provisions as to ministers.

(2) A minister who for any period of six consecutive months is not a member of the Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Legislature may from time to time by Act determine, and, until the Legislature so determine, shall be determined by the Governor :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.

(5) The functions of the Governor with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries shall be exercised by him in his discretion.

## PART XIV.

—*cont.*Discre-  
tionary  
functions of  
Governor.

**325.**—(1) The functions of the Governor with respect to defence, ecclesiastical affairs, the affairs of the areas specified in Part I of the Eleventh Schedule to this Act, and the control of monetary policy, currency and coinage, and with respect to external affairs, except the relations between Burma and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to areas in Burma which are not part of the territories of His Majesty shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

Special re-  
sponsibili-  
ties of  
Governor.

**326.**—(1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say,—

- (a) the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof;
- (b) the safeguarding of the financial stability and credit of the Government of Burma;
- (c) the safeguarding of the legitimate interests of minorities;
- (d) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;
- (e) the securing in the sphere of executive action of the purposes which the provisions of chapter v of this Part of this Act are designed to secure in relation to legislation;
- (f) the prevention of action which would subject goods of United Kingdom or Indian origin imported into Burma to discriminatory or penal treatment;
- (g) the securing of the peace and good government of the areas specified in Part II of the Eleventh Schedule to this Act;



(h) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this Act required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter. PART XIV.  
—cont.

(2) If, and in so far as, any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

**327.**—(1) The Secretary of State shall lay before Parliament a draft of any Instructions (including any Instructions amending or revoking Instructions previously issued) which it is proposed to recommend His Majesty to issue to the Governor, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instructions may be issued. Provisions  
as to  
Instrument  
of Instruc-  
tions.

(2) The validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

**328.**—(1) In so far as the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Secretary of State, but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section. Superinten-  
dence of  
Secretary  
of State.

(2) Before giving any directions under this section the Secretary of State shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

**329.**—(1) The Governor may appoint a person to be his financial adviser. Financial  
adviser to  
Governor.

PART XIV.  
—cont.

(2) It shall be the duty of the Governor's financial adviser to assist by his advice the Governor in the discharge of his special responsibility for safeguarding the financial stability and credit of the Government of Burma and of his functions in respect of monetary policy, currency and coinage, and also to give advice to the Government of Burma upon any matter relating to finance with respect to which he may be consulted.

(3) The Governor's financial adviser shall hold office during the pleasure of the Governor and the salary and allowances of the financial adviser, and the numbers of his staff and their conditions of service, shall be such as the Governor may determine.

(4) The powers of the Governor with respect to the appointment and dismissal of a financial adviser and with respect to the determination of his salary and allowances, and the numbers of his staff and their conditions of service, shall be exercised by him in his discretion :

Provided that, if the Governor has determined to appoint a financial adviser, he shall, before making any appointment other than the first appointment, consult his ministers as to the person to be selected.

Advocate-  
General.

**330.**—(1) The Governor shall appoint a person, being a person qualified to be appointed a judge of the High Court, to be Advocate-General for Burma.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Burma upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Governor.

(3) The Advocate-General shall hold office during the pleasure of the Governor and shall receive such remuneration as the Governor may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Provisions  
as to police  
rules.

**331.** Where it is proposed that the Governor should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules,

regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgment with respect to the proposal, unless it appears to him that the proposal does not relate to or affect the organisation or discipline of that force.

PART XIV.  
—cont.

**332.**—(1) If it appears to the Governor that the peace or tranquillity of Burma is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit, crimes of violence which, in the opinion of the Governor, are intended to overthrow the government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating those operations, direct that his functions shall to such extent as may be specified in the direction be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

Provisions as to crimes of violence intended to overthrow Government.

(2) The functions imposed on the Governor by this section shall be exercised by him in his discretion.

(3) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof.

**333.** The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with respect to the operations of persons committing, or conspiring, preparing or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

Sources of certain information not to be disclosed.

- (a) by any member of any police force in Burma to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion; or
- (b) by any other person in the service of the Crown in Burma to any person except in accordance with directions of the Governor in his discretion.

PART XIV.  
—cont.  
Conduct of  
business of  
Govern-  
ment.

**334.**—(1) All executive action of the Government of Burma shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by him, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor.

(5) In the discharge of his functions under subsections (2), (3) and (4) of this section the Governor shall act in his discretion after consultation with his ministers.

### CHAPTER III.

#### THE LEGISLATURE.

##### *General.*

Constitution  
of the  
Legislature.

**335.**—(1) There shall be for Burma a Legislature which shall consist of His Majesty, represented by the Governor, and two Chambers, to be known respectively as the Senate and the House of Representatives.

(2) The Senate shall consist of thirty-six members, and the House of Representatives shall consist of one hundred and thirty-two members. PART XIV.  
—cont.

(3) The said members shall be chosen in accordance with the provisions in that behalf contained in the Twelfth Schedule to this Act.

**336.**—(1) The Chambers of the Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session. Sessions of  
the Legis-  
lature, pro-  
rogation and  
dissolution.

(2) Subject to the provisions of this section, the Governor may in his discretion from time to time—

- (a) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;
- (b) prorogue the Chambers;
- (c) dissolve either Chamber or both Chambers simultaneously.

(3) The Chambers shall be summoned to meet for their first session on a day not later than such day as may be specified in that behalf by His Majesty in Council.

(4) Every Senate, unless sooner dissolved, shall continue for seven years from the date appointed for the first meeting thereof and no longer, and every House of Representatives, unless sooner dissolved, shall continue for five years from the date appointed for the first meeting thereof and no longer, and the expiration of the said period of seven years or the said period of five years shall operate as a dissolution of the Senate or the House of Representatives, as the case may be.

**337.**—(1) The Governor may in his discretion address either Chamber of the Legislature or both Chambers assembled together and for that purpose require the attendance of members. Right of  
Governor to  
address, and  
send mes-  
sages to,  
Chambers.

(2) The Governor may in his discretion send messages to either Chamber of the Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and the Chamber to whom any message is so sent shall with all convenient despatch consider any

PART XIV. matter which they are required by the message to take  
—cont. into consideration.

Rights of  
ministers,  
counsellors  
and Advo-  
cate-General  
as respects  
Chambers.

**338.** Every minister, every counsellor and the Advocate-General shall have the right to speak in, and otherwise to take part in the proceedings of, either Chamber, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Officers of  
Chambers

**339.**—(1) The Senate shall as soon as may be choose two members of the Senate to be respectively President and Deputy President thereof, and, so often as the office of President or Deputy President becomes vacant, the Senate shall choose another member to be President or Deputy President, as the case may be.

(2) A member holding office as President or Deputy President of the Senate shall vacate his office if he ceases to be a member of the Senate, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Senate passed by a majority of all the then members of the Senate; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

Provided that, whenever the Senate is dissolved, the President shall not vacate his office until immediately before the first meeting of the Senate after the dissolution.

(3) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Senate as the Governor may appoint for the purpose, and during any absence of the President from any sitting of the Senate the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Senate, or, if no such person is present, such other person as may be determined by the Senate, shall act as President.

(4) There shall be paid to the President and the Deputy President of the Senate such salaries as may be respectively fixed by Act of the Legislature and, until

provision in that behalf is so made, such salaries as the Governor may determine. PART XIV.  
—cont.

(5) The foregoing provisions of this section shall apply in relation to the House of Representatives as they apply in relation to the Senate with the substitution of the titles "Speaker" and "Deputy Speaker" for the titles "President" and "Deputy President" respectively, and with the substitution of references to the House of Representatives for references to the Senate.

**340.**—(1) Save as provided in the last preceding section, all questions at any sitting or joint sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or Speaker or person acting as such. Voting in  
Chambers,  
power of  
Chambers to  
act notwith-  
standing  
vacancies,  
and quorum.

The President or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Chamber of the Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the Senate less than twelve members are present, or if at any time during a meeting of the House of Representatives less than one-sixth of the total number of members thereof are present, it shall be the duty of the President or Speaker or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least twelve members, or, as the case may be, at least one-sixth of the members, are present.

*Provisions as to members of Legislature.*

**341.** Every member of either Chamber shall, before taking his seat, make and subscribe before the Governor or some person appointed by him, an oath according to the form set out in the Fourteenth Schedule to this Act. Oath of  
members.

PART XIV.  
— cont.  
Vacation of  
seats.

**342.**—(1) No person shall be a member of both Chambers, and rules made by the Governor exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(a) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(b) by writing under his hand addressed to the Governor resigns his seat,

his seat shall thereupon become vacant.

(3) If for sixty days a member of either Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

Disqualifi-  
cations for  
member-  
ship.

**343.**—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(a) if he holds any office of profit under the Crown in Burma, other than an office declared by Act of the Legislature not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if, whether before or after the commencement of this Part of this Act, he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of an offence or corrupt or illegal practice relating to elections which has been declared by Order in Council, or by an Act of the Legislature, to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf in the provisions of that Order or Act;



- (e) if he has, whether before or after the commencement of this Part of this Act, been convicted in Burma or has, before the commencement of this Part of this Act, been convicted in British India, of any other offence, and has, in either case, been sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor may in his discretion allow in any particular case, has elapsed since his release.
- (f) if, having been nominated as a candidate for the Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Legislature, unless five years have elapsed from the date by which the return ought to have been lodged, or the Governor acting in his discretion has removed the disqualification :

Provided that a disqualification under paragraph (f) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged, or of such longer period as the Governor acting in his discretion may in any particular case allow.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of subsection (1) of this section is at the date of the disqualification a member of a Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but, during any period during which his membership is preserved by this subsection, he shall not sit or vote.

PART XIV.  
—*cont.*

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in Burma by reason only that he is a minister.

Penalty for sitting and voting when not qualified, or when disqualified.

**344.** If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Government of Burma.

Privileges, &c. of members.

**345.**—(1) Subject to the provisions of this Part of this Act and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of the Legislature of any report, paper, votes or proceedings.

(2) In other respects the privileges of members of the Chambers of the Legislature shall be such as may from time to time be defined by Act of the Legislature and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of Burma.

(3) Notwithstanding anything in the foregoing provisions of this section, nothing in this Part of this Act shall be construed as conferring, or empowering the Legislature to confer, on either Chamber thereof or on both Chambers sitting together, or on any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(4) Provision may be made by an Act of the Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a chamber when duly required by the chairman of the committee so to do :

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown in India or Burma, and safeguarding confidential matter from disclosure, as may be made by the Governor exercising his individual judgment.

PART XIV.  
—cont.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise take part in the proceedings of, a Chamber as they apply in relation to members of the Legislature.

**346.** Members of either Chamber shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Legislature, and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this Part of this Act applicable in the case of members of the Legislative Council of Burma.

Salaries and  
allowances  
of members.

#### *Procedure Generally.*

**347.—(1)** Each Chamber of the Legislature may make rules for regulating, subject to the provisions of this Part of this Act, their procedure and the conduct of their business :

Rules of  
procedure.

Provided that as regards each Chamber the Governor shall in his discretion, after consultation with the President or the Speaker, as the case may be, make rules—

- (a) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment ;
- (b) for securing the timely completion of financial business ;
- (c) for prohibiting, save with the consent of the Governor in his discretion—
  - (i) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor and any foreign State or Prince ; or

PART XIV.  
—cont.

(ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matters connected with territories in Burma not vested in His Majesty, or any matters arising out of or affecting the administration of any of the areas specified in Part I of the Eleventh Schedule to this Act;

and, if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail.

(2) The Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding subsection as the Governor in his discretion may think fit.

(3) Until rules are made under this section, the rules of procedure and standing orders in force immediately before the commencement of this Part of this Act with respect to the Legislative Council of Burma shall have effect in relation to the Legislature, subject to such modifications and adaptations as may be made therein by the Governor in his discretion.

(4) At a joint sitting of the two Chambers the President of the Senate, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

English to be used in Legislature.

**348.** All proceedings in the Legislature shall be conducted in the English language :

Provided that the rules of procedure of the Chambers, and the rules with respect to joint sittings, shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

Restrictions on discussion in Legislature.

**349.**—(1) No discussion shall take place in the Legislature with respect to the conduct of any judge of the High Court in the discharge of his duties.

(2) If the Governor in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Legislature, or of any specified clause of

a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

PART XIV.  
—cont.

**350.**—(1) The validity of any proceedings in the Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

Courts not to inquire into proceedings of the Legislature.

(2) No officer or other member of the Legislature in whom powers are vested by or under this Part of this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

#### CHAPTER IV.

#### LEGISLATION.

##### *Powers of the Legislature as to Legislation.*

**351.**—(1) Subject to the provisions of this Part of this Act, the Legislature may make laws for the territories in Burma vested in His Majesty or any part thereof.

Extent of laws of Legislature.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, no Act of the Legislature shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies—

- (a) to British subjects and servants of the Crown in any part of Burma; or
- (b) to British subjects domiciled in Burma wherever they may be; or
- (c) to, or to persons on, ships or aircraft registered in Burma wherever they may be; or
- (d) in the case of a law for the regulation or discipline of any naval, military, or air force raised in Burma, to members of and persons attached to, employed with or following, that force, wherever they may be.

PART XIV.  
—cont.  
Savings.

**352.** Nothing in this Part of this Act shall be taken—

- (a) to affect the power of Parliament to legislate for Burma; or  
(b) to empower the Legislature—

(i) to make any law affecting the Sovereign, or the Royal Family, or the succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of Burma, or the law of British nationality, or the Army Act, the Air Force Act, the Naval Discipline Act, or any similar law enacted by a competent authority in India, or the law of Prize or Prize Courts; or

(ii) except in so far as expressly permitted by this Part of this Act, to make any law amending any provisions of this Part of this Act, or any Order in Council made thereunder, or any rules made under this Part of this Act by the Secretary of State, or by the Governor in his discretion or in the exercise of his individual judgment.

*Legislative procedure.*

Intro-  
duction of  
Bills, &c.

**353.**—(1) Subject to the provisions of chapter VI of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber of the Legislature.

(2) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chambers thereof.

(3) A Bill pending in one Chamber which has not been passed by the other Chamber shall not lapse on a dissolution of that other Chamber, but save as aforesaid all Bills shall lapse on a dissolution of either Chamber.

Previous  
sanction of  
Governor  
required  
for certain  
legislative  
proposals.

**354.**—(1) Unless the Governor in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Legislature, any Bill or any amendment which—

- (a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to Burma; or

- (b) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or
- (c) affects matters as respects which the Governor is by or under this Act required to act in his discretion; or
- (d) repeals, amends or affects any Act relating to any police force; or
- (e) affects the procedure for criminal proceedings in which European British subjects are concerned; or
- (f) subjects persons not resident in Burma to greater taxation than persons resident in Burma, or subjects companies not wholly controlled and managed in Burma to greater taxation than companies wholly controlled and managed therein; or
- (g) affects the grant of relief from any Burma tax on income in respect of income taxed or taxable in the United Kingdom; or
- (h) affects immigration into Burma.

PART XIV.  
—cont.

(2) Nothing in this section affects the operation of any other provision in this Part of this Act which requires the previous sanction of the Governor to the introduction of any Bill or the moving of any amendment.

**355.**—(1) Subject to the provisions of this section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature, unless it has been agreed to by both Chambers, either without amendments or with such amendments only as are agreed to by both Chambers.

Passing  
of Bills.

(2) If a Bill which has been passed by one Chamber and transmitted to the other is not, before the expiration of twelve months from its reception by that other Chamber, presented to the Governor for his assent, the Governor may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that, if it appears to the Governor that the Bill relates to finance or to any matter which affects the

PART XIV. discharge of his functions in so far as he is by or under  
 --cont. this Act required to act in his discretion or to exercise  
 his individual judgment, he may in his discretion summon  
 the Chambers to meet in a joint sitting for the purpose  
 aforesaid notwithstanding that the said period of twelve  
 months has not elapsed.

(3) If at a joint sitting of the two Chambers summoned in accordance with the provisions of this section the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers :

Provided that at a joint sitting—

- (a) unless the Bill, having been passed by one Chamber, has been passed by the other Chamber with amendments and returned to the Chamber in which it originated, no amendment shall be proposed to the Bill other than such amendments, if any, as are made necessary by the delay in the passage of the Bill;
- (b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed;

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

Assent to  
 Bills, and  
 power of  
 Crown to  
 disallow  
 Acts.

**356.**—(1) When a Bill has been passed by the Chambers it shall be presented to the Governor, and the Governor shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure :

Provided that the Governor may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof, and in particular will consider the desirability of introducing any such amendments as he may



recommend in his message, and the Chambers shall reconsider the Bill accordingly.

PART XIV.  
—cont.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Legislature unless and until, within twelve months from the day on which it was presented to the Governor, the Governor makes known by public notification that His Majesty has assented thereto.

(3) Any Act assented to by the Governor may be disallowed by His Majesty within twelve months from the date of the Governor's assent, and, where any Act is so disallowed, the Governor shall forthwith make the disallowance known by public notification and as from the date of the notification the Act shall become void.

**357.**—(1) Where under any provision of this Part of this Act the previous sanction or recommendation of the Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Part of this Act with respect to the withholding of assent to, or the reservation of, Bills.

Requirements as sanctions and recommendations to be regarded as matters of procedure only.

(2) No Act of the Legislature and no provision in any such Act shall be invalid by reason only that some previous sanction or recommendation was not given.

#### *Legislative powers of Governor.*

**358.**—(1) Notwithstanding anything in this chapter, no Act of the Legislature shall apply to any area specified in the Eleventh Schedule to this Act unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

Legislation for areas mentioned in Eleventh Schedule.

(2) The Governor may make regulations for the peace and good government of any such area, and any regulations so made may repeal or amend any Act, whether

PART XIV  
—cont.

passed before or after the commencement of this Part of this Act, which is for the time being applicable to the area.

(3) The provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations as they apply in relation to Acts of the Legislature.

Power of  
Governor to  
promulgate  
ordinances  
during  
recess of  
Legislature.

**359.**—(1) If at any time when the Legislature is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor—

- (a) shall exercise his individual judgment as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and
- (b) shall not without instructions from His Majesty promulgate any such ordinance, if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Legislature, but every such ordinance—

- (a) shall be laid before the Legislature, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if a resolution disapproving it is passed by the House of Representatives and agreed to by the Senate, upon the resolution being agreed to by the Senate;
- (b) shall be subject to the provisions of this Part of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Legislature; and
- (c) may be withdrawn at any time by the Governor.

(3) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature, it shall be void.

**360.**—(1) If at any time the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

Power of Governor to promulgate ordinances at any time with respect to certain subjects.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Legislature, but every such ordinance—

- (a) shall be subject to the provisions of this Act relating to the powers of His Majesty to disallow Acts as if it were an Act of the Legislature;
- (b) may be withdrawn at any time by the Governor; and
- (c) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature, it shall be void.

(5) The functions of the Governor under this section shall be exercised by him in his discretion.

**361.**—(1) If at any time it appears to the Governor that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his

Power of Governor in certain cases to enact Acts.

PART XIV. discretion or to exercise his individual judgment, it  
—*cont.* is essential that provision should be made by legisla-  
tion, he may by message to both Chambers of the  
Legislature explain the circumstances which in his  
opinion render legislation essential and either—

(a) enact forthwith, as a Governor's Act, a Bill  
containing such provisions as he considers  
necessary; or

(b) attach to his message a draft of the Bill which  
he considers necessary.

(2) Where the Governor takes such action as is  
mentioned in paragraph (b) of the preceding subsection,  
he may at any time after the expiration of one month  
enact, as a Governor's Act, the Bill proposed by him  
to the Chambers either in the form of the draft com-  
municated to them, or with such amendments as he  
deems necessary, but before so doing he shall consider  
any address which may have been presented to him  
within the said period by either Chamber with reference  
to the Bill or to amendments suggested to be made  
therein.

(3) A Governor's Act shall have the same force  
and effect, and shall be subject to disallowance in the  
same manner, as an Act of the Legislature, and, if and  
so far as it makes any provision which would not be  
valid if enacted in an Act of the Legislature, it shall  
be void.

(4) Every Governor's Act shall be communicated  
forthwith to the Secretary of State and shall be laid by  
him before each House of Parliament.

(5) The functions of the Governor under this section  
shall be exercised by him in his discretion.

#### CHAPTER V.

#### RESTRICTIONS ON DISCRIMINATION, &C.

British  
subjects

**362.**—(1) Subject to the provisions of this chapter,  
a British subject domiciled in the United Kingdom shall

be exempt from the operation of so much of any Act of the Legislature as imposes any restriction on the right of entry into Burma :

Provided that no person shall by virtue of this subsection be entitled to claim exemption from any such restriction, if and so long as British subjects domiciled in Burma are by or under the law of the United Kingdom subject in the United Kingdom to a like restriction.

For the purposes of this subsection a provision, whether of the law of Burma or of the law of the United Kingdom, empowering any public authority to impose quarantine regulations, or to exclude or deport individuals wherever domiciled who appear to that authority to be undesirable persons, shall be deemed not to be a restriction on the right of entry.

(2) Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Act of the Legislature as imposes by reference to place of birth, race, descent, language, religion, domicile, residence, or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding, or disposition of property, the holding of public office, or the carrying on of any occupation, trade, business or profession :

Provided that no such person as aforesaid shall by virtue of this subsection be entitled to exemption from any such disability, liability, restriction, or condition as aforesaid if and so long as British subjects domiciled in Burma are by or under the law of the United Kingdom subject in the United Kingdom to a like disability, liability, restriction or condition imposed in regard to the same subject matter by reference to the same principle of distinction.

(3) The provisions of subsection (2) of this section shall apply in relation to British subjects domiciled in India and subjects of any Indian State as they apply in relation to British subjects domiciled in the United Kingdom, but with the substitution in the proviso to the said subsection for references to the United Kingdom of

PART XIV.

—cont.

domiciled in  
the United  
Kingdom  
and British  
India.

PART XIV. references to British India or, as the case may be, that  
 —cont. Indian State :

Provided that nothing in this subsection shall affect any restriction lawfully imposed on the right of entry into Burma of persons who are British subjects domiciled in India or subjects of any Indian State, or any restriction lawfully imposed as a condition of allowing any such person to enter Burma.

(4) Notwithstanding anything in this section, if the Governor by public notification certifies that for the prevention of any grave menace to the peace or tranquillity of any part of Burma, or for the purposes of combating crimes of violence intended to overthrow the Government, it is expedient that the operation of the provisions of this section should be wholly or partially suspended in relation to any Act, then while the notification is in force the operation of those provisions shall be suspended accordingly.

The functions of the Governor under this subsection shall be exercised by him in his discretion.

Taxation.

**363.**—(1) No Act of the Legislature which imposes any liability to taxation shall be such as to discriminate against British subjects domiciled in the United Kingdom or India or subjects of any Indian State, or against companies incorporated whether before or after the passing of this Act by or under the laws of the United Kingdom or British India, and any Act passed or made in contravention of this section shall, to the extent of the contravention, be invalid.

(2) Without prejudice to the generality of the foregoing provisions, an Act shall be deemed to be such as to discriminate against such persons or companies as aforesaid if it would result in any of them being liable to greater taxation than that to which they would have been liable if they were domiciled in Burma or incorporated by or under the laws of Burma, as the case may be.

Companies.

**364.**—(1) Subject to the following provisions of this chapter, a company incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom, and the members of the governing body

of any such company and the holders of its shares, stock, debentures, debenture stock, or bonds, and its officers, agents, and servants shall be deemed to comply with so much of any Act of the Legislature as imposes in regard to companies carrying on or proposing to carry on business in Burma requirements or conditions relating to or connected with—

- (a) the place of incorporation of a company or the situation of its registered office, or the currency in which its capital or loan capital is expressed ;  
or
- (b) the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of holders of its shares, stock, debentures, debenture stock, or bonds, or of its officers, agents or servants :

Provided that no company or person shall by virtue of this subsection be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the laws of the United Kingdom in regard to companies incorporated by or under the laws of Burma and carrying on or proposing to carry on business in the United Kingdom.

(2) If and in so far as any total or partial exemption from, or preferential treatment in respect of, taxation imposed on companies by or under any Act of the Legislature depends on compliance with conditions as to any of the matters mentioned in the last preceding subsection, any company incorporated by or under the laws of the United Kingdom and carrying on business in Burma shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under the laws of Burma and carrying on business in the United Kingdom does not depend on compliance with conditions as to any of the matters so mentioned.

(3) The provisions of the two last preceding subsections shall apply in relation to companies incorporated

PART XIV.  
—*cont.*

by or under the laws of British India as they apply in relation to companies incorporated by or under the laws of the United Kingdom, with the substitution for references to the United Kingdom of references to British India.

(4) Subject to the following provisions of this chapter, a British subject domiciled in the United Kingdom shall be deemed to comply with so much of any Act of the Legislature as imposes in regard to companies incorporated or proposed to be incorporated, whether before or after the passing of this Act, by or under the laws of Burma, any requirements or conditions relating to, or connected with, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company or of holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants :

Provided that no person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated or proposed to be incorporated by or under the laws of the United Kingdom on British subjects domiciled in Burma.

(5) If and in so far as, in the case of any such companies as are mentioned in the last preceding subsection, any total or partial exemption from, or preferential treatment in respect of, taxation imposed by or under any Act of the Legislature depends on compliance with conditions as to any of the matters so mentioned, then, as regards such of the members of its governing body and such of the holders of its shares, stock, debentures, debenture stock or bonds, and such of its officers, agents, or servants, as are British subjects domiciled in the United Kingdom, any such company shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under those laws does not, as regards such of the members of a company's governing body, or such of the holders



of its shares, stock, debentures, debenture stock or bonds, or such of its officers, agents, or servants, as are British subjects domiciled in Burma, depend on compliance with conditions as to any of the matters so mentioned.

PART XIV.  
--cont.

(6) The provisions of the two last preceding subsections shall apply in relation to British subjects domiciled in British India and to subjects of any Indian State as they apply in relation to British subjects domiciled in the United Kingdom, with the substitution for references to the United Kingdom of references to British India or that Indian State, as the case may be.

**365.**—(1) No ship registered in the United Kingdom shall be subjected by or under any Act of the Legislature to any treatment affecting either the ship herself, or her master, officers, crew, passengers or cargo, which is discriminatory in favour of ships registered in Burma, except in so far as ships registered in Burma are for the time being subjected by or under any law of the United Kingdom to treatment of a like character which is similarly discriminatory in favour of ships registered in the United Kingdom. Ships and aircraft.

(2) The provisions of this section shall apply in relation to ships registered in British India as they apply in relation to ships registered in the United Kingdom with the substitution for references to the United Kingdom of references to British India.

(3) This section shall apply in relation to aircraft as it applies in relation to ships.

(4) The provisions of this section are in addition to and not in derogation of the provisions of any of the preceding sections of this chapter.

**366.**—(1) Notwithstanding anything in any Act of the Legislature, companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom and carrying on business in Burma, shall be eligible for any grant, bounty or subsidy payable out of public moneys in Burma for the encouragement of any trade or industry to the same extent as companies incorporated by or under the laws of Burma are eligible therefor : Subsidies for the encouragement of trade or industry.

PART XIV.  
—*cont.*

Provided that this subsection shall not apply in relation to any grant, bounty or subsidy payable out of public moneys for the encouragement of any trade or industry, if and so long as under the law of the United Kingdom for the time being in force companies incorporated by or under the laws of Burma and carrying on business in the United Kingdom are not equally eligible with companies incorporated by or under the laws of the United Kingdom for the benefit of any grant, bounty or subsidy payable out of public moneys in the United Kingdom for the encouragement of the same trade or industry.

(2) Notwithstanding anything in this chapter, an Act of the Legislature may require, in the case of a company which at the date of the passing of that Act was not engaged in Burma in that branch of trade or industry which it is the purpose of the Act to encourage, that the company shall not be eligible for any grant, bounty or subsidy under the Act unless—

- (a) the company is incorporated by or under the laws of Burma; and
- (b) such proportion, not exceeding one half, of the members of its governing body as the Act may prescribe are British subjects domiciled in Burma; and
- (c) the company gives such reasonable facilities for the training of British subjects domiciled in Burma as may be so prescribed.

(3) For the purposes of this section a company incorporated by or under the laws of the United Kingdom shall be deemed to be carrying on business in Burma if it owns ships which habitually trade to and from ports in Burma.

(4) The foregoing provisions of this section shall apply in relation to companies incorporated by or under the laws of British India as they apply in relation to companies incorporated by or under the laws of the United Kingdom with the substitution for references to the United Kingdom of references to British India.

**367.** The foregoing provisions of this chapter shall apply in relation to any ordinance, order, byelaw, rule or regulation passed or made after the passing of this Act and having by virtue of any existing Indian or Burman law, or of any Act of the Legislature, the force of law, as they apply in relation to Acts of the Legislature, but, save as aforesaid, nothing in those provisions shall affect the operation of any existing Indian or Burman law.

PART XIV.  
—cont.  
Supple-  
mental.

**368.**—(1) If a convention is made between His Majesty's Government in the United Kingdom and the Government of Burma, whereby similarity of treatment is assured, in the United Kingdom to British subjects domiciled in Burma and to companies incorporated by or under the laws of Burma, and in Burma to British subjects domiciled in the United Kingdom and to companies incorporated by or under the laws of the United Kingdom, respectively, in respect of the matters, or any of the matters, with regard to which provision is made in the preceding sections of this chapter, His Majesty may, if he is satisfied that all necessary legislation has been enacted both in the United Kingdom and in Burma for the purpose of giving effect to the convention, by Order in Council declare that the purposes of those sections are to such extent as may be specified in the Order sufficiently fulfilled by that convention and legislation, and, while any such Order is in force, the operation of those sections shall to that extent be suspended.

Power to  
secure  
reciprocal  
treatment  
by con-  
vention.

(2) As from the establishment of the Federation of India, the provisions of subsection (1) of this section shall apply in relation to British subjects domiciled in British India and to companies incorporated by or under the laws of British India as they apply in relation to British subjects domiciled in the United Kingdom and companies incorporated by or under the laws of the United Kingdom, with the substitution for references to His Majesty's Government in the United Kingdom, and the United Kingdom, of references to the Federal Government and British India.

(3) An Order in Council under this section shall cease to have effect if and when the convention to

PART XIV. which it relates expires or is terminated by either party  
— cont. thereto.

Professional  
and  
technical  
qualifica-  
tions in  
general.

**369.**—(1) No Bill or amendment which prescribes or empowers any authority to prescribe the professional or technical qualifications which are to be requisite for any purpose in Burma shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

(2) The Governor shall not give his sanction for the purposes of the preceding subsection unless he is satisfied that the proposed legislation is so framed as to secure that no person who, immediately before the coming into operation of any disability, liability, restriction or condition to be imposed by or under that legislation, was lawfully practising any profession, carrying on any occupation, trade or business, or holding any office in Burma shall, except in so far as may be necessary in the interests of the public, be debarred from continuing to practise that profession, carry on that occupation, trade or business, or hold that office, or from doing anything in the course of that profession, occupation, trade or business, or in the discharge of the duties of that office, which he could lawfully have done if that disability, liability, restriction or condition had not come into operation.

(3) All regulations made under the provisions of any Act of the Legislature which prescribe the professional or technical qualifications which are to be requisite for any purpose in Burma, or impose by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in Burma shall, not less than four months before they are expressed to come into operation, be published in such manner as may be required by general or special directions of the Governor, and, if within two months from the date of the publication complaint is made to him that the regulations or any of them will operate unfairly as against any class of persons affected thereby, then, if he is of opinion that the complaint is well founded, he may, at any time before the regulations are expressed to come into operation,

by public notification disallow the regulations or any of them. PART XIV.  
—cont.

In this subsection the expression “regulations” includes rules, byelaws, orders and ordinances.

In the discharge of his functions under this subsection the Governor shall exercise his individual judgment.

(4) If the Governor exercising his individual judgment by public notification directs that the provisions of the last preceding subsection shall apply in relation to any existing Indian or Burman law, those provisions shall apply in relation to that law accordingly.

**370.**—(1) So long as the condition set out in subsection (3) of this section continues to be fulfilled, a British subject domiciled in the United Kingdom or Burma who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not, by or under any law in force in Burma, be excluded from practising medicine, surgery or midwifery in Burma, or from being registered as qualified so to do, on any ground other than the ground that the diploma held by him does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and he shall not be so excluded on that ground unless the law of Burma makes provision for securing—

- (a) that no proposal for excluding the holders of any particular diploma from practice or registration shall become operative until the expiration of twelve months after notice thereof has been given to the Governor and to the University or other body granting that diploma; and
- (b) that such a proposal shall not become operative or, as the case may be, shall cease to operate, if the Privy Council on an application made to them under the next succeeding subsection determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

(2) If any University or other body in the United Kingdom which grants a medical diploma, or any British

PART XIV. subject who holds such a diploma, is aggrieved by the  
—*cont.* proposal to exclude holders of that diploma from  
practice or registration in Burma, that body or person  
may make an application to the Privy Council, and the  
Privy Council, after giving to such authorities and  
persons both in Burma and in the United Kingdom as  
they think fit an opportunity of tendering evidence or  
submitting representations in writing, shall determine  
whether the diploma in question does or does not furnish  
a sufficient guarantee of the possession of the requisite  
knowledge and skill for the practice of medicine, surgery  
and midwifery, and shall notify their determination to  
the Governor, who shall communicate it to such author-  
ities, and cause it to be published in such manner, as he  
thinks fit.

(3) The condition referred to in subsection (1) of  
this section is that British subjects domiciled in Burma  
who hold a medical diploma granted after examination in  
British Burma shall not be excluded from practising  
medicine, surgery or midwifery in the United Kingdom  
or from being registered therein as qualified medical  
practitioners, except on the ground that that diploma  
does not furnish a sufficient guarantee of the possession  
of the requisite knowledge and skill for the practice of  
medicine, surgery and midwifery, and shall only be  
excluded on that ground so long as the law of the United  
Kingdom makes provision for enabling any question as  
to the sufficiency of that diploma to be referred to and  
decided by the Privy Council.

(4) A medical practitioner entitled to practise or be  
registered in Burma by virtue of a diploma granted in  
the United Kingdom, or in the United Kingdom by virtue  
of a diploma granted in British Burma, shall not in the  
practice of his profession be subjected to any liability,  
disability, restriction or condition to which persons  
entitled to practise by virtue of diplomas granted in the  
other country are not subject.

(5) The foregoing provisions of this section shall,  
subject to the modifications hereinafter mentioned, apply  
in relation to British subjects domiciled in India who, by  
virtue of medical diplomas granted to them in British  
India or the United Kingdom, are, or are entitled to be,  
registered in the United Kingdom as qualified medical

practitioners as they apply in relation to British subjects domiciled in the United Kingdom who, by virtue of medical diplomas granted in the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners. PART XIV.  
—cont.

The said modifications are as follows, that is to say,—

- (a) subsection (3) shall not apply and the reference in subsection (1) to the condition set out therein shall be deemed to be omitted;
- (b) any reference in subsection (2) or subsection (4) to the United Kingdom shall be construed as a reference to British India.

(6) Nothing in this section shall be construed as affecting any power of any recognised authority in the United Kingdom or Burma to suspend or debar any person from practice on the ground of misconduct, or to remove any person from a register on that ground.

(7) In this section the expression “diploma” includes any certificate, degree, fellowship, or other document or status granted to persons passing examinations.

**371.** A person who holds a commission from His Majesty as a medical officer in any branch of His Majesty’s forces and is on the active list shall by virtue of that commission be deemed to be qualified to practise medicine, surgery and midwifery in Burma and be entitled to be registered in Burma as so qualified. Medical officers of His Majesty’s forces.

**372.** In this chapter—

- (a) references to companies incorporated by or under the laws of Burma include references to companies incorporated by or under the laws of British India and registered in Burma, but do not include references to companies so incorporated which were registered elsewhere;
- (b) references to companies incorporated by or under the laws of British India do not include references to companies registered in Burma.

Application to certain companies.

PART XIV.  
—cont.

## CHAPTER VI.

## FINANCE.

*General.*

Meaning of  
“revenues  
of Burma.”

**373.** Subject to the provisions of this chapter with respect to the Federated Shan States and to the provisions of this Part of this Act with respect to the Burma Railway Board, the expression “revenues of Burma” includes all revenues and public moneys raised or received by the Government of Burma.

Expendi-  
ture defray-  
able out of  
revenues of  
Burma.

**374.** No burden shall be imposed on the revenues of Burma except for the purposes of Burma or some part of Burma.

Provisions  
as to the  
custody of  
public  
moneys of  
Burma.

**375.**—(1) Rules may be made by the Governor for the purpose of securing that all moneys received on account of the revenues of Burma shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the Government of Burma, and the rules so made may prescribe or authorise some person to prescribe the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matters connected with or ancillary to the matters aforesaid.

(2) In the exercise of his powers under this section the Governor shall exercise his individual judgment.

Duty of the  
Government  
of Burma to  
keep Secre-  
tary of State  
supplied  
with funds.

**376.**—(1) The Government of Burma shall secure that there are from time to time in the hands of the Secretary of State sufficient moneys to enable him to make such payments as he may have to make in respect of any liability which falls to be met out of the revenues of Burma.

(2) Without prejudice to their obligations under the preceding subsection, the Government of Burma shall secure that there are from time to time in the hands of the Secretary of State, and any High Commissioner representing the Government of Burma in the United Kingdom, sufficient moneys to enable payment to be made of all pensions payable out of the revenues of Burma in the United Kingdom or through officers accounting to the Secretary of State or to any such High Commissioner as aforesaid.



*Proceedings in the Legislature.*PART XIV.  
—cont.

**377.**—(1) The Governor shall in respect of every financial year cause to be laid before both Chambers of the Legislature a statement of the estimated receipts and expenditure of the Government of Burma for that year, in this chapter referred to as the “annual financial statement.”

Annual  
financial  
statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Part of this Act as expenditure charged upon the revenues of Burma; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of Burma,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of Burma :—

- (a) the salary and allowances of the Governor and other expenditure relating to his office for which provision is required to be made by Order in Council;
- (b) debt charges for which the Government of Burma is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (c) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the Advocate-General, and of the staff of the financial adviser;
- (d) the salaries, allowances, and pensions payable to and in respect of judges of the High Court;
- (e) expenditure for the purpose of the discharge by the Governor of his functions with respect to defence, ecclesiastical affairs, monetary policy, currency and coinage, his functions with respect

PART XIV.  
—cont.

to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to areas in Burma which are not part of the territories of His Majesty and his functions in relation to the administration of any area specified in Part I of the Eleventh Schedule to this Act: provided that the sum so charged in any year in respect of expenditure on ecclesiastical affairs shall not exceed two hundred and eighty-four thousand rupees, exclusive of pension charges;

- (f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;
- (g) any sums required to enable the Governor to pay such pensions and allowances as he in his discretion may deem suitable to members of the family or servants of any former Ruler of any territories in Burma;
- (h) any other expenditure declared by this Part of this Act or any Act of the Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of Burma shall be decided by the Governor in his discretion.

Procedure  
in Legis-  
lature with  
respect to  
estimates.

**378.**—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of Burma shall not be submitted to the vote of the House of Representatives, but nothing in this subsection shall be construed as preventing the discussion in either Chamber of the Legislature of those estimates, other than estimates relating to expenditure referred to in sub-paragraph (a) of subsection (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the House of Representatives, and the House of Representatives shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

**379.**—(1) The Governor shall authenticate by his signature a schedule specifying—

- (a) the grants made by the House of Representatives under the last preceding section ;
- (b) the several sums required to meet the expenditure charged on the revenues of Burma but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chambers :

Provided that, if the House of Representatives have refused to assent to any demand for a grant or have assented to such a demand subject to a reduction of the amount specified therein, the Governor may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before the House of Representatives but shall not be open to discussion or vote in the Legislature.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of Burma shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

**380.** If in respect of any financial year further expenditure from the revenues of Burma becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before both Chambers of the Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

**381.**—(1) A Bill or amendment making provision—

- (a) for imposing or increasing any tax ; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Government, or for amending the law with respect to any

PART XIV.  
—cont.

Authenti-  
cation of  
schedule of  
authorised  
expendi-  
ture.

Supple-  
mentary  
statements  
of expendi-  
ture.

Special pro-  
visions as to  
financial  
Bills.

## PART XIV.

—cont.

financial obligations undertaken or to be undertaken by the Government; or

- (c) for declaring any expenditure to be expenditure charged on the revenues of Burma, or for increasing the amount of any such expenditure,

shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in the Senate.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand and payment of fees for licences, or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of Burma shall not be passed by either Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.

*Borrowing.*

Borrowing powers and existing loans.

**382.**—(1) The executive authority of Burma extends to borrowing upon the security of the revenues of Burma within such limits, if any, as may from time to time be fixed by Act of the Legislature, and to the giving of guarantees within such limits, if any, as may be so fixed.

(2) Any obligations of the Local Government of Burma which, immediately before the commencement of this Part of this Act, were secured upon its revenues, shall after the said date be secured upon the revenues of Burma.

Application of Colonial Stock Acts to stocks issued by Government of Burma.

**383.**—(1) The Colonial Stock Acts, 1877 to 1900, shall, notwithstanding anything to the contrary in those Acts, apply in relation to sterling stock issued after the commencement of this Part of this Act and forming part of the public debt of Burma as they apply in relation to stock forming part of the public debt of any British Possession mentioned in those Acts, so, however, that nothing in section twenty of the Colonial Stock Act, 1877, shall be construed as compelling a person desirous of bringing proceedings to proceed in the manner therein specified and that, until Parliament otherwise determines, any conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900, shall be deemed to have been complied with with

respect to all such stock so issued by the Government of Burma. PART XIV.  
—cont.

(2) The expression “colonial stock” in section eleven of the Trusts (Scotland) Act, 1921, shall include any stock in relation to which the said Acts apply by virtue of this section.

*Audit and Accounts.*

**384.**—(1) There shall be an Auditor-General of Burma who shall be appointed by His Majesty, and shall only be removed from office in like manner and on the like grounds as a judge of the High Court. Auditor-  
General of  
Burma.

(2) The conditions of service of the Auditor-General shall be such as may be prescribed by His Majesty in Council, and he shall not be eligible for further office under the Crown in Burma after he has ceased to hold his office :

Provided that neither the salary of an Auditor-General, nor his rights in respect of leave of absence, pension or age of retirement, shall be varied to his disadvantage after his appointment.

(3) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Government of Burma as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any subsequent Act of the Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the previous sanction of the Governor in his discretion.

(4) The salary, allowances and pension payable to or in respect of an Auditor-General shall be charged on the revenues of Burma, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

**385.**—(1) The accounts of the Government of Burma shall be kept in such form as the Auditor-General of Burma may, with the approval of the Governor, prescribe. Accounts  
and audit.

(2) The reports of the Auditor-General relating to the accounts of the Government of Burma shall be submitted to the Governor who shall cause them to be laid before the Legislature.

PART XIV.  
—*cont.*

(3) If His Majesty in Council makes provision requiring the Auditor of Indian Home Accounts to perform in relation to Burma all or any of the functions which he performs in relation to India—

- (a) any payments required by the Order to be made in respect of his services from the revenues of Burma shall be so made and shall be charged on those revenues;
- (b) any reports submitted by the Auditor of Indian Home Accounts to the Auditor-General of Burma shall be included by the Auditor-General in the reports which under this chapter he is required to submit to the Governor, or to the Secretary of State.

*Federated Shan States.*

Provisions  
as to the  
Federated  
Shan States.

**386.**—(1) Until His Majesty in Council makes other provision, there shall continue to be a Federal Fund of the Federated Shan States under the control of the Governor in his discretion.

(2) His Majesty may by Order in Council—

- (a) require contributions to be made to the said Fund out of the revenues of, or accruing in, the States comprised within the Federated Shan States;
- (b) require payments (representing the share of the annual receipts of the Government of Burma on revenue account properly allocable to the said States) to be made from time to time out of the revenues of Burma to the said Fund;
- (c) require payments (representing the share of the annual general expenses of the Government of Burma properly allocable to the said States) to be made from time to time out of the said Fund to the revenues of Burma; and
- (d) make such other provision (including provision with respect to borrowing) as he thinks fit with respect to the manner in which the said Fund is to be dealt with.

(3) Any payments to be made under paragraph (b) of the last preceding subsection shall be charged on the revenues of Burma, and the amounts thereof and of

any payments to be made under paragraph (c) of the said subsection shall be shown in the financial statements required by this chapter to be laid before the Burma Legislature but, save as aforesaid, nothing in this Part of this Act shall be construed as requiring any statement of payments into or out of the Federal Fund to be laid before that Legislature.

(4) Such accounts shall be kept in respect of the receipts and expenditure of the said Fund as the Auditor-General of Burma may, with the approval of the Governor in his discretion, prescribe, and the said accounts shall be audited by, or on behalf of, the Auditor-General of Burma, who shall make annual reports thereon to the Secretary of State.

## CHAPTER VII.

## THE BURMA RAILWAY BOARD.

**387.**—(1) The executive authority of Burma in respect of the regulation and the construction, maintenance and operation of railways in Burma shall be exercised by a Railway Board (hereinafter referred to as “the Board”).

Executive authority in respect of railways to be exercised by Railway Board.

(2) The said executive authority extends to the carrying on in connection with any railways operated by the Board of such other undertakings as either were being carried on in connection therewith by or on behalf of the Governor-General in Council immediately before the commencement of this Part of this Act, or as the Board may be authorised to carry on after the commencement of this Part of this Act by or under any Act of the Legislature.

(3) Notwithstanding anything in this section, the Government and its officers shall perform in regard to the construction, equipment and operation of railways, such functions for securing the safety both of members of the public and of persons operating the railways, including the holding of inquiries into the causes of accidents, as in the opinion of the Government should be performed by persons independent of the Board.

So much of chapter IX of this Part of this Act as provides that powers in relation to the railway services of Burma shall be exercised by the Board shall not apply in relation to officers of the Government employed in the performance of any of the functions mentioned in this subsection.

## PART XIV.

—cont.

Composition  
&c. of Rail-  
way Board.

**388.**—(1) The Board shall consist of a President and eight other members.

(2) The person who for the time being is, or is acting as, the chief executive officer of the railways operated by the Board (who shall be called the chief railway commissioner) shall be President of the Board.

The said chief railway commissioner shall be a person with experience of railway administration, and shall be appointed, and may at any time be removed from office, by the Governor in his discretion.

(3) Of the eight other members of the Board two shall be—

(a) a financial member, being a person with special experience of finance, who shall be appointed, and may at any time be removed from office, by the Governor exercising his individual judgment;

(b) the person who for the time being is, or is acting as, the secretary to the Government of Burma in the department which for the time being deals with the subject of railways.

The six other members of the Board are in this Part of this Act called the non-official members.

(4) Subject as aforesaid, the provisions of the Fifteenth Schedule to this Act, as supplemented or amended by any Act of the Legislature, shall have effect with respect to the appointment, qualifications and conditions of service of members of the Board, and with respect to its proceedings and its liability to income tax :

Provided that no Bill or amendment for supplementing or amending the said Schedule shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

Directions  
and prin-  
ciples to be  
observed  
by Railway  
Board.

**389.**—(1) The Board in discharging its functions under this Act shall act on business principles, due regard being had by it to the interests of agriculture, industry, commerce and the general public, and in particular shall make proper provision for meeting out of its receipts on revenue account all expenditure to which such receipts are applicable under the provisions of this chapter.



(2) In the discharge of its said functions the Board shall be guided by such instructions on questions of policy as may be given to it by the Government.

PART XIV.  
—cont.

If any dispute arises under this subsection between the Government and the Board as to whether a question is or is not a question of policy, the decision of the Governor in his discretion shall be final.

(3) The provisions of subsection (1) of this section shall apply in relation to the discharge by the Government of their functions with respect to railways as they apply in relation to the functions of the Board, but nothing in this subsection shall be construed as limiting the powers of the Governor under the next succeeding subsection.

(4) The provisions of this Part of this Act relating to the special responsibilities of the Governor, and to his duty as regards certain matters to exercise his functions in his discretion or to exercise his individual judgment, shall apply as regards matters entrusted to the Board as if the executive authority of Burma in regard to those matters were vested in him, and as if the functions of the Board as regards those matters were the functions of ministers, and the Governor may issue to the Board such directions as he may deem necessary as regards any matter which appears to him to involve any of his special responsibilities, or as regards which he is by or under this Act required to act in his discretion or to exercise his individual judgment, and the Board shall give effect to any directions so issued to it.

**390.**—(1) The Governor exercising his individual judgment, but after consultation with the Board, may make rules for the more convenient transaction of business arising out of the relations between the Government and the Board.

Conduct of  
business  
between  
Railway  
Board and  
Govern-  
ment.

(2) The rules shall include provisions requiring the Board to transmit to the Government all such information with respect to its business as may be specified in the rules, or as the Governor may otherwise require to be so transmitted and, in particular, provisions requiring the Board to bring to the notice of the Governor any matter under consideration by the Board which involves, or appears to it likely to involve, any special responsibility of the Governor.

## PART XIV.

—cont.

Acquisition  
and sale of  
land by, and  
contracts  
and liabili-  
ties of, the  
Railway  
Board.

**391.**—(1) Except in such classes of case as may be specified in regulations to be made by the Government, the Board shall not acquire or dispose of any land and, when it is necessary for the Board to acquire compulsorily any land for the purposes of its functions, the Government shall cause that land to be acquired on its behalf and at its expense.

(2) Contracts made by or on behalf of the Board shall be enforceable by or against the Board and not by or against the Government, and, subject to any provision which may hereafter be made by the Legislature, the Board may sue and be sued in the like manner and in the like cases as a company operating a railway might sue and be sued.

Finance of  
the Railway  
Board.

**392.**—(1) The Board shall establish, maintain and control a fund (which shall be known as the “ Railway Fund ”) and all moneys received by the Board, whether on revenue account or on capital account, in the discharge of its functions and all moneys provided, whether on revenue account or capital account, out of the revenues of Burma to enable it to discharge those functions shall be paid into that Fund, and all expenditure, whether on revenue account or on capital account, required for the discharge of its functions shall be defrayed out of that Fund:

Provided that nothing in this subsection shall prevent the Board from establishing and maintaining a separate provident fund for the benefit of persons who are or have been employed in connection with railways operated by the Board.

(2) The receipts of the Board on revenue account in any financial year shall be applied in—

- (a) defraying the working expenses of the railways operated by the Board;
- (b) paying pensions and contributions to any provident fund;
- (c) paying to the revenues of Burma an amount equal to so much of any pensions and contributions to provident funds charged by this Part of this Act on those revenues and so much of any pensions charged by this Act on the revenues of the Federation of India, as is attributable to service on railways in Burma;

- (d) making due provision for maintenance, renewals, improvements and depreciation of and on the railways operated by the Board; PART XIV.  
—cont.
- (e) making to the revenues of Burma any payments by way of interest which it is required by this chapter to make; and
- (f) defraying other expenses properly chargeable against revenue in that year.

(3) Any surpluses on revenue account shown in the accounts of the Board shall be apportioned between the Government and the Board in accordance with a scheme to be agreed between the Government and the Board, or, in default of agreement, determined by the Governor exercising his individual judgment, and any sum apportioned to the Government under this subsection shall be transferred accordingly and shall form part of the revenues of Burma.

(4) The Government may provide any moneys, whether on revenue account or capital account, for the purposes of the Board, but, where any moneys are so provided, the provision thereof shall be deemed to be expenditure and shall accordingly be shown as such in the estimates of expenditure laid before the Chambers of the Legislature.

(5) The Board shall, on such conditions as may be agreed, entrust all its money which is not immediately needed to the bank to which the balances of the Government of Burma are entrusted, and employ that bank as its agents for all transactions in Burma relating to remittances, exchange and banking.

**393.**—(1) There shall be deemed to be owing from the Board to the Government of Burma such sum as may be agreed between the Government of Burma and the Board, or, in default of agreement, determined by the Governor in his discretion, to be equivalent to the amount of the moneys provided out of the revenues of Burma, or, before the commencement of this Part of this Act, out of the revenues of India, for capital purposes in connection with railways in Burma, and the Board shall out of its receipts on revenue account pay to the Government interest on that amount at such rate as may be so agreed or determined, and also make payments in reduction of the

Provisions  
as to certain  
obligations  
of the Rail-  
way Board.

PART XIV. principal of that amount in accordance with any  
—cont. repayment scheme so agreed or determined.

For the purposes of this subsection, where the Secretary of State in Council has assumed or incurred any obligation in connection with railways in Burma, he shall be deemed to have provided for the said purposes an amount equal to the capital value of that obligation as shown in the accounts of the Government of India immediately before the commencement of this Part of this Act.

Nothing in this subsection shall be construed as preventing the Board from making payments to the Government of Burma in reduction of the principal of any such amount as aforesaid out of moneys other than receipts on revenue account.

(2) It shall be an obligation to the Board to repay to the Government any sums defrayed out of the revenues of Burma in respect of any debt, damages, costs or expenses in or in connection with any proceedings brought or continued by or against the Government of Burma or against the Secretary of State under chapter x of this Part of this Act in respect of railways in Burma.

(3) It shall be an obligation of the Board to pay to the Government such sum as may be agreed, or, in default of agreement, determined by the Governor exercising his individual judgment, to be the equivalent of the expenses incurred by the Government in the provision of police required for the maintenance of order on the premises of railways operated by the Board.

Investment  
of funds  
of Railway  
Board.

**394.** Subject to such conditions, if any, as may be prescribed by the Government, the Board may from time to time invest any moneys in the railway fund or a provident fund which are not for the time being required to meet expenses properly defrayable out of that fund and may, subject as aforesaid, from time to time transfer and realise investments so made by it.

Special pro-  
visions as to  
certain  
existing  
funds.

**395.**—(1) There shall be deemed to be owing by the Government of Burma to the Board such sum as may be declared by His Majesty in Council to represent the amount of the existing railway funds attributable to the railways in Burma, but no sum shall be paid by the Government of Burma to the Board in respect of the money so deemed

to be owing except in respect of expenses of the Board which could if this Act had not been passed have properly been met out of the said funds respectively. PART XIV.  
—cont.

(2) The Government of Burma shall credit the Board with interest on the amount from time to time deemed to be owing under subsection (1) of this section at such rate as may from time to time be agreed between the Government and the Board or as may, in default of agreement, be from time to time determined by the Governor in his discretion, and any interest so credited shall be treated as an addition to the sum deemed to be owing under the said subsection.

(3) In this section “the existing railway funds” means the funds known respectively as the railway provident fund, the railway reserve fund and the railway depreciation fund which immediately before the commencement of this Part of this Act were held by, or were shown in the accounts of the Government of India as held by, the Governor-General in Council.

**396.**—(1) The accounts of the receipts and expenditure of the Board shall be audited and certified by, or on behalf of, the Auditor-General. Audit and  
annual  
reports.

(2) The Board shall publish annually a report of its operations during the preceding year and a statement of accounts in a form approved by the Auditor-General.

**397.** The Governor may from time to time appoint a Railway Rates Committee to advise the Board in connection with any dispute between the Board and persons using, or desiring to use, the railways operated by the Board as to rates or traffic facilities which he may require the Board to refer to the Committee. Railway  
Rates  
Committee.

**398.** A Bill or amendment making provision for regulating the rates or fares to be charged on any railway shall not be introduced or moved in either Chamber of the Legislature except on the recommendation of the Governor. Bills and  
amend-  
ments for  
regulating  
rates and  
fares to re-  
quire recom-  
mendation  
of Governor.

#### CHAPTER VIII.

#### THE HIGH COURT.

**399.**—(1) The High Court at Rangoon (in this Part of this Act called the High Court) shall continue, and Constitu-  
tion of  
High Court.

PART XIV. shall be a court of record, and shall consist of a chief  
—*cont.* justice and such number of other judges as His Majesty  
may deem it necessary to appoint :

Provided that the judges so appointed, together with any additional judges appointed by the Governor in accordance with the following provisions of this chapter, shall at no time exceed in number such maximum number as His Majesty in Council may fix.

(2) Every judge of the High Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty years :

Provided that—

- (a) a judge may by resignation under his hand addressed to the Governor resign his office ;
  - (b) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.
- (3) A person shall not be qualified for appointment as a judge of the High Court unless he—
- (a) is a barrister of England or Northern Ireland of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing ; or
  - (b) is a member of the Indian Civil Service or the Burma Civil Service (Class I) of at least ten years' standing, who has for at least three years served as, or exercised the powers of, a district judge ; or
  - (c) has for at least five years held judicial office in Burma not inferior to that of a district judge or judge of the small cause court of Rangoon ; or
  - (d) has for at least ten years been an advocate of the High Court :

Provided that a person shall not, unless he is, or when first appointed to judicial office was, a barrister, a

member of the Faculty of Advocates or an advocate of the High Court, be qualified for appointment as chief justice of the High Court until he has served for not less than three years as a judge of the High Court.

PART XIV.  
—*cont.*

In computing for the purpose of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been an advocate, any period during which he has held judicial office after he became a barrister, a member of the Faculty of Advocates or an advocate, as the case may be, shall be included.

(4) Every person appointed to be a judge of the High Court shall, before he enters upon his office, make and subscribe before the Governor or some person appointed by him an oath according to the form set out in that behalf in the Fourteenth Schedule to this Act.

**400.** The judges of the High Court shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave of absence and pensions, as may from time to time be fixed by His Majesty in Council:

Salaries, &c.  
of judges.

Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment.

**401.**—(1) If the office of chief justice of the High Court becomes vacant, or if the chief justice is by reason of absence, or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the chief justice has resumed his duties, as the case may be, be performed by such one of the other judges of the court as the Governor may in his discretion think fit to appoint for the purpose.

Temporary  
and  
additional  
judges.

(2) If the office of any other judge of the High Court becomes vacant, or if any such judge is appointed to act temporarily as chief justice, or is by reason of absence, or for any other reason, unable to perform the duties of his office, the Governor may in his discretion appoint a person duly qualified for appointment as a judge to act as a judge of the court, and the person so

**PART XIV.** appointed shall, unless the Governor in his discretion  
—*cont.* thinks fit to revoke his appointment, be deemed to be a judge of the court, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the permanent judge has resumed his duties.

(3) If, by reason of any temporary increase in the business of the High Court or by reason of arrears of work in that Court, it appears to the Governor that the number of the judges of the Court should be for the time being increased, the Governor in his discretion may, subject to the foregoing provisions of this chapter with respect to the maximum number of judges, appoint persons duly qualified for appointment as judges to be additional judges of the Court for such period not exceeding two years as he may specify.

Jurisdiction  
of High  
Court.

**402.** Subject to the provisions of this Part of this Act, to the provisions of any Order in Council made under this or any other Act and to the provisions of any Act of the Legislature, the jurisdiction of, and the law administered in, the High Court and the respective powers of the judges thereof in relation to the administration of justice in the court, including any power to make rules of court, and to regulate the sittings of the court and of members thereof sitting alone or in division courts, shall be the same as immediately before the commencement of this Part of this Act.

Adminis-  
trative  
functions  
of High  
Court.

**403.**—(1) The High Court has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say :—

- (a) call for returns ;
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts ;
- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts ; and
- (d) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts :



Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the Governor.

PART XIV.  
—cont.

(2) Nothing in this section shall be construed as giving to the High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision.

**404.**—(1) Until otherwise provided by Act of the Legislature, the High Court shall not have any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage or practice of the country, or the law for the time being in force.

Jurisdiction  
in revenue  
matters.

(2) A Bill or amendment for making such provision as aforesaid shall not be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

**405.**—(1) In addition to any other right of appeal, there shall, subject to the provisions of section twenty of the Judicial Committee Act, 1833 (which relates to the time for appealing), be a right of appeal to His Majesty in Council from any decision of the High Court on the ground that a question of law with respect to the interpretation of this Part of this Act, or any Order in Council made thereunder, has been wrongly decided.

Additional  
appeal to  
His Majesty  
as respects  
interpreta-  
tion of this  
Act.  
3 & 4 Will. 4.  
c. 41.

(2) Nothing in this Part of this Act shall be construed as authorising the Legislature to derogate from any prerogative right of His Majesty to grant special leave to appeal in any case.

**406.** All proceedings in the High Court shall be in the English language.

Proceedings in  
High Court to  
be in English.

**407.**—(1) The administrative expenses of the High Court, including all salaries, allowances and pensions payable to or in respect of judges, officers and servants of the Court, shall be charged upon the revenues of Burma, and any fees or other moneys taken by the Court shall form part of those revenues.

Expenses  
of High  
Court.

(2) The Governor shall exercise his individual judgment as to the amount to be included in respect of

PART XIV. such expenses as aforesaid in any estimates of expenditure  
—*cont.* laid by him before the Legislature.

(3) Nothing in this Part of this Act shall render a pension payable to, or in respect of, a judge of the High Court who retired before the commencement of this Part of this Act chargeable upon the revenues of Burma.

Saving.

408. Any judge appointed before the commencement of this Part of this Act to the High Court shall continue in office and shall be deemed to have been appointed under this chapter, but shall not by virtue of this Act be required to relinquish his office at an earlier age than he would have been required so to do if this Act had not been passed.

#### CHAPTER IX.

#### THE SERVICES OF THE CROWN IN BURMA.

##### *Defence Services.*

Control of His Majesty as to defence appointments.

409.—(1) His Majesty in Council may require that appointments to such offices connected with defence as he may specify shall be made by him, or in such manner as he may direct.

(2) Nothing in this section derogates from any power vested in His Majesty by virtue of any Act, or by virtue of his Royal Prerogative.

Eligibility for commissions in Burman forces.

410. The power of His Majesty, and of any person authorised in that behalf by His Majesty, to grant commissions in any naval, military or air forces raised in Burma extends to the granting of a commission in any such force to any person who might be, or has been, lawfully enlisted or enrolled in that force.

Control of Secretary of State with respect to conditions of service.

411. Without prejudice to the generality of the powers conferred on him by this Part of this Act, the Secretary of State, acting with the concurrence of his advisers, may from time to time specify what rules, regulations and orders affecting the conditions of service of all or any of His Majesty's forces in Burma shall be made only with his previous approval.

412. Nothing in this Part of this Act affects any right of appeal which members of His Majesty's forces in Burma enjoyed immediately before the passing of this Act, and the Secretary of State may entertain any such memorial from a member of those forces as the Secretary of State, or the Secretary of State in Council, might previously have entertained.

PART XIV.

—cont.

Saving of  
rights of  
appeal.

413. Any sums payable out of the revenues of Burma in respect of pay, allowances, pensions or other sums payable to, or in respect of, persons who are serving, or have served, in His Majesty's forces shall be charged on those revenues, but nothing herein contained shall be construed as limiting the interpretation of the general provisions of this Part of this Act charging on the said revenues expenditure with respect to defence.

Pay, &c., of  
members of  
forces to be  
charged on  
revenues of  
Burma.

414. The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's forces, hold, or have held, posts in Burma connected with the equipment or administration of those forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those forces.

Provision as  
to certain  
civilian  
personnel.

#### *General Provisions as to Civil Services.*

415.—(1) Except as expressly provided by this Part of this Act, every person who is a member of a civil service of the Crown in Burma, or holds any civil post under the Crown in Burma, holds office during His Majesty's pleasure.

Tenure of  
office of  
persons  
employed  
in civil  
capacities  
in Burma.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided that this subsection shall not apply—

- (a) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

PART XIV.  
—cont.

(b) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

(4) Notwithstanding that a person holding a civil post under the Crown in Burma holds office during His Majesty's pleasure, any contract under which a person, not being a member of a civil service of the Crown in Burma, is appointed under this Act to hold such a post may, if the Governor deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

Recruit-  
ment and  
conditions  
of service.

**416.**—(1) Except as expressly provided by this Part of this Act, appointments to the civil services of, and civil posts under, the Crown in Burma, shall, after the commencement of this Part of this Act, be made by the Governor or such person as he may direct.

(2) Except as expressly provided by this Part of this Act, the conditions of service of persons serving His Majesty in a civil capacity in Burma shall, subject to the provisions of this section, be such as may be prescribed by rules made by the Governor or some person authorised by him to make rules for the purpose :

Provided that it shall not be necessary to make rules regulating the conditions of service of persons appointed temporarily on the terms that their employment may be terminated on one month's notice or less, and nothing in this subsection shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class.

(3) The said rules shall be so framed as to secure—

(a) that, in the case of a person who before the commencement of this Part of this Act was

PART XIV.  
—cont.

serv<sup>g</sup> His Majesty in a civil capacity in India or Burma, no order which alters or interprets to his disadvantage any rule by which his conditions of service are regulated shall be made except by an authority in Burma which would have been competent to make such an order on the eighth day of March, nineteen hundred and twenty-six, or by some person empowered by the Secretary of State to give directions in that respect;

(b) that every such person as aforesaid shall have the same rights of appeal to the same authorities from any order which—

(i) punishes or formally censures him; or

(ii) alters or interprets to his disadvantage any rule by which his conditions of service are regulated; or

(iii) terminates his appointment otherwise than upon his reaching the age fixed for superannuation,

as he would have had immediately before the commencement of this Part of this Act, or such similar rights of appeal to such corresponding authorities as may be directed by the Secretary of State, or by some person empowered by the Secretary of State to give directions in that respect;

(c) that every other person serving His Majesty in a civil capacity in Burma shall have at least one appeal against any such order as aforesaid, not being an order of the Governor.

(4) Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the Legislature may regulate the conditions of service of persons serving His Majesty in a civil capacity in Burma, and any rules made under this section shall have effect subject to the provisions of any such Act:

Provided that nothing in any such Act shall have effect so as to deprive any person of any rights required to be given to him by the provisions of the last preceding subsection.

PART XIV.  
—cont.

(5) No rules made under this section and no Act of the Legislature shall be construed to limit or abridge the power of the Governor to deal with the case of any person serving His Majesty in a civil capacity in Burma in such manner as may appear to him to be just and equitable :

Provided that, where any such rule or Act is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule or Act.

Application  
of preceding  
section to  
railway  
services and  
officials of  
High Court.

417.—(1) In its application to appointments to, and to persons serving in, the railway services, the last preceding section shall have effect as if for any reference to the Governor in subsections (1), (2) and (5) there were substituted a reference to the Railway Board.

(2) In framing rules for the regulation of recruitment to superior railway posts, the Railway Board shall consult the Public Service Commission, but, save as aforesaid, it shall not be obligatory on the Board to consult with, or otherwise avail themselves of the services of, the Commission.

(3) In its application to appointments to, and to persons serving on, the staff attached to the High Court, the said section shall have effect as if for any reference to the Governor in subsections (1), (2) and (5) there were substituted a reference to the chief justice :

Provided that—

(a) the Governor may in his discretion require that in such cases as he may in his discretion direct no person not already attached to the court shall be appointed to any office connected with the court save after consultation with the Public Service Commission ;

(b) rules made under the said subsection (2) by the chief justice shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor.

Special  
provisions  
as to police.

418. Notwithstanding anything in the foregoing provisions of this chapter, the conditions of service of the subordinate ranks of the police forces shall be such as may be determined by or under the Acts relating to those forces respectively.

*Recruitment by Secretary of State and provisions as to certain civil posts.*PART XIV.  
—cont.

**419.**—(1) There shall be civil services in Burma corresponding to the Indian Civil Service and the Indian Police Service, which shall be known respectively as the Burma Civil Service (Class 1) and the Burma Police (Class 1), and appointment to those services shall, until Parliament otherwise determines, be made by the Secretary of State.

Services recruited by the Secretary of State.

(2) Until Parliament otherwise determines, the Secretary of State may also make appointments to any service or services which at any time he may deem it necessary to establish in Burma for the purpose of securing the recruitment of suitable persons to fill civil posts in connection with the discharge of any functions of the Governor which the Governor is by or under this Act required to exercise in his discretion.

(3) The respective strengths of the said services shall be such as the Secretary of State may from time to time prescribe, and the Secretary of State shall in each year cause to be laid before each House of Parliament a statement of the appointments made thereto and the vacancies therein.

(4) It shall be the duty of the Governor to keep the Secretary of State informed as to the operation of this and the next succeeding section, and he may after the expiration of such period as he thinks fit make recommendations for the modification thereof.

In discharging his functions under this subsection, the Governor shall act in his discretion.

**420.** Until Parliament otherwise determines, the Secretary of State may appoint persons to any civil medical service of, or civil medical post under, the Crown in Burma.

Power of Secretary of State to make medical appointments in Burma.

**421.** Until Parliament otherwise determines, the Secretary of State may for the purpose of securing efficiency in irrigation or the prevention of flooding, appoint persons to any civil service of, or civil post under, the Crown in Burma concerned with those matters.

Special provision as to irrigation.

PART XIV.  
—cont.  
Reserved  
posts.

**422.**—(1) The Secretary of State shall make rules specifying the number and character of the civil posts under the Crown (other than posts in connection with any functions of the Governor which the Governor is by or under this Act required to exercise in his discretion), which, subject to the provisions of this subsection, are to be filled by persons appointed by the Secretary of State to a civil service of, or a civil post under, the Crown in Burma, and except under such conditions as may be prescribed in the rules no such post shall, without the previous sanction of the Secretary of State—

- (a) be kept vacant for more than three months; or
- (b) be filled otherwise than by the appointment of such a person as aforesaid; or
- (c) be held jointly with any other such post.

(2) Appointments and postings to the said posts (hereafter in this chapter referred to as “ reserved posts ”) shall be made by the Governor, exercising his individual judgment.

(3) All rules made under this section shall, so soon as may be after they are made, be laid before each House of Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.

Conditions  
of service,  
pensions,  
&c., of  
persons  
recruited by  
Secretary of  
State.

**423.**—(1) The conditions of service of all persons appointed to a civil service or a civil post in Burma by the Secretary of State shall—

- (a) as respects pay, leave and pensions and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;
- (b) as respects other matters with respect to which express provision is not made by this chapter, be such as may be prescribed by rules to be made by the Secretary of State, in so far as he thinks fit to make such rules, and, in so far and



so long as provision is not made by such rules, by rules to be made by the Governor or some person authorised by the Governor to make rules for the purpose :

PART XIV.  
—cont.

Provided that no rule made under this subsection shall have effect so as to give to any person appointed to a civil service or civil post by the Secretary of State less favourable terms as respects remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post.

(2) Any promotion of any person appointed to a civil service or a civil post by the Secretary of State or any order relating to leave of not less than three months of any such person, or any order suspending any such person from office, shall be made by the Governor, exercising his individual judgment.

(3) If any such person as aforesaid is suspended from office, his remuneration shall not, during the period of his suspension, be reduced except to such extent, if any, as may be directed by the Governor, exercising his individual judgment.

(4) Any salary, allowances or pension payable to, or in respect of any such person as aforesaid, and Government contributions in respect of any such person as aforesaid to any pension fund or provident fund, shall be charged on the revenues of Burma :

Provided that, if any such person is serving in connection with the railways in Burma, so much only of his salary and allowances shall be charged on the revenues of Burma as is not paid out of the Railway Fund.

(5) No award of a pension less than the maximum pension allowable under rules made under this section shall be made, except in each case with the consent of the Secretary of State.

(6) No rules made under this section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in Burma in such manner as may appear to him to be just and equitable, and no rules made under this section by any person other than the Secretary of State shall be construed to limit or abridge the power of the Governor to deal with the case of any

PART XIV. such person in such manner as may appear to him to be  
—*cont.* just and equitable :

Provided that, where any rule made under this section is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule.

Rights in  
respect of  
complaints,  
appeals, &c.

424.—(1) If any person appointed to a civil service or a civil post by the Secretary of State is aggrieved by an order made by any authority in Burma affecting his conditions of service and on due application to the person by whom the order was made does not receive the redress to which he considers himself entitled, he may, without prejudice to any other mode of obtaining redress, complain to the Governor, and the Governor shall examine into the complaint and cause such action to be taken thereon as appears to him exercising his individual judgment to be just and equitable.

(2) No order made by any authority in Burma which punishes or formally censures any such person as aforesaid, or affects adversely his emoluments or rights in respect of pension, or decides adversely to him the subject-matter of any memorial, shall be made except by the Governor, exercising his individual judgment.

(3) Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary of State against any order made by any authority in Burma which punishes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.

(4) Any sums ordered to be paid out of the revenues of Burma to or in respect of any such person as aforesaid on an appeal made under this section shall be charged on those revenues.

Compensa-  
tion.

425.—(1) If by reason of anything done under this chapter the conditions of service of any person appointed to a civil service or a civil post in Burma by the Secretary of State have been adversely affected, or if for any other reason it appears to the Secretary of State that compensation ought to be granted to, or in respect of, any such person, he or his representatives shall be entitled to receive from the revenues of Burma

such compensation as the Secretary of State may consider just and equitable. PART XIV.  
—cont.

(2) Any sum payable under this section from the revenues of Burma shall be charged on those revenues.

(3) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section in no way prohibit expenditure by the Governor from the revenues of Burma by way of compensation to persons who are serving or have served His Majesty in Burma in cases to which those provisions do not apply.

*Provision as to persons appointed by Secretary of State in Council, persons holding reserved posts and commissioned officers in civil employment.*

426.—(1) Subject to the provisions of this section, the provisions of the four last preceding sections and any rules made thereunder shall apply in relation to any person who was appointed before the commencement of this Part of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in Burma as they apply in relation to persons appointed to a civil service or civil post by the Secretary of State. Application of four last preceding sections to persons appointed by Secretary of State in Council, and certain other persons.

(2) Subject to the provisions of this section, the said sections and rules shall, in such cases and with such exceptions and modifications as the Secretary of State may decide, also apply to any person who—

- (a) not being a person appointed as aforesaid by the Secretary of State or the Secretary of State in Council, holds or has held a reserved post; or
- (b) holds or has held any civil post under the Crown in Burma and is, or was when he was first appointed to such a post or to a civil post under the Crown in India, an officer in His Majesty's forces.

(3) In relation to any person who was appointed before the commencement of this Part of this Act to a civil service of, or to a civil post under, the Crown in Burma, the provision contained in the sections aforesaid that no rule as to conditions of service shall have effect so as to give to any person less favourable terms as regards remuneration or pension than were given to him by the rules in force on the date on which

**PART XIV.** he was first appointed to his service or was appointed  
—*cont.* to his post, shall be construed as a provision that no such rule shall have effect so as to give to any person less favourable terms as respects the said matters than were given to him by the rules in force immediately before the coming into operation of the rule.

(4) In its application by virtue of this section to persons serving in the railway services of Burma, the second of the four last preceding sections (which relates to the conditions of service, pensions, &c., of persons recruited by the Secretary of State) shall have effect as if for any reference to the Governor in paragraph (b) of subsection (1) thereof and in subsections (2), (3) and (6) thereof there were substituted a reference to the Railway Board.

(5) Any liability of the Government of Burma to or in respect of any person appointed before the commencement of this Part of this Act to a civil service of, or a civil post under, the Crown in Burma, being a liability to pay a pension granted to or in respect of any such person as aforesaid, or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall, notwithstanding anything in this Part of this Act, be deemed, for the purposes of the provisions of chapter x of this Part of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of this Part of this Act.

(6) Nothing in this section shall be construed as charging on the revenues of Burma any pensions payable to or in respect of any person to whom this section applies who retired from the service of His Majesty before the commencement of this Part of this Act.

*Special Provisions as to Judicial Officers.*

Judges of  
the High  
Court.

**427.**—(1) The foregoing provisions of this chapter shall not apply to the judges of the High Court :

Provided that—

(a) for the purposes of this section a member of any of the civil services of the Crown in Burma who is acting temporarily as a judge of the High Court shall not be deemed to be a judge of that court;

- (b) nothing in this section shall be construed as preventing the Orders in Council relating to the salaries, leave and pensions of judges of the High Court from applying to such of those judges as were, before they were appointed judges, members of a civil service of the Crown in Burma or India, such of the rules relating to that service or the corresponding service in Burma as may appear to His Majesty to be properly applicable in relation to them.

PART XIV.  
—cont.

(2) Any liability of the Government of Burma to or in respect of any person who is at the commencement of this Part of this Act a judge of the High Court, being a liability to pay a pension granted to or in respect of any such person as aforesaid, or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall, notwithstanding anything in this Part of this Act, be deemed, for the purposes of the provisions of chapter x of this Part of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of this Part of this Act.

428.—(1) Appointments of persons to be, and the posting and promotion of, district judges in Burma shall be made by the Governor, exercising his individual judgment, and the High Court shall be consulted before a recommendation as to the making of any such appointment is submitted to the Governor.

District  
judges, &c.

(2) A person not already in the service of His Majesty shall only be eligible to be appointed a district judge if he has been for not less than five years a barrister, a member of the Faculty of Advocates, or an advocate and is recommended by the High Court for appointment.

(3) In this and the next succeeding section the expression “ district judge ” includes district and sessions judge, sessions judge, chief judge of the small cause court, Rangoon, additional district and sessions judge, additional district judge and additional sessions judge.

429.—(1) The Governor shall, after consultation with the Public Service Commission and with the High Court, make rules defining the standard of qualifications

Subordin-  
ate civil  
judicial  
service.

PART XIV. to be attained by persons desirous of entering a sub-  
—cont. ordinate civil judicial service.

In this section the expression "subordinate civil judicial service" means a service consisting of persons intended to fill civil judicial posts in Burma subordinate to that of district judge.

(2) The Public Service Commission, after holding such examinations, if any, as the Governor may think necessary, shall from time to time out of the candidates for appointment to a subordinate civil judicial service make a list or lists of the persons whom they consider fit for appointment, and appointments shall be made by the Governor from the persons included in the list or lists.

(3) The posting and promotion of, and the grant of leave to, persons belonging to a subordinate civil judicial service and holding any post inferior to the post of district judge, shall be in the hands of the High Court, but nothing in this section shall be construed as taking away from any such person the right of appeal required to be given to him by the foregoing provisions of this chapter, or as authorising the High Court to deal with any such person otherwise than in accordance with the conditions of his service prescribed thereunder.

In this subsection the expression "promotion" does not include promotion from one service to another.

Subordinate  
criminal  
magistracy.

430. No recommendation shall be made for the grant of magisterial powers or of enhanced magisterial powers to, or the withdrawal of any magisterial powers from, any person save after consultation with the district magistrate of the district in which he is working.

*Special Provisions as to Burma Frontier Service.*

Burma  
Frontier  
Service.

431.—(1) Appointments to the Burma Frontier Service shall be made by the Governor in his discretion, and in relation to persons who are or have been members of that service the powers of the Governor under this chapter shall be exercised by him in his discretion.

(2) Except so far as the Governor in his discretion otherwise directs, no Act of the Legislature for regulating the conditions of service of persons serving His Majesty in

a civil capacity in Burma shall apply in relation to persons who are members of the Burma Frontier Service.

PART XIV.  
—cont.

(3) Any salaries, allowances or pensions payable to or in respect of any persons who are or have been members of the Burma Frontier Service, and any Government contributions in respect of any such person to any pension fund or provident fund, shall be charged on the revenues of Burma.

*Provisions for the protection of certain existing officers.*

**432.**—(1) No civil post in Burma which, immediately before the commencement of this Part of this Act, was a post in, or a post required to be held by some member of, a Central Service Class I, a Central Service Class II, a Railway Service Class I, a Railway Service Class II, or a Provincial Service, shall, if the abolition thereof would adversely affect any person who immediately before the said date was a member of any such service, be abolished, except by the Governor, exercising his individual judgment.

Provision  
for protec-  
tion of  
existing  
officers of  
certain  
services.

(2) No rule or order affecting adversely the pay, allowances or pensions payable to, or in respect of, a person appointed before the commencement of this Part of this Act to a Central Service Class I, a Railway Service Class I or a Provincial Service, and no order upon a memorial submitted by any such person, shall be made except by the Governor, exercising his individual judgment.

(3) In relation to any person mentioned in this section who was appointed to a civil service of, or civil post under, the Crown in Burma by the Secretary of State or the Secretary of State in Council, or is an officer in His Majesty's forces, the foregoing provisions of this section shall have effect as if for the reference to the Governor there was substituted a reference to the Secretary of State.

**433.**—(1) The salary and allowances of any person who was appointed before the first day of April, nineteen hundred and twenty-four, otherwise than by the Secretary of State in Council, to a service or a post which at any time between that date and the commencement of

Provisions  
as to  
certain per-  
sons serving  
in or  
before 1924.

**PART XIV.** this Part of this Act was classified as a superior service  
—*cont.* or post shall be charged on the revenues of Burma :

Provided that, if any such person as aforesaid is serving in connection with the railways in Burma, so much only of his salary and allowances shall be charged on the revenues of Burma as is not paid out of the Railway Fund.

(2) Any pension payable to or in respect of any such person as aforesaid, and any government contributions to any provident fund or pensions fund in respect of any such person, shall be charged on the revenues of Burma.

(3) Nothing in this section shall be construed as charging on the revenues of Burma any pension payable to or in respect of any person who retired from the service of His Majesty before the commencement of this Part of this Act.

General provisions as to persons retiring before commencement of this Part of this Act.

**434.**—(1) Any pension payable to or in respect of any person who, having been appointed to a civil service of, or a civil post under, the Crown in Burma, retired from the service of His Majesty before the coming into operation of this Act shall be paid out of the revenues of Burma, if it would have been payable by the Local Government of Burma if this Act had not been passed :

Provided that nothing in this subsection shall apply to any pension which is charged on or payable out of the revenues of the Federation of India.

(2) There shall be paid to the Federation out of the revenues of Burma and charged on those revenues such sums as may be required to make good to the revenues of the Federation any liability in respect of any pension charged on or payable out of the revenues of the Federation which would, if this Act had not been passed, have been a liability of the Local Government of Burma.

*Miscellaneous provisions as to civil services.*

Application to members of Indian services serving in Burma.

**435.** In this chapter references to persons appointed to a civil service of the Crown in Burma include references to persons appointed before the commencement of this Part of this Act to a civil



service of the Crown in India who were, before that date, serving in Burma and continue so to serve, and the requirement that no person shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed shall, in relation to any such person appointed by any authority in India, be construed as a requirement that he shall not be so dismissed by any authority subordinate to such authority in Burma as the Governor may, in his discretion, decide to correspond to the authority by which he was appointed.

PART XIV.  
—*cont.*

**436.** The powers conferred by the provisions of this chapter on the Secretary of State (other than powers in relation to defence services) shall not be exercisable by him except with the concurrence of his advisers and the advisers of the Secretary of State appointed under the provisions of this Act relating to India.

Secretary of State to act with concurrence of his advisers.

*Public Service Commission.*

**437.**—(1) There shall be a Public Service Commission, the chairman and other members whereof shall be appointed by the Governor in his discretion :

Composition, staff and expenses of Public Service Commission.

Provided that at least one-half of the members of the Public Service Commission shall be persons who, at the dates of their respective appointments, have held office for at least ten years under the Crown in Burma or India.

(2) The Governor in his discretion may by regulations—

- (a) determine the number of members of the Commission, their tenure of office, and their conditions of service;
- (b) make provision with respect to the numbers of staff of the Commission and their conditions of service.

(3) On ceasing to hold office—

- (a) the chairman of the Commission shall be ineligible for further employment under the Crown in Burma;

PART XIV.  
—*cont.*

(b) no other member of the Commission shall be eligible for any other appointment under the Crown in Burma without the approval of the Governor in his discretion.

(4) The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the revenues of Burma.

Functions  
of Public  
Service  
Commis-  
sion.

**438.**—(1) It shall be the duty of the Public Service Commission to conduct examinations for appointments to civil services.

(2) The Secretary of State, as respects services and posts to which appointments are made by him, and the Governor in his discretion as respects other services and posts, may make regulations specifying the matters on which either generally, or in any particular class of case, or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted, but, subject to regulations so made, the Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and for civil posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers;
- (c) on all disciplinary matters affecting a person serving His Majesty in a civil capacity in Burma, including memorials or petitions relating to such matters;
- (d) on any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of Burma;

- (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in a civil capacity in Burma, and any question as to the amount of any such award;
- (f) on any claim by a person serving His Majesty in a civil capacity in Burma that his conditions of service have been adversely affected by the separation of Burma from India,

PART XIV.  
—cont.

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter which the Governor in his discretion may refer to them.

(3) Nothing in this section shall require the Public Service Commission to be consulted, in the case of the subordinate ranks of the various police forces in Burma, as respects any of the matters mentioned in paragraphs (a), (b) and (c) of subsection (2) of this section.

**439.** Subject to the provisions of this section, an Act of the Legislature may provide for the exercise of additional functions by the Public Service Commission:

Power to extend functions of Public Service Commission.

Provided that—

- (a) no Bill or amendment for the purpose aforesaid shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion; and
- (b) it shall be a term of every such Act that the functions conferred by it shall not, except with the consent of the Secretary of State, be exercisable in relation to any person appointed to a service or a post by the Secretary of State or by the Secretary of State in Council, any officer in His Majesty's forces, or any holder of a reserved post.

#### *Chaplains.*

**440.** The Secretary of State may appoint chaplains to minister in Burma, and the foregoing provisions of this Part of this Act shall, with any necessary modifications, apply in relation to the chaplains in Burma

Provisions as to chaplains.

**PART XIV.** appointed by him or by the Secretary of State in Council  
—*cont.* as they apply in relation to members of the civil services  
in Burma to which appointments are made by the  
Secretary of State.

*General.*

Eligibility  
for office  
under the  
Crown in  
Burma of  
persons who  
are not  
British  
subjects.

**441.** Subject to any express provision of this Act, no person who is not a British subject shall be eligible to hold any office under the Crown in Burma :

Provided that the Governor, exercising his individual judgment may—

- (a) declare that a native of any specified area in Burma (not being part of British Burma) or of any specified Indian State or territory adjacent to India shall be eligible to hold any civil office in or in connection with the affairs of Burma, being an office specified in the declaration ;
- (b) authorise the temporary employment for any purpose of a person who is not a British subject.

Indemnity  
for past  
acts.

**442.**—(1) No proceedings civil or criminal shall be instituted in Burma against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the commencement of this Part of this Act, except with the consent of the Governor in his discretion.

(2) Any civil or criminal proceedings instituted in Burma, whether before or after the commencement of this Part of this Act, against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the said date shall be dismissed unless the court is satisfied that the acts complained of were not done in good faith, and, where any such proceedings are dismissed, the costs incurred by the defendant shall, in so far as they are not recoverable from the persons instituting the proceedings, be charged on the revenues of Burma.

**443.**—(1) No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in Burma by section one hundred and ninety-seven of the Indian Code of Criminal Procedure, or by sections eighty to eighty-two of the Indian Code of Civil Procedure shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

PART XIV.  
—cont.  
Protection of public servants against prosecutions and suits in Burma.

(2) The powers conferred upon the Local Government by the said section one hundred and ninety-seven with respect to the sanctioning of prosecutions and the determination of the court before which, the person by whom and the manner in which a public servant is to be tried, shall be exercisable only by the Governor exercising his individual judgment:

Provided that nothing in this subsection shall be construed as restricting the power of the Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in subsection (1) of this section.

(3) Where a civil suit is instituted against a public officer, within the meaning of that expression as used in the Indian Code of Civil Procedure, in respect of any act purporting to be done by him in his official capacity, the whole or any part of the costs incurred by him and of any damages or costs ordered to be paid by him shall, if the Governor, exercising his individual judgment, so directs, be defrayed out of and charged on the revenues of Burma.

**444.** Any pension payable to or in respect of a person who—

(a) before the commencement of this Part of this Act had served His Majesty in India, Burma or Aden, or elsewhere under the Governor-General in Council; or

(b) after the commencement of this Part of this Act—

(i) serves in Burma as an officer of His Majesty's forces; or

(ii) is appointed to a civil service of, or to an office or post under, the Crown in Burma by His Majesty or the Secretary of State; or

(iii) holds a reserved post;

Provisions as to payment of certain pensions, and exemption of those pensions from taxation in Burma.

PART XIV. shall, if the person to whom the pension is payable is  
 —*cont.* residing permanently outside Burma, be paid on behalf of the Government of Burma by, or in accordance with arrangements made with, the Secretary of State and be exempt from all taxation imposed by or under any existing Indian or Burman law or any law of the Legislature.

Persons not to be disqualified by sex for holding certain offices in Burma.

445. A person shall not be disqualified by sex for being appointed to any civil service of, or civil post under, the Crown in Burma other than such a service or post as may be specified by any general or special order made by the Secretary of State in relation to appointments made by him, or by the Governor in relation to other appointments.

Transitional provisions.

446. Until other provision is made under the appropriate provisions of this Part of this Act, any rules made under the Government of India Act relating to the civil services of, or civil posts under, the Crown in India which were in force immediately before the commencement of this Part of this Act, shall, notwithstanding the repeal of that Act, continue in force in Burma so far as consistent with this Act, and shall be deemed to be rules made under the appropriate provisions of this Act.

Interpretation, &c.

447.—(1) In this chapter—

the expressions “Central Service Class I,” “Central Service Class II,” “Railway Service Class I,” “Railway Service Class II” and “Provincial Service” mean respectively the services which were, immediately before the passing of this Act, so described respectively in the classification rules then in force under section ninety-six B of the Government of India Act;

references to dismissal from His Majesty’s service include references to removal from His Majesty’s service.

(2) The inclusion in this chapter of provisions expressly requiring the Governor to exercise his individual judgment with respect to any matter shall not be construed as derogating from his special responsibility for the securing to, and to the dependants of, persons who

are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests. PART XIV.  
—cont.

## CHAPTER X.

## PROPERTY, CONTRACTS, LIABILITIES AND SUITS.

**448.**—(1) Lands and buildings in Burma which immediately before the commencement of this Part of this Act were vested in His Majesty for the purposes of the government of India shall, as from that date, vest in His Majesty for the purposes of the government of Burma. Provisions  
as to  
existing  
Government  
property.

(2) Any property which immediately before the commencement of this Part of this Act was vested in His Majesty for the purposes of the government of India and either was then situate in Burma or, by virtue of any delegation from the Secretary of State in Council or otherwise, was then in the possession or under the control of, or held on account of, the Local Government of Burma, shall, as from the commencement of this Part of this Act, vest in His Majesty for the purposes of the government of Burma :

Provided that this subsection does not apply in relation to any military equipment, stores, money, bank balances or other property held in connection with His Majesty's Indian forces stationed in Burma (not being forces raised in Burma).

(3) All credits and debits of the Local Government of Burma in account with the Governor-General of India in Council shall be deemed to be credits and debits of the government of Burma.

(4) Arrears of any taxes outstanding in Burma immediately before the commencement of this Part of this Act shall be deemed to be due to and may be recovered by the government of Burma.

(5) In this section " property " does not include any land or buildings, but includes moneys, securities, bank balances, and movable property of any description.

**449.**—(1) The executive authority of Burma shall extend, subject to any Act of the Legislature, to the Power to  
acquire

PART XIV. grant, sale, disposition or mortgage of any property  
 —cont. vested in His Majesty for the purposes of the government  
 property of Burma and to the purchase or acquisition of property  
 and to on behalf of His Majesty for those purposes, and to the  
 make making of contracts :  
 contracts, &c.

Provided that an official residence of the Governor shall not be sold or diverted to other use, except with the concurrence of the Governor in his discretion.

(2) All property acquired for the purposes of the government of Burma shall vest in His Majesty for those purposes.

(3) Subject to the provisions of this Part of this Act with respect to the Railway Board, all contracts made in the exercise of the executive authority of Burma shall be expressed to be made by the Governor, and all such contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor by such persons and in such manner as he may direct or authorise.

(4) Neither the Governor nor the Secretary of State shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Part of this Act, or for the purposes of the Government of India Act or of any Act repealed thereby, nor shall any person making or executing any such contract or assurance on behalf of either of them be personally liable in respect thereof.

Suits and proceedings.

**450.**—(1) The Government of Burma may sue and be sued by the name of the Government of Burma, and, without prejudice to the provisions of the next succeeding section, may, subject to any provisions which may be made by Act of the Legislature, sue or be sued in relation to their affairs in the like cases as the Secretary of State in Council might have sued or been sued if this Act had not been passed.

(2) Rules of court may provide that, where the Government of Burma or the Railway Board sue or are sued in the United Kingdom, service of all proceedings may be effected upon such person in the United Kingdom as may be designated in the rules as the person on whom service of such proceedings is to be effected.



**451.**—(1) Any contract made before the commencement of this Part of this Act by, or on behalf of, the Secretary of State in Council shall as from that date, if it was made solely in connection with the affairs of Burma, have effect as if it had been made on behalf of the Government of Burma, and references in any such contract to the Secretary of State in Council shall be construed accordingly.

PART XIV.  
—*cont.*  
Rights and  
liabilities  
of Secretary  
of State in  
Council.

(2) Any proceedings relating to contracts or liabilities solely in connection with the affairs of Burma which, if this Act had not been passed, might have been brought against the Secretary of State in Council may, in the case of any liability arising before the commencement of this Part of this Act or arising under any contract or statute made or passed before that date, be brought against the Government of Burma, or, at the option of the person by whom the proceedings are brought, against the Secretary of State.

The provisions of this subsection shall apply with respect to proceedings arising under any contract declared by the terms thereof to be supplemental to any such contract as is mentioned therein as they apply in relation to the contracts so mentioned.

(3) If at the commencement of this Part of this Act any legal proceedings are pending in the United Kingdom or Burma to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council.

(4) Any contract made in respect of the affairs of Burma by or on behalf of the Secretary of State after the commencement of this Part of this Act may provide that any proceedings under that contract shall be brought in the United Kingdom by or against the Secretary of State, and any such proceedings may be brought accordingly.

(5) Any sum ordered to be paid by way of debt, damages or costs, and any costs or expenses incurred in, or in connection with, any proceedings mentioned in this section by the Secretary of State, the Secretary of State in Council or the Government of Burma shall be paid out of the revenues of Burma.

(6) Nothing in this section shall be construed as imposing any liability upon the Exchequer of the United

PART XIV. Kingdom in respect of any debt, damages, costs or  
—*cont.* expenses in or in connection with any proceedings  
brought or continued by or against the Secretary of  
State by virtue of this section, or as applying in relation  
to any liabilities which are by this Act made liabilities of  
the revenues of the Federation.

## CHAPTER XI.

MISCELLANEOUS PROVISIONS AS TO RELATIONS WITH  
INDIA.

Financial  
settlement  
as between  
India and  
Burma.

**452.** Whereas it may appear that the distribution of property and liabilities effected by this Act as between India and Burma may result in an undue burden on the revenues of the Federation, His Majesty in Council may, if he thinks it just so to do, make provision for the payment to the revenues of the Federation out of the revenues of Burma, and for the charging on the revenues of Burma, of such periodical or other sums as may appear to him to be proper.

Provisions  
as to  
Customs  
duties on  
India-  
Burma  
Trade.

**453.** With a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma and with a view to safeguarding the economic interests of Burma during that period, His Majesty may by Order in Council give such directions as he thinks fit for those purposes with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma, and with respect to ancillary and related matters.

Relief in  
respect of tax  
on income tax-  
able both in  
India and  
Burma.

**454.** His Majesty in Council may make provision for the grant of relief from any Burman tax on income in respect of income taxed or taxable by or under the law of the Federation of India.

Provisions  
as to  
monetary  
system.

**455.** His Majesty in Council may make such provision with respect to the monetary system of Burma and matters connected therewith or ancillary thereto as he thinks fit and in particular, but without prejudice to the generality of this section, such provision as may appear to him to be necessary or proper for the purpose of giving effect to any arrangements with respect to the said matters made before the commencement of this Part of

this Act with the approval of the Secretary of State by the Governor of Burma in Council.

PART XIV.  
—cont.

**456.** His Majesty may by Order in Council direct that, during such period as may be specified in the Order, immigration into Burma from India shall be subject to such restrictions as may be specified in the Order (being such restrictions as may have been mutually agreed before the commencement of this Part of this Act between the Governor of Burma in Council and the Governor-General of India in Council and approved by the Secretary of State, or in default of agreement as may have been prescribed by the Secretary of State), and no other restrictions :

Provisions  
as to immi-  
gration  
from  
India.

Provided that any such Order may be varied by a subsequent Order in Council in such manner as appears to His Majesty necessary to give effect to any agreement in that behalf made after the commencement of this Part of this Act by the Governor with the Governor-General of India or the Governor-General of India in Council.

#### CHAPTER XII.

#### PROVISIONS IN EVENT OF FAILURE OF CONSTITUTIONAL MACHINERY.

**457.**—(1) If at any time the Governor is satisfied that a situation has arisen in which the government of Burma cannot be carried on in accordance with the provisions of this Part of this Act, he may by Proclamation—

Power of  
Governor  
to issue  
Proclama-  
tions.

- (a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;
- (b) assume to himself all or any of the powers vested in or exercisable by any body or authority in Burma;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable to give effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any body or authority in Burma :

PART XIV.  
—*cont.*

Provided that nothing in this subsection shall authorise the Governor to assume to himself any of the powers vested in or exercisable by the High Court, or to suspend, either in whole or in part, the operation of any provisions of this Part of this Act relating to the High Court.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this section—

(a) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(b) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months:

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

(4) If the Governor, by a Proclamation under this section, assumes to himself any power of the Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the Legislature, and any reference in this Act to Acts of the Legislature shall be construed as including a reference to such a law.

(5) The functions of the Governor under this section shall be exercised by him in his discretion.

## CHAPTER XIII.

## PROVISIONS AS TO SECRETARY OF STATE.

Advisers to  
Secretary  
of State.

458.—(1) There shall be not more than three persons, to be appointed from time to time by the Secretary of State, whose duty it shall be to advise the Secretary of

State on any matter relating to Burma on which he may desire their advice. PART XIV.  
—cont.

(2) One at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be a person who has held office for at least ten years under the Crown in Burma and has not last ceased to perform in Burma official duties under the Crown more than two years before the date of his appointment as an adviser under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment :

Provided that—

- (a) any person so appointed may by writing under his hand resign his office to the Secretary of State;
- (b) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year and also to any of them who at the date of his appointment was domiciled in Burma a subsistence allowance of six hundred pounds a year.

(6) Subject to the provisions of this Act relating to the functions of the Secretary of State with respect to the public services in Burma, it shall be in the discretion of the Secretary of State whether or not he consults with his advisers on any matter, and, if so, whether he consults with them collectively or with one or more of them individually, and whether or not he acts in accordance with any advice given to him by them.

PART XIV.  
—*cont.*

(7) Any provision of this Part of this Act which requires that the Secretary of State shall obtain the concurrence of any body of advisers shall be deemed to be satisfied if at a meeting of those advisers he obtains the concurrence of at least one half of those present at the meeting, or if such notice and opportunity for objection as may be prescribed has been given to those advisers and none of them has required that a meeting shall be held for discussion on the matter.

In this subsection “prescribed” means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of the advisers the concurrence of at least one-half of those present at the meeting.

Contributions from revenues of Burma to expenses of Secretary of State in certain circumstances.

**459.**—(1) There shall be charged on and paid out of the revenues of Burma into the Exchequer such periodical or other sums as may from time to time be agreed between the Governor and the Treasury in respect of so much of the expenses of the Department of the Secretary of State as is attributable to the performance on behalf of the Government of Burma of such functions as it may be agreed between the Secretary of State and the Governor that that department should so perform.

(2) Nothing in this Part of this Act shall be construed as imposing upon the revenues of Burma any liability in respect of the salary of the Secretary of State or, subject to the provisions of subsection (1) of this section, any liability in respect of the expenses of his department.

(3) Any expenses incurred with the consent of the Treasury by the Secretary of State for the purposes of this Part of this Act shall be defrayed out of moneys provided by Parliament.

## CHAPTER XIV.

## MISCELLANEOUS.

Power of His Majesty to delimit boundaries of Burma.

**460.** His Majesty in Council may from time to time declare any territory to be within or without Burma.

Provision as to pardon.

**461.** Nothing in this Part of this Act shall derogate from the right of His Majesty to grant pardons, reprieves, respites or remissions of punishment.

**462.**—(1) No subject of His Majesty domiciled in Burma shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in Burma, or be prohibited by any law of Burma on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in Burma.

PART XIV.  
—*cont.*

Persons not to be subjected to disability by reason of race, religion, &c.

(2) Nothing in this section shall affect the operation of any law which—

(a) prohibits either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or

(b) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

(3) Nothing in this section shall be construed as derogating from the special responsibility of the Governor for the safeguarding of the legitimate interests of minorities.

**463.**—(1) No person shall be deprived of his property in Burma save by authority of law.

Compulsory acquisition of land, &c.

(2) The Legislature shall not have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined.

(3) No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the

**PART XIV.** Legislature without the previous sanction of the Governor  
—*cont.* in his discretion.

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

(5) In this section “land” includes immovable property of every kind and any rights in or over such property, and “undertaking” includes part of an undertaking.

Protection for certain rights, privileges and pensions.

**464.**—(1) The executive authority of Burma shall not be exercised, save on an order of the Governor in the exercise of his individual judgment, so as to derogate from any grant or confirmation of title of or to land, or of or to any right or privilege in respect to land or land revenue, being a grant or confirmation made for services rendered.

(2) No pension granted or customarily payable in Burma before the commencement of this Part of this Act by the Governor-General in Council or the Local Government of Burma on political considerations or compassionate grounds shall be discontinued or reduced, otherwise than in accordance with any grant or order regulating the payment thereof, save on an order of the Governor, exercising his individual judgment, and any sum required for the payment of any such pension shall be charged on the revenues of Burma.

(3) Nothing in this section affects any remedy for a breach of any condition on which a grant was made.

Courts of appeal in revenue matters.

**465.** No member of the Legislature shall be a member of any tribunal having jurisdiction to entertain appeals or revise decisions in revenue cases.

Existing law to continue in force.

**466.** Notwithstanding the repeal of the Government of India Act, but subject to the provisions of this Part of this Act, all the law in force in Burma immediately before the commencement of this Part of this Act shall continue in force in Burma until altered or repealed or amended by the Legislature or other competent authority.

Adaptation of existing laws.

**467.** His Majesty may by Order in Council to be made at any time after the passing of this Act provide that as from such date as may be specified in the Order



any law in force in Burma shall, until repealed or amended by the Legislature or other competent authority, have effect subject to such adaptations and modifications as appear to His Majesty to be consequential on the separation of India and Burma.

PART XIV.  
—cont.

In this section the expression "law" does not include an Act of Parliament, but includes any ordinance, order, byelaw, rule or regulation having in Burma the force of law.

**468.**—(1) If the Governor in his discretion thinks fit to direct that there shall be a High Commissioner for Burma in the United Kingdom, the Governor, exercising his individual judgment, may appoint a person to be High Commissioner and prescribe his salary and conditions of service.

High Com-  
missioner  
for Burma.

(2) The High Commissioner shall perform on behalf of the Government of Burma and the Railway Board such functions in connection with the business of that Government and Board, and, in particular, such functions in relation to the making of contracts, as the Governor may from time to time direct.

(3) The provisions of chapter IX of this Part of this Act (which relates to the services in Burma) shall apply in relation to appointments to and to persons serving on the staff of the High Commissioner for Burma as if the service of the members of his staff were service rendered in Burma.

**469.**—(1) The Governor shall have his own secretarial staff to be appointed by him in his discretion.

Secretarial  
staff of  
Governor of  
Burma.

(2) The salaries and allowances of persons so appointed and the office accommodation and other facilities to be provided for them shall be such as the Governor may in his discretion determine, and the said salaries and allowances and the expenses incurred in providing the said accommodation and facilities shall be charged on the revenues of Burma.

**470.** No proceedings whatsoever shall lie in, and no process whatsoever shall issue from, any court in Burma against the Governor or against the Secretary of State, whether in a personal capacity or otherwise, and, except with the sanction of His Majesty in

No proceed-  
ings to lie  
against  
Governor or  
Secretary of  
State.

**PART XIV.** Council, no proceedings whatsoever shall lie in any court in Burma against any person who has been the Governor or the Secretary of State, in respect of anything done or omitted to be done by either of them during his term of office in performance or purported performance of the duties thereof:

—*cont.*

Provided that nothing in this section shall be construed as restricting the right of any person to bring against the Government of Burma or the Secretary of State such proceedings as are mentioned in chapter x of this Part of this Act.

Removal of certain disqualifications on the occasion of the first elections to Legislature.

**471.** For the purposes of the first elections of persons to serve as members of the Legislature, no person shall be subject to any disqualification by reason only of the fact that he holds—

- (a) an office of profit as a non-official member of the Executive Council of the Governor of Burma or as a Minister in the Province of Burma;
- (b) an office which is not a whole-time office remunerated either by salary or by fees.

Procedure as respects proposals for amendment of certain provisions of Act and Orders in Council.

**472.**—(1) If at any time after the expiration of ten years from the commencement of this Part of this Act the Legislature, on motions proposed in each Chamber by a minister on behalf of the council of ministers, pass a resolution recommending any such amendment of this Act or of an Order in Council made thereunder as is hereinafter mentioned, and on motions proposed in like manner present to the Governor an address for submission to His Majesty praying that His Majesty may be pleased to communicate the resolution to Parliament, the Secretary of State shall, within six months after the resolution is so communicated, cause to be laid before both Houses of Parliament a statement of any action which it may be proposed to take thereon.

The Governor when forwarding any such resolution and address to the Secretary of State shall transmit therewith a statement of his opinion as to the proposed amendment and, in particular, as to the effect which it would have on the interests of any minority, together with a report as to views of any minority likely to be affected by the proposed amendment and as to whether

a majority of the representatives of that minority in the Legislature support the proposal, and the Secretary of State shall cause such statement and report to be laid before Parliament.

PART XIV.  
—cont.

In performing his duties under this subsection, the Governor shall act in his discretion.

(2) The amendments referred to in the preceding subsection are—

- (a) any amendment of the provisions relating to the composition of the Legislature or the method of choosing or the qualifications of the members thereof;
- (b) any amendment of the provisions relating to the qualifications entitling persons to vote at elections.

(3) His Majesty in Council may at any time before or after the commencement of this Part of this Act, whether or not ten years have elapsed from the commencement of this Part of this Act, and whether or not any such address as is mentioned in this section has been submitted to His Majesty, make in the provisions of this Act any such amendment as is referred to in subsection (2) of this section :

Provided that, if no such address has been submitted to His Majesty, then, before the draft of any order which it is proposed to submit to His Majesty is laid before Parliament, the Secretary of State shall, unless it appears to him that the proposed amendment is of a minor or drafting nature, take such steps as His Majesty may direct for ascertaining the views of the Government and the Legislature and of any minority likely to be affected by the proposed amendment, and whether a majority of the representatives of that minority in the Legislature support the proposal.

**473.** His Majesty may, by Order in Council—

- (a) direct that the whole or any specified part of any of the areas specified in Part I of the Eleventh Schedule to this Act shall be deemed to be, or be part of, an area specified in Part II of that Schedule;

Power of  
His Majesty  
to amend  
the Eleventh  
Schedule.

PART XIV.  
—cont.

- (b) direct that the whole or any specified part of an area specified in Part II of the said Schedule shall be deemed not to be, or not to be part of, an area specified in that Schedule;
- (c) alter, but only by way of rectification of boundaries, any of the areas specified in that Schedule;
- (d) on any alteration of the boundaries of Burma or of His Majesty's territories therein, declare any territory not previously included in that Schedule to be, or to be part of, an area specified in Part I or in Part II of that Schedule;

and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary or proper.

Power of His Majesty in Council to remove difficulties as respects Burma.

**474.**—(1) Whereas difficulties may arise in relation to the transition in Burma from the provisions of the Government of India Act to the provisions of Part XIV of this Act :

And whereas the nature of those difficulties and of the provision which should be made for meeting them cannot at the date of the passing of this Act be fully foreseen :

Now therefore, for the purpose of facilitating the said transition, His Majesty may by Order in Council—

- (a) direct that this Act and any provisions of the Government of India Act still in force shall in Burma, during such limited period as may be specified in the Order, have effect subject to such adaptations and modifications as may be so specified;
- (b) make, with respect to a limited period so specified, such temporary provision as he thinks fit for ensuring that, while the said transition is being effected and during the period immediately following it, there are available to the Government of Burma sufficient revenues to enable its business to be carried on; and
- (c) make such other temporary provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Order.

(2) No Order in Council shall be made under this section after the expiration of six months from the commencement of this Part of this Act. PART XIV.  
—cont.

**475.**—(1) Any power conferred by this Part of this Act on His Majesty in Council shall be exercisable only by Order in Council, and subject as hereinafter provided, the Secretary of State shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty to make in Council under any provision of this Part of this Act, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Order may be made either in the form of the draft, or with such amendments as both Houses of Parliament may have agreed to recommend to His Majesty: Orders in  
Council.

Provided that, if at any time when Parliament is dissolved or prorogued or when both Houses of Parliament are adjourned for more than fourteen days, the Secretary of State is of opinion that on account of urgency an Order in Council should be made under this Part of this Act forthwith, it shall not be necessary for a draft of the Order to be laid before Parliament, but the Order shall cease to have effect at the expiration of twenty-eight days from the date on which the Commons House first sits after the making of the Order unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

(2) His Majesty in Council may by a subsequent Order, made in accordance with the provisions of the preceding subsection, revoke or vary any Order previously made by him in Council under this Part of this Act.

(3) Nothing in this section applies to any Order of His Majesty in Council made in connection with any appeal to His Majesty in Council, or to any Order of His Majesty in Council sanctioning the taking of proceedings against a person who has been the Governor or the Secretary of State.

**476.**—(1) In this Part of the Act, unless the context otherwise requires, the following expressions have the Interpre-  
tation.

PART XIV. meanings hereby respectively assigned to them, that is to  
 --cont. say—

- “ Burma ” includes (subject to the exercise by His Majesty of any powers vested in him with respect to the alteration of the boundaries thereof) all territories which were immediately before the commencement of this Part of this Act comprised in India, being territories lying to the east of Bengal, the State of Manipur, Assam, and any tribal areas connected with Assam ;
- “ British Burma ” means so much of Burma as belongs to His Majesty ;
- “ borrow ” includes the raising of money by the grant of annuities and “ loan ” shall be construed accordingly ;
- “ debt ” includes any liability in respect of any obligation to repay capital sums by way of annuities, and any liability under any guarantee, and “ debt charges ” shall be construed accordingly ;
- “ existing Indian or Burman law ” means any law, ordinance, order, byelaw, rule or regulation (as in force in Burma) passed or made before the commencement of this Part of this Act by any legislature, authority or person in any territories for the time being comprised in India, being a legislature, authority or person having power to make such a law ;
- “ Local Government ” means the local government of Burma within the meaning of the Government of India Act or any Act repealed by that Act in force at the relevant time ;
- “ pension ” in relation to persons in, or formerly in, the service of the Crown in India or Burma means a pension whether contributory or not, of any kind whatsoever payable to or in respect of any such person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund ;

- “ public notification ” means a notification in the official Gazette of Burma; PART XIV.  
—cont.
- “ railway ” includes a tramway not wholly within a municipal area;
- “ securities ” include stock;
- “ taxation ” includes the imposition of any tax or impost whether general or local or special, and “ tax ” shall be construed accordingly.

(2) Any reference in this Part of this Act to Acts of the Legislature shall be construed as including a reference to an Ordinance made by the Governor or a Governor's Act.

(3) Any reference in this Part of this Act to Acts of Parliament shall be construed as including a reference to any Order in Council made under Part XII of this Act for making in any such Act adaptations and modifications appearing to be necessary or expedient in consequence of the provisions of this Act, and any power of the Legislature to amend or repeal an Act of Parliament shall extend to the amendment or repeal of any such Order.

(4) References in this Act to the taking of an oath include references to the making of an affirmation.

(5) As respects the period elapsing between the commencement of Part III of this Act and the establishment of the Federation of India, any reference in this Part of this Act to the Federation shall be construed as a reference to British India, the Governor-General in Council or the Governor-General as the context and the circumstances may require, and any reference to the Governor-General shall, if the circumstances so require, be construed as including a reference to the Governor-General in Council.

## PART XV.

### COMMENCEMENT, REPEALS, &c.

477.—(1) Part II of this Act shall come into force on such date as His Majesty may appoint by the Proclamation establishing the Federation and the date so Commence-  
ment.

**PART XV.** appointed is the date referred to in this Act as the date  
—*cont.* of the establishment of the Federation.

(2) The remainder of this Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint and the said date is the date referred to in this Act as the commencement of Part III of this Act and referred to in Part XIV of this Act as the commencement of that Part.

(3) If it appears to His Majesty in Council that it will not be practicable or convenient that all the provisions of this Act which are under the foregoing provisions of this section to come into force on a date therein mentioned should come into operation simultaneously on that date, His Majesty in Council may, notwithstanding anything in this section, fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

Repeals.

**478.** The Government of India Act shall be repealed and the other Acts mentioned in the Sixteenth Schedule to this Act shall also be repealed to the extent specified in the third column of that Schedule :

Provided that—

(a) nothing in this section shall affect the Preamble to the Government of India Act, 1919 ;

(b) without prejudice to any other provisions of this Act and to the provisions of the Interpretation Act, 1889, relating to the effect of repeals, this repeal shall not affect any appointment made under any enactment so repealed to any office, and any such appointment shall have effect as if it were an appointment to the corresponding office under this Act.

9 & 10  
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## SCHEDULES.

## FIRST SCHEDULE.

Sections  
5, 18, 308.

## COMPOSITION OF THE FEDERAL LEGISLATURE.

## PART I.

## REPRESENTATIVES OF BRITISH INDIA.

*General Qualification for Membership.*

1. A person shall not be qualified to be chosen as a representative of British India to fill a seat in the Federal Legislature unless he—

- (a) is a British subject, or the Ruler or a subject of an Indian State which has acceded to the Federation; and
- (b) is, in the case of a seat in the Council of State, not less than thirty years of age and, in the case of a seat in the Federal Assembly, not less than twenty-five years of age; and
- (c) possesses such, if any, of the other qualifications specified in, or prescribed under, this Part of this Schedule as may be appropriate in his case:

Provided that the Ruler or a subject of an Indian State which has not acceded to the Federation—

- (i) shall not be disqualified under sub-paragraph (a) of this paragraph to fill a seat allocated to a Province if he would be eligible to be elected to the Legislative Assembly of that Province; and
- (ii) in such cases as may be prescribed, shall not be disqualified under the said sub-paragraph (a) to fill a seat allocated to a Chief Commissioner's Province.

2. Upon the expiration of the term for which he is chosen to serve as a member of the Federal Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

1st Ser.  
— cont.

*The Council of State.*

3. Of the one hundred and fifty-six seats in the Council of State to be filled by representatives of British India one hundred and fifty seats shall be allocated to the Governors' Provinces, the Chief Commissioners' Provinces and the Anglo-Indian, European and Indian Christian communities in the manner shown in division (i) of the relevant Table of Seats appended to this Part of this Schedule, and six seats shall be filled by persons chosen by the Governor-General in his discretion.

4. To each Governor's Province, Chief Commissioner's Province and community specified in the first column of division (i) of the Table there shall be allotted the number of seats specified in the second column opposite to that Province or community, and of the seats so allotted to a Governor's Province or a Chief Commissioner's Province, the number specified in the third column shall be general seats, the number specified in the fourth column shall be seats for representatives of the scheduled castes, the number specified in the fifth column shall be Sikh seats, the number specified in the sixth column shall be Muhammadan seats, and the number specified in the seventh column shall be seats reserved for women.

5. A Governor's Province or a Chief Commissioner's Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

- (a) for the election of persons to fill the general seats, if any;
- (b) for the election of persons to fill the Sikh seats, if any; and
- (c) for the election of persons to fill the Muhammadan seats, if any,

or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

To each territorial constituency of any class one or more seats of that class shall be assigned.

6.—(1) No person shall be entitled to vote at an election to fill a Sikh seat or a Muhammadan seat in the Council of State unless he is a Sikh or a Muhammadan, as the case may be.

(2) No person who is, or is entitled to be, included in the electoral roll for a territorial constituency in any Province for the election of persons to fill a Sikh seat or a Muhammadan seat

in the Council of State shall be entitled to vote at an election to fill a general seat therein allotted to that Province.

1ST SCH.  
—cont.

(3) No Anglo-Indian, European or Indian Christian shall be entitled to vote at an election to fill a general seat in the Council of State.

(4) Subject as aforesaid, the qualifications entitling persons to vote in territorial constituencies at elections of members of the Council of State shall be such as may be prescribed.

7. Nothing in the two last preceding paragraphs shall apply in relation to British Baluchistan, and a person to fill the seat in the Council of State allotted to that Province shall be chosen in such manner as may be prescribed.

8. In any Province to which a seat to be filled by a representative of the scheduled castes is allotted, a person to fill that seat shall be chosen by the members of those castes who hold seats in the Chamber or, as the case may be, either Chamber of the Legislature of that Province.

9. In any Province to which a seat reserved for women is allotted, a woman to fill that seat shall be chosen by the persons, whether men or women, who hold seats in the Chamber or, as the case may be, the Chambers of the Legislature of that Province.

10. Persons to fill the seats allotted to the Anglo-Indian, European and Indian Christian communities shall be chosen by the members of Electoral Colleges consisting of such Anglo-Indians, Europeans and Indian Christians, as the case may be, as are members of the Legislative Council of any Governor's Province or of the Legislative Assembly of any Governor's Province.

The Rules regulating the conduct of elections by the European Electoral College shall be such as to secure that on any occasion where more than one seat falls to be filled by the College no two of the seats to be then filled shall be filled by persons who are normally resident in the same Province.

11. A person shall not be qualified to hold a seat in the Council of State unless—

- (a) in the case of a seat allotted to a Governor's Province or a Chief Commissioner's Province, he is qualified to vote in a territorial constituency in the Province at an election of a member of the Council of State, or, in the case of a seat allotted to British Baluchistan, possesses such qualifications as may be prescribed;
- (b) in the case of a seat allotted to the Anglo-Indian, the European or the Indian Christian community, he possesses such qualifications as may be prescribed.

1st Sch.  
—cont.

12. Subject to the provisions of the four next succeeding paragraphs, the term of office of a member of the Council of State shall be nine years :

Provided that a person chosen to fill a casual vacancy shall be chosen to serve only for the remainder of his predecessor's term of office.

13. Upon the first constitution of the Council of State persons shall be chosen to fill all the seats allotted to Governors' Provinces, Chief Commissioners' Provinces and communities, but, for the purpose of securing that in every third year one-third of the holders of such seats shall retire, one-third of the persons first chosen shall be chosen to serve for three years only, one-third shall be chosen to serve for six years only and one-third shall be chosen to serve for nine years, and thereafter in every third year persons shall be chosen to fill for nine years the seats then becoming vacant in consequence of the provisions of this paragraph.

14. In the case of a Province specified in column one in division (ii) of the Table of Seats, the numbers specified as respects seats of different classes in columns two to six, in columns seven to eleven and in columns twelve to sixteen respectively shall be the numbers of the seats of the different classes to be filled upon the first constitution of the Council by members chosen to serve for three years only, by members chosen to serve for six years only, and by members chosen to serve for nine years.

15. The person chosen upon the first constitution of the Council to fill the Anglo-Indian seat shall be chosen to serve for nine years; of the seven persons then chosen to fill the European seats, three shall be chosen to serve for three years only, one shall be chosen to serve for six years only and three shall be chosen to serve for nine years; and, of the two persons then chosen to fill the Indian Christian seats, one shall be chosen to serve for three years only and one shall be chosen to serve for nine years.

16. Upon the first constitution of the Council of State two of the persons to be chosen by the Governor-General shall be chosen to serve for three years only, two shall be chosen to serve for six years only and two shall be chosen to serve for nine years.

*The Federal Assembly.*

17. The allocation of seats in the Federal Assembly, other than seats allotted to Indian States, shall be as shown in the relevant Table of Seats appended to this Part of this Schedule.

18. To each Governor's Province and Chief Commissioner's Province specified in the first column of the Table there shall be allotted the number of seats specified in the second column opposite to that Province, and of those seats—

1ST SCH.  
—cont.

- (i) the number specified in the third column shall be general seats, of which the number specified in the fourth column shall be reserved for members of the scheduled castes;
- (ii) the numbers specified in the next eight columns shall be the numbers of seats to be filled respectively by persons chosen to represent (a) the Sikh community; (b) the Muhammadan community; (c) the Anglo-Indian community; (d) the European community; (e) the Indian Christian community; (f) the interests of commerce and industry; (g) landholders; and (h) the interests of labour; and
- (iii) the number specified in the thirteenth column shall be the number of seats reserved to women.

There shall also be in the Federal Assembly four seats not allotted to any Province, of which three shall be seats to be filled by representatives of commerce and industry and one shall be a seat to be filled by a representative of labour.

19. Subject to the provisions of the next succeeding paragraph, persons to fill the seats in the Federal Assembly allotted to a Governor's Province as general seats, Sikh seats or Muhammadan seats shall be chosen by electorates consisting of such of the members of the Legislative Assembly of the Province as hold therein general seats, Sikh seats or Muhammadan seats respectively, voting in the case of a general election in accordance with the principle of proportional representation by means of the single transferable vote:

Provided that in the North West Frontier Province the holders of Sikh seats, and in any Province in which seats are reserved for representatives of backward areas or backward tribes the holders of those seats, shall, for the purposes of this paragraph, be deemed to hold general seats.

20. The provisions of this paragraph shall have effect with respect to the general seats reserved in any Governors' Province for members of the scheduled castes :—

For the purposes of a general election of members of the Federal Assembly,—

- (a) there shall be a primary electorate consisting of all persons who were successful candidates at the primary

1st Sch.  
—cont.

elections held, in accordance with the provisions of the Fifth Schedule to this Act, on the occasion of the last general election of members of the Legislative Assembly of the Province for the purpose of selecting candidates for seats reserved for members of the scheduled castes ;

- (b) the members of the primary electorate so constituted shall be entitled to take part in a primary election held for the purpose of electing four candidates for each seat so reserved ; and
- (c) no person who is not so elected as a candidate shall be qualified to be chosen to fill such a seat.

Rules made under this Part of this Schedule shall make provision as to the manner in which a casual vacancy occurring in a seat to which this paragraph applies is to be filled.

21. For the purpose of choosing persons to fill the women's seats in the Federal Assembly there shall be for British India an electoral college consisting of such women as are members of the Legislative Assembly of any Governors' Province, and the person to fill a woman's seat allotted to any particular Province shall be chosen by the members of the college.

Rules regulating the conduct of elections by the women's electoral college shall be such as to secure that, of the nine women's seats allotted to Provinces, at least two are held by Muhammadans and at least one by an Indian Christian.

22. For the purpose of choosing persons to fill the Anglo-Indian, European and Indian Christian seats in the Federal Assembly, there shall be for British India three electoral colleges consisting respectively of such persons as hold an Anglo-Indian, a European or an Indian Christian seat in the Legislative Assembly of any Governors' Province, and the person to fill an Anglo-Indian, European or Indian Christian seat allotted to any particular Province shall be chosen by the members of the appropriate electoral college.

In choosing at a general election the persons to fill the Indian Christian seats allotted to the Province of Madras, the Indian Christian electoral college shall vote in accordance with the principle of proportional representation by means of the single transferable vote.

23. Persons to fill the seats in the Federal Assembly which are to be filled by representatives of commerce and industry, landholders and representatives of labour shall be chosen—

- (a) in the case of a seat allotted to a Province which is to be filled by a representative of commerce and industry,

- by such chambers of commerce and similar associations voting in such manner as may be prescribed;
- (b) in the case of a seat allotted to a Province which is to be filled by a landholder, by such persons voting in such territorial constituencies and in such manner as may be prescribed;
- (c) in the case of a seat allotted to a Province which is to be filled by a representative of labour, by such organisations, or in such constituencies, and in accordance with such manner of voting as may be prescribed;
- (d) in the case of one of the non-provincial seats which are to be filled by representatives of commerce and industry, by such Associated Chambers of Commerce, in the case of another such seat by such Federated Chambers of Commerce and in the case of the third such seat by such commercial bodies in Northern India, voting in each case in such manner as may be prescribed; and
- (e) in the case of the non-provincial seat which is to be filled by a representative of labour, by such organisations voting in such manner as may be prescribed.

1ST SCH.  
—cont.

24. Persons to fill the seats in the Federal Assembly allotted to Chief Commissioners' Provinces as general seats or Muhammadan seats shall be chosen—

- (a) in the case of Coorg, by the members of the Legislative Council; and
- (b) in other cases in such manner as may be prescribed.

25. A person shall not be qualified to hold a seat in the Federal Assembly, unless—

- (i) in the case of a general seat, a Sikh seat, a Muhammadan seat, an Anglo-Indian seat, a European seat, an Indian Christian seat or a woman's seat allotted to a Governor's Province or the Province of Coorg, he is qualified to hold a seat of the same class in the Legislative Assembly, or, in the case of Coorg, the Legislative Council, of that Province;
- (ii) in the case of any other seat, he possesses such qualifications as may be prescribed.

*General.*

26.—(1) In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say :—

“ a European ” means a person whose father or any of whose other male progenitors in the male line is or was

1st SCH.  
—cont.

of European descent and who is not a native of India;

“ an Anglo-Indian ” means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

“ an Indian Christian ” means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian;

“ the scheduled castes ” means such castes, races or tribes or parts of or groups within castes, races or tribes, being castes, races, tribes, parts or groups which appear to His Majesty in Council to correspond to the classes of persons formerly known as “ the depressed classes ”, as His Majesty in Council may specify; and

“ prescribed ” means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Federal Legislature or the Governor-General are competent to regulate, prescribed by an Act of that Legislature or by a rule made under the next succeeding paragraph.

(2) In this paragraph the expression “ native of India ” has the same meaning as it had for the purposes of section six of the Government of India Act, 1870, and accordingly it includes any person born and domiciled within the dominions of His Majesty in India or Burma of parents habitually resident in India or Burma and not established there for temporary purposes only.

33 & 34 Vict.  
c. 3.

27. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Federal Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor-General, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this part of this Schedule and for securing the due constitution of the Council of State and the Federal Assembly and, in particular, but without prejudice to the generality of the foregoing words, with respect to—

- (i) the notification of vacancies, including casual vacancies and the proceedings to be taken for filling vacancies;
- (ii) the nomination of candidates;
- (iii) the conduct of elections, including the application to elections of the principle of proportional representation by means of the single transferable vote, and the



rules to regulate elections where certain of the seats to be filled are to be filled by persons to be chosen to serve for different terms, or are reserved for members of the scheduled castes;

1ST SCH.  
—cont.

- (iv) the expenses of candidates at elections;
- (v) corrupt practices and other offences at or in connection with elections;
- (vi) the decision of doubts and disputes arising out of or in connection with the choice of persons to fill seats in the Council of State or the Federal Assembly; and
- (vii) the manner in which rules are to be carried into effect.

### TABLE OF SEATS.

#### *The Council of State.*

#### *Representatives of British India.*

#### (i) *Allocation of seats.*

| 1.<br>Province<br>or Community.       | 2.<br>Total<br>seats. | 3.<br>General<br>seats. | 4.<br>Seats for<br>Scheduled<br>Castes. | 5.<br>Sikh<br>seats. | 6.<br>Muham-<br>madan<br>seats. | 7.<br>Women's<br>seats. |
|---------------------------------------|-----------------------|-------------------------|-----------------------------------------|----------------------|---------------------------------|-------------------------|
| Madras - - -                          | 20                    | 14                      | 1                                       | —                    | 4                               | 1                       |
| Bombay - - -                          | 16                    | 10                      | 1                                       | —                    | 4                               | 1                       |
| Bengal - - -                          | 20                    | 8                       | 1                                       | —                    | 10                              | 1                       |
| United Provinces - -                  | 20                    | 11                      | 1                                       | —                    | 7                               | 1                       |
| Punjab - - -                          | 16                    | 3                       | —                                       | 4                    | 8                               | 1                       |
| Bihar - - -                           | 16                    | 10                      | 1                                       | —                    | 4                               | —                       |
| Central Provinces and<br>Berar - - -  | 8                     | 6                       | 1                                       | —                    | 1                               | —                       |
| Assam - - -                           | 5                     | 3                       | —                                       | —                    | 2                               | —                       |
| North West Frontier<br>Province - - - | 5                     | 1                       | —                                       | —                    | 4                               | —                       |
| Orissa - - -                          | 5                     | 4                       | —                                       | —                    | 1                               | —                       |
| Sind - - -                            | 5                     | 2                       | —                                       | —                    | 3                               | —                       |
| British Baluchistan -                 | 1                     | —                       | —                                       | —                    | 1                               | —                       |
| Delhi - - -                           | 1                     | 1                       | —                                       | —                    | —                               | —                       |
| Ajmer-Merwara - - -                   | 1                     | 1                       | —                                       | —                    | —                               | —                       |
| Coorg - - -                           | 1                     | 1                       | —                                       | —                    | —                               | —                       |
| Anglo-Indians - - -                   | 1                     | —                       | —                                       | —                    | —                               | —                       |
| Europeans - - -                       | 7                     | —                       | —                                       | —                    | —                               | —                       |
| Indian Christians - -                 | 2                     | —                       | —                                       | —                    | —                               | —                       |
| <b>Totals - - -</b>                   | <b>150</b>            | <b>75</b>               | <b>6</b>                                | <b>4</b>             | <b>49</b>                       | <b>6</b>                |

1ST SCH.  
—cont.

## (ii) Distribution of seats for purposes of triennial elections.

| 1.                             | Number of seats to be filled originally for three years only. |                             |             |                           |                   |                   | Number of seats to be filled originally for six years only. |             |                           |                   |                   | Number of seats to be filled originally for nine years. |             |                           |                   |
|--------------------------------|---------------------------------------------------------------|-----------------------------|-------------|---------------------------|-------------------|-------------------|-------------------------------------------------------------|-------------|---------------------------|-------------------|-------------------|---------------------------------------------------------|-------------|---------------------------|-------------------|
|                                | 2.                                                            | 3.                          | 4.          | 5.                        | 6.                | 7.                | 8.                                                          | 9.          | 10.                       | 11.               | 12.               | 13.                                                     | 14.         | 15.                       | 16.               |
| Province.                      | General Seats.                                                | Seats for Scheduled castes. | Sikh Seats. | Muham-<br>madan<br>Seats. | Women's<br>Seats. | General<br>Seats. | Seats for Scheduled castes.                                 | Sikh Seats. | Muham-<br>madan<br>Seats. | Women's<br>Seats. | General<br>Seats. | Seats for Scheduled castes.                             | Sikh Seats. | Muham-<br>madan<br>Seats. | Women's<br>Seats. |
| Madras                         | 5                                                             | —                           | —           | 2                         | —                 | 7                 | —                                                           | —           | 2                         | 1                 | 7                 | 1                                                       | —           | 2                         | —                 |
| Bombay                         | 4                                                             | 1                           | —           | 5                         | 1                 | —                 | —                                                           | —           | —                         | —                 | 5                 | 1                                                       | —           | 5                         | 1                 |
| Bengal                         | 5                                                             | 1                           | —           | 3                         | 1                 | 6                 | —                                                           | —           | 4                         | —                 | 4                 | —                                                       | —           | —                         | —                 |
| United Provinces               | 2                                                             | —                           | 2           | 4                         | —                 | 1                 | —                                                           | 2           | 4                         | 1                 | —                 | —                                                       | —           | —                         | —                 |
| Punjab                         | —                                                             | —                           | —           | —                         | —                 | 5                 | 1                                                           | —           | 2                         | —                 | 5                 | —                                                       | —           | 2                         | 1                 |
| Bihar                          | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| Central Provinces<br>and Berar | —                                                             | —                           | —           | —                         | —                 | 6                 | 1                                                           | —           | 1                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| Assam                          | —                                                             | —                           | —           | —                         | —                 | 3                 | —                                                           | —           | 2                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| North West Pro-<br>vince       | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| Orissa                         | 4                                                             | —                           | —           | 1                         | —                 | —                 | —                                                           | —           | —                         | —                 | 1                 | —                                                       | —           | 4                         | —                 |
| Sind                           | 2                                                             | —                           | —           | 3                         | —                 | —                 | —                                                           | —           | —                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| British Baluchistan            | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| Delhi                          | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | 1                 | —                                                       | —           | 1                         | —                 |
| Ajmer-Merwara                  | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | 1                 | —                                                       | —           | —                         | —                 |
| Coorg                          | —                                                             | —                           | —           | —                         | —                 | —                 | —                                                           | —           | —                         | —                 | —                 | —                                                       | —           | —                         | —                 |
| Totals                         | 22                                                            | 2                           | 2           | 18                        | 2                 | 28                | 2                                                           | 2           | 15                        | 2                 | 25                | 2                                                       | —           | 16                        | 2                 |

TABLE OF SEATS.  
The Federal Assembly.  
Representatives of British India.

| 1.<br>Province.                  | 2.<br>Total<br>Seats. | 3.<br>General Seats:—            |                                                             | 5.<br>Sikh<br>Seats. | 6.<br>Muham-<br>madian<br>Seats. | 7.<br>Anglo-<br>Indian<br>Seats. | 8.<br>Euro-<br>pean<br>Seats. | 9.<br>Indian<br>Christian<br>Seats. | 10.<br>Seats<br>for<br>repre-<br>sentatives<br>of com-<br>merce<br>and<br>in-<br>dustry. | 11.<br>Land-<br>holders<br>Seats. | 12.<br>Seats<br>for<br>repre-<br>sentatives<br>of<br>labour. | 13.<br>Women's<br>Seats. |
|----------------------------------|-----------------------|----------------------------------|-------------------------------------------------------------|----------------------|----------------------------------|----------------------------------|-------------------------------|-------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------|--------------------------|
|                                  |                       | Total<br>of<br>general<br>Seats. | General<br>seats<br>reserved<br>for<br>Scheduled<br>castes. |                      |                                  |                                  |                               |                                     |                                                                                          |                                   |                                                              |                          |
| Madras                           | 37                    | 19                               | 4                                                           | —                    | 8                                | 1                                | 1                             | 2                                   | 2                                                                                        | 1                                 | 1                                                            | 2                        |
| Bombay                           | 50                    | 13                               | 2                                                           | —                    | 6                                | 1                                | 1                             | 1                                   | 3                                                                                        | 1                                 | 2                                                            | 2                        |
| Bengal                           | 37                    | 10                               | 3                                                           | —                    | 17                               | 1                                | 1                             | 1                                   | 3                                                                                        | 1                                 | 2                                                            | 1                        |
| United Provinces                 | 37                    | 19                               | 3                                                           | —                    | 12                               | 1                                | 1                             | 1                                   | —                                                                                        | 1                                 | 1                                                            | 1                        |
| Punjab                           | 30                    | 6                                | 1                                                           | 6                    | 14                               | —                                | 1                             | 1                                   | —                                                                                        | 1                                 | —                                                            | 1                        |
| Bihar                            | 39                    | 16                               | 2                                                           | —                    | 9                                | —                                | 1                             | 1                                   | —                                                                                        | 1                                 | 1                                                            | 1                        |
| Central Provinces and<br>Bihar.  | 15                    | 9                                | 2                                                           | —                    | 3                                | —                                | —                             | —                                   | —                                                                                        | 1                                 | 1                                                            | 1                        |
| Assam                            | 10                    | 4                                | 1                                                           | —                    | 3                                | —                                | 1                             | 1                                   | —                                                                                        | —                                 | 1                                                            | —                        |
| North West Frontier<br>Province. | 5                     | 1                                | —                                                           | —                    | 4                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Orissa                           | 5                     | 4                                | 1                                                           | —                    | 1                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Sind                             | 5                     | 1                                | —                                                           | —                    | 3                                | —                                | 1                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| British Baluchistan              | 1                     | —                                | —                                                           | —                    | 1                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Delhi                            | 2                     | 1                                | —                                                           | —                    | 1                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Ajmer-Merwara                    | 1                     | 1                                | —                                                           | —                    | —                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Coorg                            | 1                     | 1                                | —                                                           | —                    | —                                | —                                | —                             | —                                   | —                                                                                        | —                                 | —                                                            | —                        |
| Non-Provincial Seats             | 4                     | —                                | —                                                           | —                    | —                                | —                                | —                             | —                                   | 3                                                                                        | —                                 | 1                                                            | —                        |
| Totals                           | 250                   | 105                              | 19                                                          | 6                    | 82                               | 4                                | 8                             | 8                                   | 11                                                                                       | 7                                 | 10                                                           | 9                        |

1st Sen.  
—cont.

1ST SCH.  
—cont.

## PART II.

## REPRESENTATIVES OF INDIAN STATES.

1. The allocation to Indian States of seats in the Federal Legislature shall be as shown in the Table appended to this Part of this Schedule, hereinafter referred to as the "Table of Seats," and persons to represent Indian States in that Legislature shall be chosen and appointed in accordance with the provisions hereinafter contained.

2. In the case of the Council of State, there shall be allotted to each State or, as the case may be, to each group of States specified in the first column of the Table of Seats, the number of seats specified in the second column of the said Table opposite to that State or to that group of States.

3. In the case of the Federal Assembly, there shall be allotted to each State or, as the case may be, to each group of States specified in the third column of the Table of Seats, the number of seats specified in the fourth column of the said Table opposite to that State or to that group of States.

4. A person shall not be qualified to be appointed under this Part of this Schedule to fill a seat in either Chamber of the Federal Legislature unless he—

- (i) is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation; and
- (ii) is, in the case of a seat in the Council of State, not less than thirty years of age and, in the case of a seat in the Federal Assembly, not less than twenty-five years of age:

Provided that—

- (a) the Governor-General may in his discretion declare as respects any State, the Ruler of which at the date of the establishment of the Federation was by reason of his minority not exercising ruling powers, that sub-paragraph (i) of this paragraph shall not apply to any named subject, or to subjects generally, of that State until that State comes under the rule of a Ruler who is of an age to exercise ruling powers; and
- (b) sub-paragraph (ii) of this paragraph shall not apply to a Ruler who is exercising ruling powers.

5. Upon the expiration of the term for which he is appointed to serve as a member of the Federal Legislature, a person, if otherwise duly qualified, shall be eligible to be appointed to serve for a further term.

6. Subject to the special provisions hereinafter contained with respect to the appointment of persons to represent certain

States and groups of States comprised in Divisions XVI and XVII of the Table of Seats,—

1ST SCH.  
—cont.

- (i) the Rulers of States constituting a group of States to which a seat in the Council of State is allotted shall in rotation appoint a person to fill that seat; and
- (ii) the Rulers of the States constituting a group of States to which a seat in the Federal Assembly is allotted shall appoint jointly a person to fill that seat :

Provided that the Rulers of two or more States entitled to appoint in rotation a person to fill a seat in the Council of State allotted to a group of States may by agreement, and with the approval of the Governor-General in his discretion, appoint jointly a person to fill that seat.

7. The period for which a person shall be appointed to fill a seat shall be—

- (i) in the case of a person appointed to fill a seat in the Council of State—
  - (a) by the Ruler of a State entitled to separate representation, nine years;
  - (b) jointly by the Rulers of all the States in a group which have acceded to the Federation, three years;
  - (c) by the Ruler of a State appointing in rotation, one year subject, however, to the special provisions of the next succeeding paragraph with respect to certain States therein mentioned;
  - (d) jointly by Rulers of some only of the States in a group which have acceded to the Federation, a period equal to the aggregate of the periods for which each of them might in rotation have appointed a person to hold that seat or three years, whichever may be the shorter period;
  - (e) in any other manner, three years; and
- (ii) in the case of a person appointed to fill a seat in the Federal Assembly, until the dissolution of the Assembly :

Provided that—

- (i) a person appointed to fill a seat upon the occurrence of a casual vacancy shall be appointed to fill that seat for the remainder of the period for which his predecessor was appointed;
- (ii) in the case of first appointments to fill seats in the Council of State the Governor-General in his discretion shall make by order provision for securing that approximately one-third of the persons appointed by Rulers entitled to separate representation shall be appointed to fill seats for three years only, approximately one-third to fill seats for six years only and approximately one-third to fill seats for nine years.

1ST SCH.  
—cont.

8. The Ruler of a State mentioned in this paragraph when appointing in rotation a person to fill a seat in the Council of State shall, notwithstanding anything in the preceding paragraph, be entitled to appoint that person to fill the seat—

(a) in the case of the Rulers of Panna and of Mayurbhanj, for two years; and

(b) in the case of the Ruler of Pudukkottai, for three years.

9. Subject as hereinafter provided, the Rulers of two or more States forming a group to which one seat in either Chamber of the Federal Legislature is allotted shall, in choosing a person to be appointed by them jointly to fill that seat, each have one vote, and in the case of an equality of votes the choice shall be determined by lot or otherwise in such other manner as may be prescribed :

Provided that in choosing a person to be so appointed the Ruler of a State mentioned in sub-paragraph (a) of the preceding paragraph shall be entitled to two votes and the Ruler of the State mentioned in sub-paragraph (b) of that paragraph shall be entitled to three votes.

10. A seat in either Chamber allotted to a single State shall remain unfilled until the Ruler of that State has acceded to the Federation, and a seat in either Chamber which is the only seat therein allotted to a group of States shall remain unfilled until the Rulers of at least one-half of those States have so acceded but, subject as hereinafter provided, so long as one-tenth of the seats in either Chamber allotted either to single States or to groups of States remain unfilled by reason of the non-accession of a State or States, whether such non-accession be due to the minority of a Ruler or to any other cause, the persons appointed by the Rulers of States to fill seats in that Chamber may from time to time in the prescribed manner appoint persons, not exceeding one-half of the number of seats so unfilled to be additional members of that Chamber :

Provided that the right to appoint such additional members shall not be exercised after the expiration of twenty years from the establishment of the Federation.

A person appointed under this paragraph as an additional member of either Chamber shall be appointed to fill his seat for a period of one year only.

11. Persons to fill the seats in the Federal Assembly allotted to any group of States mentioned in Division XVI of the Table of Seats as entitled to appoint persons to fill three such seats shall be appointed in the prescribed manner by the Rulers of such of the States in the group as have acceded to the Federation :

Provided that—

- (a) until the Rulers of two of those States have so acceded, all the three seats shall remain unfilled; and
- (b) until the Rulers of four of those States have so acceded, two of the three seats shall remain unfilled; and
- (c) until the Rulers of six of those States have so acceded, one of the three seats shall remain unfilled.

1ST SCH.  
—cont.

Seats in the Federal Assembly remaining unfilled by reason of the provisions of this paragraph shall be treated as seats remaining unfilled for the purposes of the last preceding paragraph.

12. The provisions of this paragraph shall apply with respect to the two seats in the Council of State and the five seats in the Federal Assembly allotted to the States comprised in Division XVII of the Table of Seats :—

- (a) the States in question are such States, being States which on the first day of January, nineteen hundred and thirty-five, were included in the Western India States Agency, the Gujarat States Agency, the Deccan States Agency, the Eastern States Agency, the Central India Agency or the Rajputana Agency, or were in political relations with the Government of the Punjab or the Government of Assam, as may be enumerated in rules made by the Governor-General in his discretion;
- (b) the Governor-General shall, in the rules so made by him, divide the said States into five groups, and of the five seats in the Federal Assembly allotted to those States one shall be deemed to be allotted to each of the groups;
- (c) a seat in the Federal Assembly allotted to one of the said groups shall remain unfilled until the Rulers of at least one-half of the States in the group have acceded to the Federation, but, save as aforesaid, a person to fill such a seat shall be appointed in the prescribed manner by the Rulers of such of the States in the group as have acceded to the Federation;
- (d) persons to fill the two seats in the Council of State allotted to the States comprised in the said Division shall be appointed in the prescribed manner by the persons appointed under the preceding sub-paragraph to fill seats in the Federal Assembly:

Provided that, so long as three of the five seats in the Federal Assembly remain unfilled, one of the two seats in the Council of State shall also remain unfilled;

- (e) seats in the Federal Assembly or Council of State remaining unfilled by reason of the provisions of this paragraph shall be treated as seats remaining unfilled for the purposes of the last but one preceding paragraph.

1st SCH.  
—cont.

13. His Majesty in Council may by order vary the Table of Seats by transferring any State from one group of States specified in column one or column three of that Table to another group of States specified in the same column, if he deems it expedient so to do—

(a) with a view to reducing the number of seats which by reason of the non-accession of a State or States would otherwise remain unfilled ; or

(b) with a view to associating in separate groups States whose rulers do, and States whose rulers do not, desire to make appointments jointly instead of in rotation,

and is satisfied that such variation will not adversely affect the rights and interest of any State :

Provided that a State mentioned in paragraph eight of this Part of this Schedule shall not be transferred to another group unless the Ruler of the State has agreed to relinquish the privileges enjoyed by him under the said paragraph and under paragraph nine.

Where an order varying the Table of Seats is made under this paragraph, references (whether express or implied) in the foregoing provisions of this Part of this Schedule to the Table shall be construed as references to the Table as so varied.

14. In so far as provision in that behalf is not made by His Majesty in Council, the Governor-General may in his discretion make rules for carrying into effect the provisions of this Part of this Schedule and in particular, but without prejudice to the generality of the foregoing words, with respect to—

(a) the times at which and the manner in which appointments are to be made, the order in which Rulers entitled to make appointments in rotation are to make them and the date from which appointments are to take effect ;

(b) the filling of casual vacancies in seats ;

(c) the decision of doubts or disputes arising out of or in connection with any appointment ; and

(d) the manner in which the rules are to be carried into effect.

In this Part of this Schedule the expression “ prescribed ” means prescribed by His Majesty in Council or by rules made under this paragraph.

15. For the purposes of subsection (2) of section five of this Act—

(i) if the Rulers of at least one-half of the States included in any group to which one seat in the Council of State is allotted accede to the Federation, the Rulers so acceding shall be reckoned as being entitled together to choose one member of the Council of State ;

(ii) if, of the Rulers of States included in the groups to be formed out of the States comprised in Division



- XVII of the Table of Seats, sufficient accede to the Federation to entitle them to appoint one member or two members of the Federal Assembly, the Rulers so acceding shall be reckoned as being entitled together to choose one member of the Council of State and, if sufficient accede to entitle them to appoint three or more members of the Federal Assembly, the Rulers so acceding shall be reckoned as being entitled together to choose two members of the Council of State; and
- (iii) the population of a State shall be taken to be the population attributed thereto in column five of the Table of Seats or, if it is one of the States comprised in the said Division XVII of the Table, such figure as the Governor-General may in his discretion determine, and the total population of the States shall be taken to be the total population thereof as stated at the end of the Table.

1ST SCH.  
—cont.

## TABLE OF SEATS.

*The Council of State and the Federal Assembly.  
Representatives of Indian States.*

| 1.<br>States and<br>Groups of States. | 2.<br>Number<br>of seats<br>in<br>Council<br>of State. | 3.<br>States and<br>Groups of States. | 4.<br>Number<br>of seats<br>in the<br>Federal<br>As-<br>sembly. | 5.<br>Population. |
|---------------------------------------|--------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------|-------------------|
| DIVISION I.                           |                                                        |                                       |                                                                 |                   |
| Hyderabad - -                         | 5                                                      | Hyderabad - -                         | 16                                                              | 14,436,148        |
| DIVISION II.                          |                                                        |                                       |                                                                 |                   |
| Mysore - - -                          | 3                                                      | Mysore - - -                          | 7                                                               | 6,557,302         |
| DIVISION III.                         |                                                        |                                       |                                                                 |                   |
| Kashmir - - -                         | 3                                                      | Kashmir - - -                         | 4                                                               | 3,646,243         |
| DIVISION IV.                          |                                                        |                                       |                                                                 |                   |
| Gwalior - - -                         | 3                                                      | Gwalior - - -                         | 4                                                               | 3,523,070         |
| DIVISION V.                           |                                                        |                                       |                                                                 |                   |
| Baroda - - -                          | 3                                                      | Baroda - - -                          | 3                                                               | 2,443,007         |

1ST SCH.  
—cont.

| 1.<br>States and<br>Groups of States. | 2.<br>Number<br>of seats<br>in<br>Council<br>of State. | 3.<br>States and<br>Groups of States. | 4.<br>Number<br>of seats<br>in the<br>Federal<br>As-<br>sembly. | 5.<br>Population. |
|---------------------------------------|--------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------|-------------------|
| <b>DIVISION VI.</b>                   |                                                        |                                       |                                                                 |                   |
| Kalat - - -                           | 2                                                      | Kalat - - -                           | 1                                                               | 342,101           |
| <b>DIVISION VII.</b>                  |                                                        |                                       |                                                                 |                   |
| Sikkim - - -                          | 1                                                      | Sikkim - - -                          | —                                                               | 109,808           |
| <b>DIVISION VIII.</b>                 |                                                        |                                       |                                                                 |                   |
| 1. Rampur - -                         | 1                                                      | 1. Rampur - -                         | 1                                                               | 465,225           |
| 2. Benares - -                        | 1                                                      | 2. Benares - -                        | 1                                                               | 391,272           |
| <b>DIVISION IX.</b>                   |                                                        |                                       |                                                                 |                   |
| 1. Travancore -                       | 2                                                      | 1. Travancore -                       | 5                                                               | 5,095,973         |
| 2. Cochin - -                         | 2                                                      | 2. Cochin - -                         | 1                                                               | 1,205,016         |
| 3. Pudukkottai -                      | } 1                                                    | 3. Pudukkottai -                      | } 1                                                             | 400,694           |
| Banganapalle -                        |                                                        | Banganapalle -                        |                                                                 | 39,218            |
| Sandur - - -                          |                                                        | Sandur - - -                          |                                                                 | 13,583            |
| <b>DIVISION X.</b>                    |                                                        |                                       |                                                                 |                   |
| 1. Udaipur - -                        | 2                                                      | 1. Udaipur - -                        | 2                                                               | 1,566,910         |
| 2. Jaipur - -                         | 2                                                      | 2. Jaipur - -                         | 3                                                               | 2,631,775         |
| 3. Jodhpur - -                        | 2                                                      | 3. Jodhpur - -                        | 2                                                               | 2,125,982         |
| 4. Bikaner - -                        | 2                                                      | 4. Bikaner - -                        | 1                                                               | 936,218           |
| 5. Alwar - -                          | 1                                                      | 5. Alwar - -                          | 1                                                               | 749,751           |
| 6. Kotah - -                          | 1                                                      | 6. Kotah - -                          | 1                                                               | 685,804           |
| 7. Bharatpur -                        | 1                                                      | 7. Bharatpur -                        | 1                                                               | 486,954           |
| 8. Tonk - -                           | 1                                                      | 8. Tonk - -                           | 1                                                               | 317,360           |
| 9. Dholpur - -                        | 1                                                      | 9. Dholpur - -                        | } 1                                                             | 254,986           |
| 10. Karauli - -                       | 1                                                      | Karauli - -                           |                                                                 | 140,525           |
| 11. Bundi - -                         | 1                                                      | 10. Bundi - -                         |                                                                 | 216,722           |
| 12. Sirohi - -                        | 1                                                      | Sirohi - -                            | } 1                                                             | 216,528           |
| 13. Dungarpur -                       | 1                                                      | 11. Dungarpur -                       |                                                                 | 227,544           |
| 14. Banswara - -                      | 1                                                      | Banswara - -                          | } 1                                                             | 260,670           |
| 15. Partabgarh -                      | } 1                                                    | 12. Partabgarh -                      |                                                                 | 76,539            |
| Jhalawar - -                          |                                                        | Jhalawar - -                          | } 1                                                             | 107,890           |
| 16. Jaisalmer - -                     | } 1                                                    | 13. Jaisalmer - -                     |                                                                 | 76,255            |
| Kishengarh - -                        |                                                        | Kishengarh - -                        | 85,744                                                          |                   |

1st Sch.  
—cont.

| 1.                           | 2.                                   | 3.                           | 4.                                       | 5.          |
|------------------------------|--------------------------------------|------------------------------|------------------------------------------|-------------|
| States and Groups of States. | Number of seats in Council of State. | States and Groups of States. | Number of seats in the Federal Assembly. | Population. |
| DIVISION XI.                 |                                      |                              |                                          |             |
| 1. Indore - -                | 2                                    | 1. Indore - -                | 2                                        | 1,325,089   |
| 2. Bhopal - -                | 2                                    | 2. Bhopal - -                | 1                                        | 729,955     |
| 3. Rewa - -                  | 2                                    | 3. Rewa - -                  | 2                                        | 1,587,445   |
| 4. Datia - -                 | 1                                    | 4. Datia - -                 | } 1                                      | 158,834     |
| 5. Orchha - -                | 1                                    | Orchha - -                   |                                          | 314,661     |
| 6. Dhar - -                  | 1                                    | 5. Dhar - -                  | } 1                                      | 243,430     |
| 7. Dewas (Senior)            | } 1                                  | Dewas (Senior)               |                                          | 83,321      |
| Dewas (Junior)               |                                      | Dewas (Junior)               | 70,513                                   |             |
| 8. Jaora - -                 | } 1                                  | 6. Jaora - -                 | } 1                                      | 100,166     |
| Ratlam - -                   |                                      | Ratlam - -                   |                                          | 107,321     |
| 9. Panna - -                 | } 1                                  | 7. Panna - -                 | } 1                                      | 212,130     |
| Samthar - -                  |                                      | Samthar - -                  |                                          | 33,307      |
| Ajaigarh - -                 | } 1                                  | Ajaigarh - -                 | } 1                                      | 85,895      |
| 10. Bijawar - -              |                                      | 8. Bijawar - -               |                                          | 115,852     |
| Charkhari - -                | } 1                                  | Charkhari - -                | } 1                                      | 120,351     |
| Chhatarpur - -               |                                      | Chhatarpur - -               |                                          | 161,267     |
| 11. Baoni - -                | } 1                                  | 9. Baoni - -                 | } 1                                      | 19,132      |
| Nagod - -                    |                                      | Nagod - -                    |                                          | 74,589      |
| Maihar - -                   |                                      | Maihar - -                   |                                          | 68,991      |
| Baraundha - -                | } 1                                  | Baraundha - -                | } 1                                      | 16,071      |
| 12. Barwani - -              |                                      | 10. Barwani - -              |                                          | 141,110     |
| Ali Rajpur - -               | } 1                                  | Ali Rajpur - -               | } 1                                      | 101,963     |
| Shahpura - -                 |                                      | Shahpura - -                 |                                          | 54,233      |
| 13. Jhabua - -               | } 1                                  | 11. Jhabua - -               | } 1                                      | 145,522     |
| Sailana - -                  |                                      | Sailana - -                  |                                          | 35,223      |
| Sitamau - -                  | } 1                                  | Sitamau - -                  | } 1                                      | 28,422      |
| 14. Rajgarh - -              |                                      | 12. Rajgarh - -              |                                          | 134,891     |
| Narsingarh - -               | } 1                                  | Narsingarh - -               | } 1                                      | 113,873     |
| Khilchipur - -               |                                      | Khilchipur - -               |                                          | 45,583      |
| DIVISION XII.                |                                      |                              |                                          |             |
| 1. Cutch - -                 | 1                                    | 1. Cutch - -                 | 1                                        | 514,307     |
| 2. Idar - -                  | 1                                    | 2. Idar - -                  | 1                                        | 262,660     |
| 3. Nawanagar - -             | 1                                    | 3. Nawanagar - -             | 1                                        | 409,192     |
| 4. Bhavnagar - -             | 1                                    | 4. Bhavnagar - -             | 1                                        | 500,274     |
| 5. Junagadh - -              | 1                                    | 5. Junagadh - -              | 1                                        | 545,152     |
| 6. Rajpipla - -              | } 1                                  | 6. Rajpipla - -              | } 1                                      | 206,114     |
| Palanpur - -                 |                                      | Palanpur - -                 |                                          | 264,179     |
| 7. Dhrangadhra - -           | } 1                                  | 7. Dhrangadhra - -           | } 1                                      | 88,961      |
| Gondal - -                   |                                      | Gondal - -                   |                                          | 205,846     |
| 8. Porbandar - -             | } 1                                  | 8. Porbandar - -             | } 1                                      | 115,673     |
| Morvi - -                    |                                      | Morvi - -                    |                                          | 113,023     |

1ST SCH.  
—cont.

| 1.<br>States and<br>Groups of States. | 2.<br>Number<br>of seats<br>in<br>Council<br>of State. | 3.<br>States and<br>Groups of States. | 4.<br>Number<br>of seats<br>in the<br>Federal<br>As-<br>sembly. | 5.<br>Population. |
|---------------------------------------|--------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------|-------------------|
| <b>DIVISION XII.—cont.</b>            |                                                        |                                       |                                                                 |                   |
| 9. Radhanpur -                        | } 1                                                    | 9. Radhanpur -                        | } 1                                                             | 70,530            |
| Wankaner -                            |                                                        | Wankaner -                            |                                                                 | 44,259            |
| Palitana -                            |                                                        | Palitana -                            |                                                                 | 62,150            |
| 10. Cambay -                          | } 1                                                    | 10. Cambay -                          | } 1                                                             | 87,761            |
| Dharampur -                           |                                                        | Dharampur -                           |                                                                 | 112,031           |
| Balasinor -                           |                                                        | Balasinor -                           |                                                                 | 52,525            |
| 11. Baria -                           | } 1                                                    | 11. Baria -                           | } 1                                                             | 159,429           |
| Chhota Udepur                         |                                                        | Chhota Udepur                         |                                                                 | 144,640           |
| Sant -                                |                                                        | Sant -                                |                                                                 | 83,531            |
| Lunawada                              | } 1                                                    | Lunawada                              | } 1                                                             | 95,162            |
| 12. Bansda -                          |                                                        | 12. Bansda -                          |                                                                 | 48,839            |
| Sachin -                              |                                                        | Sachin -                              |                                                                 | 22,107            |
| Jawhar -                              | } 1                                                    | Jawhar -                              | } 1                                                             | 57,261            |
| Danta -                               |                                                        | Danta -                               |                                                                 | 26,196            |
| 13. Dhrol -                           |                                                        | Dhrol -                               |                                                                 | 27,639            |
| Limbdi -                              | } 1                                                    | Limbdi -                              | } 1                                                             | 40,088            |
| Wadhwan                               |                                                        | Wadhwan                               |                                                                 | 42,602            |
| Rajkot -                              |                                                        | Rajkot -                              |                                                                 | 75,540            |
| <b>DIVISION XIII.</b>                 |                                                        |                                       |                                                                 |                   |
| 1. Kolhapur -                         | 2                                                      | 1. Kolhapur -                         | 1                                                               | 957,137           |
| 2. Sangli -                           | } 1                                                    | 2. Sangli -                           | } 1                                                             | 258,442           |
| Savantvadi -                          |                                                        | Savantvadi -                          |                                                                 | 230,589           |
| 3. Janjira -                          | } 1                                                    | 3. Janjira -                          | } 1                                                             | 110,379           |
| Mudhol -                              |                                                        | Mudhol -                              |                                                                 | 62,832            |
| Bhor -                                |                                                        | Bhor -                                |                                                                 | 141,546           |
| 4. Jamkhandi -                        | } 1                                                    | 4. Jamkhandi -                        | } 1                                                             | 114,270           |
| Miraj (Senior) -                      |                                                        | Miraj (Senior) -                      |                                                                 | 93,938            |
| Miraj (Junior) -                      |                                                        | Miraj (Junior) -                      |                                                                 | 40,684            |
| Kurundwad                             |                                                        | Kurundwad                             |                                                                 | 44,204            |
| (Senior).                             |                                                        | (Senior).                             |                                                                 |                   |
| Kurundwad                             | Kurundwad                                              | 39,583                                |                                                                 |                   |
| (Junior).                             | (Junior).                                              |                                       |                                                                 |                   |
| 5. Akalkot -                          | } 1                                                    | 5. Akalkot -                          | } 1                                                             | 92,605            |
| Phaltan -                             |                                                        | Phaltan -                             |                                                                 | 58,761            |
| Jath -                                |                                                        | Jath -                                |                                                                 | 91,099            |
| Aundh -                               |                                                        | Aundh -                               |                                                                 | 76,507            |
| Ramdurg -                             |                                                        | Ramdurg -                             |                                                                 | 35,454            |

1st Sch.  
—cont.

| 1.<br>States and<br>Groups of States. | 2.<br>Number<br>of seats<br>in<br>Council<br>of State. | 3.<br>States and<br>Groups of States. | 4.<br>Number<br>of seats<br>in the<br>Federal<br>As-<br>sembly. | 5.<br>Population. |
|---------------------------------------|--------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------|-------------------|
| <b>DIVISION XIV.</b>                  |                                                        |                                       |                                                                 |                   |
| 1. Patiala . . .                      | 2                                                      | 1. Patiala . . .                      | 2                                                               | 1,625,520         |
| 2. Bahawalpur . . .                   | 2                                                      | 2. Bahawalpur . . .                   | 1                                                               | 984,612           |
| 3. Khairpur . . .                     | 1                                                      | 3. Khairpur . . .                     | 1                                                               | 227,183           |
| 4. Kapurthala . . .                   | 1                                                      | 4. Kapurthala . . .                   | 1                                                               | 316,757           |
| 5. Jind . . .                         | 1                                                      | 5. Jind . . .                         | 1                                                               | 324,676           |
| 6. Nabha . . .                        | 1                                                      | 6. Nabha . . .                        | 1                                                               | 287,574           |
| 7. Mandi . . .                        | } 1                                                    | 7. Tehri-Garhwal . . .                | 1                                                               | 349,573           |
| Bilaspur . . .                        |                                                        | 8. Mandi . . .                        | } 1                                                             | 207,465           |
| Suket . . .                           |                                                        | Bilaspur . . .                        |                                                                 | 100,994           |
| 8. Tehri-Garhwal . . .                | } 1                                                    | Suket . . .                           | } 1                                                             | 58,408            |
| Sirmur . . .                          |                                                        | 9. Sirmur . . .                       |                                                                 | 148,568           |
| Chamba . . .                          | } 1                                                    | Chamba . . .                          | } 1                                                             | 146,870           |
| 9. Faridkot . . .                     |                                                        | 10. Faridkot . . .                    |                                                                 | 164,364           |
| Malerkotla . . .                      |                                                        | Malerkotla . . .                      |                                                                 | 83,072            |
| Loharu . . .                          | } 1                                                    | Loharu . . .                          | } 1                                                             | 23,338            |
| <b>DIVISION XV.</b>                   |                                                        |                                       |                                                                 |                   |
| 1. Cooch Behar . . .                  | 1                                                      | 1. Cooch Behar . . .                  | 1                                                               | 590,886           |
| 2. Tripura . . .                      | } 1                                                    | 2. Tripura . . .                      | 1                                                               | 382,450           |
| Manipur . . .                         |                                                        | 3. Manipur . . .                      | 1                                                               | 445,606           |
| <b>DIVISION XVI.</b>                  |                                                        |                                       |                                                                 |                   |
| 1. Mayurbhanj . . .                   | } 1                                                    | 1. Mayurbhanj . . .                   | 1                                                               | 889,603           |
| Sonepur . . .                         |                                                        | 2. Sonepur . . .                      | 1                                                               | 237,920           |
| 2. Patna . . .                        | } 1                                                    | 3. Patna . . .                        | 1                                                               | 566,924           |
| Kalahandi . . .                       |                                                        | 4. Kalahandi . . .                    | 1                                                               | 513,716           |
| 3. Keonjhar . . .                     | } 1                                                    | 5. Keonjhar . . .                     | 1                                                               | 460,609           |
| Dhenkanal . . .                       |                                                        | 6. Gangpur . . .                      | 1                                                               | 356,674           |
| Nayagarh . . .                        |                                                        | 7. Bastar . . .                       | 1                                                               | 524,721           |
| Talcher . . .                         |                                                        | 8. Surguja . . .                      | 1                                                               | 501,939           |
| Nilgiri . . .                         |                                                        |                                       |                                                                 |                   |

1st Sch.  
—cont.

| 1.<br>States and<br>Groups of States.                                                                                                             | 2.<br>Number<br>of seats<br>in<br>Council<br>of State. | 3.<br>States and<br>Groups of States.                                                                                                             | 4.<br>Number<br>of seats<br>in the<br>Federal<br>As-<br>sembly. | 5.<br>Population.                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>DIVISION XVI.—cont.</b>                                                                                                                        |                                                        |                                                                                                                                                   |                                                                 |                                                                                   |
| 4. Gangpur - -<br>Bamra - -<br>Seraikela - -<br>Baud - -<br>Bonai - -<br>5. Bastar - -<br>Surguja - -<br>Raigarh - -<br>Nandgaon - -              | 1<br><br><br><br><br><br><br><br><br><br>1             | 9. Dhenkanal - -<br>Nayagarh - -<br>Seraikela - -<br>Baud - -<br>Talcher - -<br>Bonai - -<br>Nilgiri - -<br>Bamra - -                             | 3                                                               | 284,326<br>142,406<br>143,525<br>135,248<br>69,702<br>80,186<br>68,594<br>151,047 |
| 6. Khairagarh - -<br>Jashpur - -<br>Kanker - -<br>Korea - -<br>Sarangarh - -                                                                      | 1                                                      | 10. Raigarh - -<br>Khairagarh - -<br>Jashpur - -<br>Kanker - -<br>Sarangarh - -<br>Korea - -<br>Nandgaon - -                                      | 3                                                               | 277,569<br>157,400<br>193,698<br>136,101<br>128,967<br>90,886<br>182,380          |
| <b>DIVISION XVII.</b>                                                                                                                             |                                                        |                                                                                                                                                   |                                                                 |                                                                                   |
| States not men-<br>tioned in any of<br>the preceding<br>Divisions, but de-<br>scribed in para-<br>graph 12 of this<br>Part of this Sched-<br>ule. | 2                                                      | States not men-<br>tioned in any of<br>the preceding<br>Divisions, but de-<br>scribed in para-<br>graph 12 of this<br>Part of this Sched-<br>ule. | 5                                                               | 3,032,197                                                                         |

Total population of the States in this Table : 78,981,912

## SECOND SCHEDULE.

Section 6.

PROVISIONS OF THIS ACT WHICH MAY BE AMENDED  
WITHOUT AFFECTING THE ACCESSION OF A STATE.

Part I, in so far as it relates to the Commander-in-Chief.

Part II, chapter II, save with respect to the exercise by the Governor-General on behalf of His Majesty of the executive authority of the Federation, and the definition of the functions of the Governor-General; the executive authority of the Federation; the functions of the council of ministers, and the choosing and summoning of ministers and their tenure of office; the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment; the functions of the Governor-General with respect to external affairs and defence; the special responsibilities of the Governor-General relating to the peace or tranquillity of India or any part thereof, the financial stability and credit of the Federal Government, the rights of Indian States and the rights and dignity of their Rulers, and the discharge of his functions by or under the Act in his discretion or in the exercise of his individual judgment; His Majesty's Instrument of Instructions to the Governor-General; the superintendence of the Secretary of State; and the making of rules by the Governor-General in his discretion for the transaction of, and the securing of transmission to him of information with respect to, the business of the Federal Government.

„ chapter III, save with respect to the number of the representatives of British India and of the Indian States in the Council of State

2ND SCH.  
— *cont.*Part II, chapter III.  
— *cont.*

and the Federal Assembly and the manner in which the representatives of the Indian States are to be chosen; the disqualifications for membership of a Chamber of the Federal Legislature in relation to the representatives of the States; the procedure for the introduction and passing of Bills; joint sittings of the two Chambers; the assent to Bills, or the withholding assent from Bills, by the Governor-General; the reservation of Bills for the signification of His Majesty's pleasure; the annual financial statement; the charging on the revenues of the Federation of the salaries allowances and pensions payable to or in respect of judges of the Federal Court, of expenditure for the purpose of the discharge by the Governor-General of his functions with respect to external affairs, defence, and the administration of any territory in the direction and control of which he is required to act in his discretion and of the sums payable to His Majesty in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States; the procedure with respect to estimates and demands for grants; supplementary financial statements; the making of rules by the Governor-General for regulating the procedure of, and the conduct of business in, the Legislature in relation to matters where he acts in his discretion or exercises his individual judgment, and for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State; the making of rules by the Governor-General as to the procedure with respect to joint sittings of, and communications between, the two chambers and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.



- Part II, chapter IV, save with respect to the power of the Governor-General to promulgate ordinances in his discretion or in the exercise of his individual judgment, or to enact Governor-General's Acts. 2ND SCH.  
—cont.
- Part III, chapter I. The whole chapter.
- „ chapter II, save with respect to the special responsibilities of the Governor relating to the rights of Indian States and the rights and dignity of the Rulers thereof and to the execution of orders or directions of the Governor-General, and the superintendence of the Governor-General in relation to those responsibilities.
- „ chapter III, save with respect to the making of rules by the Governor for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State, and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.
- „ chapter IV. The whole chapter.
- „ chapter V. „
- „ chapter VI. „
- Part IV. The whole Part.
- Part V, chapter I, save with respect to the power of the Federal Legislature to make laws for a State; the power of the Governor-General to empower either the Federal Legislature or Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act; any power of a State to repeal a Federal law, and the effect of inconsistencies between a Federal law and a State law.
- „ chapter II, save with respect to the previous sanction of the Governor-General to the introduction or moving of any Bill or amendment affecting matters as respects which the Governor-General is required to act in his discretion; the power

2ND SCH.  
—*cont.*

Part V, chapter II.  
—*cont.*

of Parliament to legislate for British India or any part thereof, or the restrictions on the power of the Federal Legislature and of Provincial Legislatures to make laws on certain matters.

Part V, chapter III,

The whole chapter.

Part VI,

save in so far as the provisions of that Part relate to Indian States, or empower the Governor-General to issue orders to the Governor of a Province for preventing any grave menace to the peace or tranquillity of India or any part thereof.

Part VII, chapter I,

in so far as it relates to Burma.

„ chapter II,

save with respect to loans and guarantees to Federated States and the appointment, removal and conditions of service of the Auditor-General.

„ chapter III,

save in so far as it affects suits against the Federation by a Federated State.

Part VIII,

save with respect to the constitution and functions of the Federal Railway Authority; the conduct of business between the Authority and the Federal Government, and the Railway Tribunal and any matter with respect to which it has jurisdiction.

Part IX, chapter I,

in so far as it relates to appeals to the Federal Court from High Courts in British India; the power of the Federal Legislature to confer further powers upon the Federal Court for the purpose of enabling it more effectively to exercise the powers conferred upon it by this Act.

„ chapter II.

The whole chapter.

Part X,

save with respect to the eligibility of Rulers and subjects of Federated States for civil Federal office.

Part XI.

The whole Part.

Part XII,

save with respect to the saving for rights and obligations of the Crown in its relations with Indian States; the use of His Majesty's forces in connection with the discharge of the functions of

Part XII—*cont.*

the Crown in its said relations; the limitation in relation to Federated States of His Majesty's power to adapt and modify existing Indian laws; His Majesty's powers and jurisdiction in Federated States, and resolutions of the Federal Legislature or any Provincial Legislature recommending amendments of this Act or Orders in Council made thereunder; and save also the provisions relating to the interpretation of this Act so far as they apply to provisions of this Act which may not be amended without affecting the accession of a State.

2ND SCH.  
—*cont.*

## Part XIII.

The whole Part.

## Part XIV.

”

## First Schedule.

The whole Schedule, except Part II thereof.

## Third Schedule.

The whole Schedule.

## Fourth Schedule,

save with respect to the oath or affirmation to be taken or made by the Ruler or subject of an Indian State.

## Fifth Schedule.

The whole Schedule.

## Sixth Schedule.

”

## Seventh Schedule.

Any entry in the Legislative Lists in so far as the matters to which it relates have not been accepted by the State in question as matters with respect to which the Federal Legislature may make laws for that State.

## Eighth Schedule.

The whole Schedule.

## Ninth Schedule.

”

## Tenth Schedule.

”

## Eleventh Schedule.

”

## Twelfth Schedule.

”

## Thirteenth Schedule.

”

## Fourteenth Schedule.

”

## Fifteenth Schedule.

”

## Sixteenth Schedule.

”

Sections 7,  
48.

## THIRD SCHEDULE.

PROVISIONS AS TO GOVERNOR-GENERAL AND GOVERNORS  
OF PROVINCES.

1. There shall be paid to the Governor-General and to the Governors of the Provinces the following annual salaries, that is to say :—

|                                                  |         |                  |
|--------------------------------------------------|---------|------------------|
| The Governor-General                             | - - - - | 250,800 rupees   |
| The Governor of Madras                           | - - - - | } 120,000 rupees |
| The Governor of Bombay                           | - - - - |                  |
| The Governor of Bengal                           | - - - - |                  |
| The Governor of the United Provinces             | - - - - |                  |
| The Governor of the Punjab                       | - - - - | } 100,000 rupees |
| The Governor of Bihar                            | - - - - |                  |
| The Governor of the Central Provinces and Berar  | - - - - | 72,000 rupees    |
| The Governor of Assam                            | - - - - | } 66,000 rupees. |
| The Governor of the North West Frontier Province | - - - - |                  |
| The Governor of Orissa                           | - - - - |                  |
| The Governor of Sind                             | - - - - |                  |

2. There shall be paid to the Governor-General and to the Governors such allowances for expenses in respect of equipment and travelling upon appointment and such allowances during their terms of office as may from time to time be fixed by His Majesty in Council, and such provision shall be made for enabling the Governor-General and the Governors to discharge conveniently and with dignity the duties of their offices as may be determined by His Majesty in Council.

3. While the Governor-General or a Governor is absent on leave, he shall in lieu of his salary be entitled to such leave allowance as may be fixed by His Majesty in Council.

4. There shall be granted to and in respect of the Governor-General and the Governor of every Province such customs privileges as may be specified by Order in Council.

5. While any person appointed by His Majesty to act as Governor-General or as a Governor is so acting, he shall be entitled to the same salary and, save as may be otherwise provided by His Majesty in Council, the same allowances and privileges as the Governor-General or that Governor.

6. Any sums required to give effect to the provisions of this Schedule shall, in the case of the Governor-General or a person acting as such, be paid out of and charged on the revenues of the Federation and, in the case of a Governor or a person acting as such, be paid out of and charged on the revenues of the Province.

## FOURTH SCHEDULE.

Sections 24,  
67, 200, 220.

## FORMS OF OATHS OR AFFIRMATIONS.

## 1.

Form of oath or affirmation to be taken or made by a member of a Legislature who is a British subject :—

“ I, A.B., having been elected [*or nominated or appointed*] a member of this Council [*or Assembly*], do solemnly swear [*or affirm*] that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

## 2.

Form of oath or affirmation to be taken or made by a member of a Legislature who is the Ruler of an Indian State :—

“ I, A.B., having been elected [*or nominated or appointed*] a member of this Council [*or Assembly*], do solemnly swear [*or affirm*] that I will be faithful and bear true allegiance in my capacity as Member of this Council [*or Assembly*] to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

## 3.

Form of oath or affirmation to be taken or made by a member of a Legislature who is a subject of the Ruler of an Indian State :—

“ I, A.B., having been elected [*or nominated or appointed*] a member of this Council [*or Assembly*], do solemnly swear [*or affirm*] that, saving the faith and allegiance which I owe to C.D., his heirs and successors, I will be faithful and bear true allegiance in my capacity as Member of this Council [*or Assembly*] to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

## 4.

Form of judicial oath or affirmation to be taken or made by a British subject :—

“ I, A.B., having been appointed Chief Justice [*or a judge*] of the Court do solemnly swear [*or affirm*] that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and

4TH SCH.  
—cont.

successors and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment.”

5.

Form of judicial oath or affirmation to be taken or made by a subject of the Ruler of an Indian State :—

“ I, A.B., having been appointed Chief Justice [*or a judge*] of the Court do solemnly swear [*or affirm*] that saving the faith and allegiance which I owe to C.D., his heirs and successors, I will be faithful and bear true allegiance in my judicial capacity to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment.”

Section 61.

## FIFTH SCHEDULE.

### COMPOSITION OF PROVINCIAL LEGISLATURES.

#### *General Qualification for Membership.*

1. A person shall not be qualified to be chosen to fill a seat in a Provincial Legislature unless he—

- (a) is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation or, if it is so prescribed with respect to any Province, the Ruler or a subject of any prescribed Indian State; and
- (b) is, in the case of a seat in a Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in a Legislative Council, not less than thirty years of age; and
- (c) possesses such, if any, of the other qualifications specified in, or prescribed under, this Schedule as may be appropriate in his case.

2. Upon the expiration of the term for which he is chosen to serve as a member of a Provincial Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

#### *Legislative Assemblies.*

3. The allocation of seats in Provincial Legislative Assemblies shall be as shown in the relevant Table of Seats appended to this Schedule.

4. In the Legislative Assembly of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

- (i) the number specified in the third column shall be general seats, of which the number specified in the fourth column shall be reserved for members of the scheduled castes and, in the case of Bombay, seven shall be reserved for Marathas;
- (ii) the numbers specified in the next ten columns shall be the numbers of seats to be filled by persons chosen to represent respectively—(a) backward areas and backward tribes; (b) the Sikh community; (c) the Muhammadan community; (d) the Anglo-Indian community; (e) the European community; (f) the Indian Christian community; (g) the interests of commerce, industry, mining and planting; (h) landholders; (i) universities; and (j) the interests of labour; and
- (iii) the numbers specified in the last five columns shall be the numbers of seats (being either general seats, Sikh seats, Muhammadan seats, Anglo-Indian seats or Indian Christian seats) reserved for women.

In the Punjab one of the landholders' seats shall be a seat to be filled by a Tumandar.

5. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

- (i) for the election of persons to fill the general seats;
- (ii) for the election of persons to fill the Sikh seats, if any;
- (iii) for the election of persons to fill the Muhammadan seats;
- (iv) for the election of persons to fill the Anglo-Indian seats, if any;
- (v) for the election of persons to fill the European seats, if any; and
- (vi) except in the case of Bihar, for the election of persons to fill the Indian Christian seats, if any,

or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

In the case of each such class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

5TH SCH.  
—cont.

6. The required number of general seats to be reserved for members of the scheduled castes, and in the Province of Bombay for Marathas, shall be reserved by reserving for members of those castes or, as the case may be, for Marathas one or more seats in each of so many of the general territorial constituencies as may be necessary, so, however, that in each such constituency there shall be at least one unreserved seat.

7. In a province in which any general seats are reserved for members of the scheduled castes, all members of those castes who are entitled to vote in a constituency in which any seat is so reserved shall be entitled to take part in a primary election held for the purpose of electing four candidates for each seat so reserved, and no member of those castes not elected as a candidate at such an election shall be qualified to hold—

(a) a seat so reserved in that constituency;

(b) if it is so prescribed as respects that Province, any seat in that constituency.

In relation to bye-elections this paragraph shall have effect with such adaptations and modifications as may be prescribed.

8. The persons to fill the seats specified in columns fifteen to nineteen of the Table of Seats as seats to be filled by women shall be chosen in territorial constituencies, which shall be either—

(a) constituencies formed under paragraph five of this Schedule; or

(b) constituencies specially formed for the purpose of electing women members.

9. The provisions of the Sixth Schedule to this Act shall have effect with respect to the persons who are entitled to vote at elections in the territorial constituencies mentioned in paragraphs five and eight of this Schedule.

10. In a Province in which any seats are to be filled by representatives of backward areas or backward tribes, representatives of commerce, industry, mining and planting, representatives of landholders, representatives of universities or representatives of labour, persons to fill those seats, and in Bihar the person to fill the Indian Christian seat, shall be chosen in such manner as may be prescribed :

Provided that in a Province in which any seats are to be filled by representatives of backward areas or backward tribes some or all of those seats may, if it is so prescribed, be treated in the prescribed manner as additional general seats to be reserved for representatives of such areas or tribes.



11. In the Punjab the landholder's seat to be filled by a Tumandar shall be assigned to such constituency as may be prescribed.

5TH SCH.  
—cont.

12. A person shall not be qualified to hold a seat in the Legislative Assembly of a Province unless—

- (a) in the case of a seat to be filled by a woman, by a European, by an Indian Christian, by a representative of backward areas or backward tribes, by a representative of commerce, industry, mining and planting, by a representative of universities or by a representative of labour, he possesses such qualifications as may be prescribed; and
- (b) in the case of any other seat, he is entitled to vote in the choice of a member to fill that seat or any other seat of a similar class in that Province.

*Legislative Councils.*

13. The allocation of seats in the Legislative Councils of Provinces having such Councils shall be as shown in the relevant Table of Seats appended to this Schedule.

14. In the Legislative Council of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

- (a) the number specified in the third column shall be general seats;
- (b) the numbers specified in the fourth, fifth and sixth columns shall be seats to be filled by persons chosen to represent respectively the Muhammadan community, the European community and the Indian Christian community;
- (c) the number specified in the seventh column shall be seats to be filled by persons elected by the members of the Legislative Assembly of the Province in accordance with the system of proportional representation by means of the single transferable vote; and
- (d) the number specified in the eighth column shall be seats to be filled by persons chosen by the Governor in his discretion.

15. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

- (i) for the purpose of electing persons to fill the general seats;

5TH SCH.  
—cont.

- (ii) for the purpose of electing persons to fill the Muham-  
madan seats ;
- (iii) for the purpose of electing persons to fill the European  
seats ;
- (iv) for the purpose of electing persons to fill the Indian  
Christian seats, if any,

or, if as respects any class of constituency it is so prescribed,  
may form one territorial constituency.

In the case of each such class of constituency as aforesaid  
the total number of seats available shall be distributed between  
the constituencies by the assignment of one or more of those  
seats to each constituency.

16. At an election in a constituency to fill a general seat,  
persons entitled to vote in a Muhammadan constituency, a  
European constituency, or an Indian Christian constituency  
shall not be entitled to vote.

In the case of a Muhammadan constituency, a European  
constituency, or an Indian Christian constituency no person shall  
be entitled to vote who is not, as the case may be, a Muhammadan,  
a European, or an Indian Christian.

17. The qualifications entitling a person to vote in territorial  
constituencies at elections of members of a Provincial Legislative  
Council, and the qualifications to be possessed by members of  
such Councils, shall be such as may be prescribed.

18. The term of office of a member of the Legislative Council  
of a Province, other than a member chosen to fill a casual vacancy,  
shall be nine years, but upon the first constitution of the  
Council the Governor in his discretion shall make by order such  
provision as he thinks fit, by curtailing the term of office of some of  
the members then chosen, for securing that, as nearly as may be,  
one-third of the members holding seats of each class shall retire  
in every third year thereafter.

A member chosen to fill a casual vacancy shall be chosen to  
serve for the remainder of his predecessor's term of office.

*General.*

19. In the foregoing provisions of this Schedule the following  
expressions have the meanings hereby assigned to them, that is  
to say,—

“ a European,” “ an Anglo-Indian,” “ an Indian Christian ”  
and “ the scheduled castes ” have the same meanings  
respectively as they have in Part I of the First Schedule  
to this Act ;

“ backward areas ” and “ backward tribes ” mean respectively  
such areas and tribes as His Majesty in Council may

from time to time declare to be areas and tribes to which a special system of representation is more appropriate; and

5TH SCH.  
—cont.

“prescribed” means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Provincial Legislature or the Governor are competent to regulate, prescribed by an Act of that Legislature or by a rule made under the next succeeding paragraph.

20. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Provincial Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this Schedule and the provisions of the Sixth Schedule and securing the due constitution of the Provincial Legislature and in particular, but without prejudice to the generality of the foregoing words, with respect to—

- (i) the notification of vacancies, including casual vacancies, and the proceedings to be taken for filling vacancies;
- (ii) the nomination of candidates;
- (iii) the conduct of elections, including the application to elections of the principle of proportional representation by means of the single transferable vote, and the rules to regulate elections where certain of the seats to be filled are reserved for members of the scheduled classes, or in the case of Bombay for Marathas, or where certain of the seats allotted to any community must be held by a woman or by a specified type of landholder;
- (iv) the expenses of candidates at elections;
- (v) corrupt practices and other offences at or in connection with elections;
- (vi) the decision of doubts and disputes arising out of or in connection with elections; and
- (vii) the manner in which the rules are to be carried into effect.

5TH SCH.  
—cont.

TABLE OF SEATS.  
Provincial Legislative Assemblies.

| 1.<br>Province.                          | 2.<br>Total<br>Seats. | 3.<br>General Seats.             |                                                                  | 5.<br>Seats<br>for<br>repre-<br>senta-<br>tives<br>of<br>back-<br>ward<br>areas<br>and<br>tribes. | 6.<br>Sikh<br>Seats. | 7.<br>Muham-<br>madan<br>Seats. | 8.<br>Anglo-<br>Indian<br>Seats. | 9.<br>Euro-<br>pean<br>Seats. | 10.<br>Indian<br>Chris-<br>tian<br>Seats. | 11.<br>Seats<br>for<br>repre-<br>senta-<br>tives of<br>commer-<br>ce,<br>indus-<br>try,<br>mining,<br>and<br>planting. | 12.<br>Land-<br>holders<br>Seats. | 13.<br>Uni-<br>versity<br>Seats. | 14.<br>Seats<br>for<br>repre-<br>senta-<br>tives of<br>labour. | 15. 16. 17.<br>Seats for Women. |       |                  | 18.<br>Indian<br>Anglo-<br>Indian. | 19.<br>Indian<br>Chris-<br>tian. |
|------------------------------------------|-----------------------|----------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------|---------------------------------|----------------------------------|-------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------|----------------------------------------------------------------|---------------------------------|-------|------------------|------------------------------------|----------------------------------|
|                                          |                       | Total<br>of<br>General<br>Seats. | General<br>Seats<br>reserved<br>for<br>Sched-<br>uled<br>Castes. |                                                                                                   |                      |                                 |                                  |                               |                                           |                                                                                                                        |                                   |                                  |                                                                | Gene-<br>ral.                   | Sikh. | Muham-<br>madan. |                                    |                                  |
| Madras                                   | 215                   | 146                              | 30                                                               | 1                                                                                                 | —                    | 28                              | 2                                | 3                             | 8                                         | 6                                                                                                                      | 6                                 | 1                                | 6                                                              | 6                               | —     | —                | —                                  | 1                                |
| Bombay                                   | 175                   | 114                              | 15                                                               | 1                                                                                                 | —                    | 20                              | 2                                | 3                             | 3                                         | 7                                                                                                                      | 2                                 | 1                                | 7                                                              | 5                               | —     | —                | —                                  | —                                |
| Bengal                                   | 250                   | 78                               | 30                                                               | —                                                                                                 | —                    | 117                             | 3                                | 11                            | 2                                         | 19                                                                                                                     | 5                                 | 2                                | 8                                                              | 2                               | —     | —                | 1                                  | —                                |
| United Provinces                         | 228                   | 140                              | 20                                                               | —                                                                                                 | —                    | 64                              | 1                                | 2                             | 2                                         | 3                                                                                                                      | 6                                 | 1                                | 3                                                              | 4                               | —     | —                | —                                  | —                                |
| Punjab                                   | 175                   | 42                               | 8                                                                | —                                                                                                 | 31                   | 84                              | 1                                | 1                             | 2                                         | 1                                                                                                                      | 5                                 | 1                                | 3                                                              | 1                               | —     | —                | —                                  | —                                |
| Bihar                                    | 152                   | 86                               | 15                                                               | 7                                                                                                 | —                    | 39                              | 1                                | 2                             | 1                                         | 4                                                                                                                      | 4                                 | 1                                | 3                                                              | 3                               | —     | —                | —                                  | —                                |
| Central Pro-<br>vinces and<br>Berar.     | 112                   | 84                               | 20                                                               | 1                                                                                                 | —                    | 14                              | 1                                | 1                             | —                                         | 2                                                                                                                      | 3                                 | 1                                | 2                                                              | 3                               | —     | —                | —                                  | —                                |
| Assam                                    | 108                   | 47                               | 7                                                                | 9                                                                                                 | —                    | 34                              | —                                | 1                             | 1                                         | 11                                                                                                                     | —                                 | —                                | 4                                                              | 1                               | —     | —                | —                                  | —                                |
| North Western<br>Frontier Pro-<br>vince. | 50                    | 9                                | —                                                                | —                                                                                                 | 3                    | 36                              | —                                | —                             | —                                         | —                                                                                                                      | 2                                 | —                                | —                                                              | —                               | —     | —                | —                                  | —                                |
| Orissa                                   | 60                    | 44                               | 6                                                                | 5                                                                                                 | —                    | 4                               | —                                | —                             | 1                                         | 1                                                                                                                      | 2                                 | —                                | 1                                                              | 2                               | —     | —                | —                                  | —                                |
| Sind                                     | 60                    | 18                               | —                                                                | —                                                                                                 | —                    | 33                              | —                                | 2                             | —                                         | 2                                                                                                                      | 2                                 | —                                | 1                                                              | 1                               | —     | —                | —                                  | —                                |

In Bombay seven of the general seats shall be reserved for Marathas.  
In the Punjab one of the Landholders' seats shall be a seat to be filled by a Tumandar.  
In Assam and Orissa the seats reserved for women shall be non-communal seats.

TABLE OF SEATS.—*Provincial Legislative Councils.*

| 1.<br>Province.     | 2.<br>Total of Seats.                    | 3.<br>General<br>Seats. | 4.<br>Muhammadian<br>Seats. | 5.<br>European<br>Seats. | 6.<br>Indian<br>Christian<br>Seats. | 7.<br>Seats to be<br>filled by Legislative<br>Assembly. | 8.<br>Seats to be filled<br>by Governor.  |
|---------------------|------------------------------------------|-------------------------|-----------------------------|--------------------------|-------------------------------------|---------------------------------------------------------|-------------------------------------------|
| Madras              | { Not less than 54<br>Not more than 56 } | 35                      | 7                           | 1                        | 3                                   | —                                                       | { Not less than 8.<br>Not more than 10. } |
| Bombay              | { Not less than 29<br>Not more than 30 } | 20                      | 5                           | 1                        | —                                   | —                                                       | { Not less than 3.<br>Not more than 4. }  |
| Bengal              | { Not less than 63<br>Not more than 65 } | 10                      | 17                          | 3                        | —                                   | 27                                                      | { Not less than 6.<br>Not more than 8. }  |
| United<br>Provinces | { Not less than 58<br>Not more than 60 } | 34                      | 17                          | 1                        | —                                   | —                                                       | { Not less than 6.<br>Not more than 8. }  |
| Bihar               | { Not less than 29<br>Not more than 30 } | 9                       | 4                           | 1                        | —                                   | 12                                                      | { Not less than 3.<br>Not more than 4. }  |
| Assam               | { Not less than 21<br>Not more than 22 } | 10                      | 6                           | 2                        | —                                   | —                                                       | { Not less than 3.<br>Not more than 4. }  |

5TH SCH.  
—cont.

Schedule 5  
'91.

## SIXTH SCHEDULE.

### PROVISIONS AS TO FRANCHISE.

#### PART I.

##### *General.*

1. There shall be an electoral roll for every territorial constituency and no person who is not, and, except as expressly provided by this Schedule, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

2. The electoral rolls for the territorial constituencies shall be made up and from time to time in whole or in part revised by reference to such date, in this Schedule referred to as "the prescribed date," as may be directed in each case by the Governor, exercising his individual judgment.

3. No person shall be included in the electoral roll for any territorial constituency unless he has attained the age of twenty-one years and is either—

- (a) a British subject; or
- (b) the Ruler or a subject of a Federated State; or
- (c) if and so far as it is so prescribed with respect to any Province, and subject to any prescribed conditions, the Ruler or a subject of any other Indian State.

4. No person shall be included in the electoral roll for, or vote at any election in, any territorial constituency if he is of unsound mind and stands so declared by a competent court.

5. No person shall be included in the electoral roll for a Sikh constituency, a Muhammadan constituency, an Anglo-Indian constituency, a European constituency or an Indian Christian constituency unless he is a Sikh, a Muhammadan, an Anglo-Indian, a European or an Indian Christian, as the case may be.

6. No person who is or is entitled to be included in the electoral roll for any Sikh constituency, Muhammadan constituency, Anglo-Indian constituency, European constituency or Indian Christian constituency in any Province shall be included in the electoral roll for a general constituency in that Province, or vote at any election to fill a general seat therein :

Provided that this paragraph shall not apply in relation to the general seats reserved for women in Assam and Orissa or the constituencies for the election of persons to fill those seats.

7. No person shall in any Province vote at a general election in more than one territorial constituency, and in each Province such provisions, if any, as may be prescribed in relation to that Province shall have effect for the purpose of preventing persons being included in the electoral roll for more than one territorial constituency in the Province :

6TH SCH.  
— cont.  
(General.)

Provided that, in any Province in which territorial constituencies have been specially formed for the purpose of electing women members, nothing in this paragraph or in any such provisions shall prevent a person from being included in the electoral roll for, and voting at a general election in, one territorial constituency so formed and also one territorial constituency not so formed.

8. No person shall be included in the electoral roll for, or vote at any election in, a territorial constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Provincial Legislature or rules made by the Governor as may be made or passed under this Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for territorial constituencies in which it may be included.

9. No person shall vote at any election in any territorial constituency, if he is for the time being undergoing a sentence of transportation, penal servitude, or imprisonment.

10. The following provisions shall have effect with respect to the enfranchisement of women in respect of the qualifications of their husbands—

- (a) a woman who, at the date of the death of her husband, is included in an electoral roll for a territorial constituency by virtue of his qualifications shall, notwithstanding anything in the subsequent provisions of this Schedule, continue to be on the roll for that constituency unless she remarries or becomes disqualified under the foregoing provisions of this Schedule for inclusion in that roll;
- (b) not more than one woman shall at any one time appear in the electoral rolls for the territorial constituencies in a Province in respect of the qualifications of any particular man and any question which of several women is to be selected for inclusion shall be determined in the prescribed manner :

Provided that, if a woman who is entitled by virtue of subparagraph (a) of this paragraph to remain on the roll of a territorial constituency changes her place of residence, then, if she so desires, she may, on any subsequent revision of the roll, be transferred to

6TH SCH.  
—cont.  
(General.)

the roll of such other territorial constituency as may be appropriate.

11. For the purposes of this Schedule any property owned, held, or occupied or payment made by, or assessment made on, a person as a trustee, guardian, administrator or receiver or in any other fiduciary capacity, shall, except as otherwise expressly provided in this Schedule, be left out of account.

12. This Schedule shall have effect as if any reference therein to an officer, non-commissioned officer, or soldier of His Majesty's regular military forces included a reference to an officer or man of any British India police force, not being an officer or man who has been dismissed or discharged from that force for disciplinary reasons, and a reference to an officer, non-commissioned officer or soldier of the Auxiliary Force (India) or the Indian Territorial Force, not being an officer, non-commissioned officer or soldier who has been dismissed or discharged from the force for disciplinary reasons, or has served in the force for less than four years.

13.—(1) In this Schedule, except where the context otherwise requires—

“territorial constituency” means one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to this Act;

“European,” “Anglo-Indian,” “Indian Christian” and “scheduled castes” have the same meanings respectively as they have in Part I of the First Schedule to this Act;

“Indian Christian constituency” does not include any constituency which may be formed for choosing persons to fill the Indian Christian seat in Bihar;

“person” does not include a body of persons;

“prescribed,” except in the phrase “the prescribed date,” has the same meaning as in the Fifth Schedule to this Act;

“previous financial year,” “previous Bengali year” and “previous fasli year” mean, respectively, the financial year, the Bengali year, and the fasli year immediately preceding that in which the prescribed date falls;

“house” and “building” include, respectively, a part of a house or building separately occupied as a dwelling or for the purposes of any trade, business, or profession;

“literate” means, in relation to any person, able to read and write in some language or dialect selected by him, being a language or dialect in common use in some part of India;



“cantonment” means a cantonment for the purposes of the Cantonments Act, 1924, and “cantonment record” means a record prepared under that Act. (General.)

6TH SCH.  
—cont.

(2) Any reference in this Schedule to “urban constituencies” or “rural constituencies” shall be construed as a reference to such territorial constituencies as may be classified as urban or rural constituencies, respectively, by an Order in Council delimiting territorial constituencies :

Provided that any such Order in Council may direct that any Anglo-Indian constituency, European constituency, or Indian Christian constituency shall be deemed to be an urban constituency for some purposes and a rural constituency for other purposes.

(3) Any reference in this Schedule to persons assessed to income tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income tax in that year if his share of the firm’s income on which income tax was so assessed is certified in the prescribed manner to have been not less than the minimum on which the tax is leviable.

(4) If any question arises under this Schedule whether any person is or is not a Sikh, he shall be deemed to be a Sikh if and only if he makes in the prescribed manner a declaration in the prescribed form that he is a Sikh.

(5) Any reference in this Schedule to a retired, pensioned or discharged officer, non-commissioned officer or soldier of any force shall be deemed not to include a reference to any person who has been dismissed or discharged from that force for disciplinary reasons.

(6) Any reference in this Schedule to all or any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(7) If the boundaries of any district or other administrative area mentioned in this Schedule are altered, any reference in this Schedule to that district or area shall thereafter be taken as a reference to the district or area as altered.

## PART II.

### MADRAS.

#### *General requirement as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he has resided in a house in the constituency for a period of not less than one hundred and twenty days in the previous financial year.

6TH SCH.  
—cont.  
(Madras.)

A person is deemed to reside in a house if he sometimes uses it as a sleeping place and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

*Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if in the previous financial year he—

- (a) paid tax under the Madras Motor Vehicles Taxation Act, 1931, for the whole of that year; or
- (b) paid for both the half years of that year to a municipality, local board or cantonment authority in the Province profession tax under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924; or
- (c) paid for both the half years of that year to a municipality or cantonment authority in the Province property tax under any of the said Acts; or
- (d) paid for both the half years of that year house tax under the Madras Local Boards Act, 1920; or
- (e) occupied as sole tenant throughout that year a house in respect of which property tax or house tax has been paid for both the half years of that year under any of the Acts mentioned in this paragraph; or
- (f) was assessed to income tax.

*Qualifications dependent on property, &c.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

- (a) was on the last day of the previous fasli year a registered landholder, inamdar, ryotwari pattadar or occupancy ryot under the Madras Estates Land Act, 1908; or
- (b) was in and for the previous fasli year assessed to ground rent payable to the Government of the Province; or
- (c) was throughout the previous fasli year a kanamdar or kuzhikanamdar or the holder of a kudiyiruppu or a verumpattamdar having fixity of tenure, each of these terms having the meaning assigned to it in the Malabar Tenancy Act, 1929; or
- (d) was throughout the previous fasli year a mortgagee with possession or lessee, under a registered instru-

ment, of immovable property in the Province (other than house property) of an annual rent value, in the case of an urban constituency, of not less than one hundred rupees, and, in the case of a rural constituency, of not less than fifty rupees.

6TH SCH.  
—cont.  
(Madras.)

4.—(1) Sub-paragraph (a) of the last preceding paragraph shall not apply in relation to registered joint landholders, registered joint inamdars, registered joint ryotwari pattadars or registered joint occupancy ryots, but in relation to such persons (being persons so registered on the last day of the previous fasli year) the following provisions of this paragraph shall have effect.

(2) Where the joint holding of any joint landholders or joint holders of a whole-inam village is of an annual rental of one thousand rupees or upwards, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one registered joint holder for every complete five hundred rupees of the annual rental of the joint holding shall be qualified to be included in the electoral roll of the appropriate territorial constituency.

(3) Where the annual assessment, rent or kist of the joint holding of joint holders of a minor inam, a ryotwari patta or an estate patta is one hundred rupees or upwards, then, subject as aforesaid, one registered joint holder for every complete fifty rupees of the annual assessment, rent or kist shall be qualified to be included in the electoral roll of the appropriate territorial constituency.

(4) In other cases, one of the registered joint holders shall, subject as aforesaid, be qualified to be included in the electoral roll of the appropriate territorial constituency.

(5) The registered holders to be included under this paragraph in an electoral roll in respect of a joint holding shall be those nominated in an application in that behalf, signed by a majority of the registered joint holders.

*Qualification by reason of guardianship.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is on the prescribed date the guardian of a minor who by virtue of the foregoing provisions of this Part of this Schedule would have been entitled to be included in the electoral roll for that constituency if he were of full age and satisfied the requirements of paragraph one of this Part of this Schedule.

*Qualification by reason of literacy.*

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to be literate.

6TH SCH.  
—cont.  
(Madras.)

*Qualification by reason of service in His Majesty's forces.*

7. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Additional qualifications for women.*

8. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

- (a) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer, or soldier of His Majesty's regular military forces; or
- (b) if her husband possesses the qualifications requisite for the purpose of this paragraph.

9. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

- (a) was assessed in the previous financial year to income tax; or
- (b) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (c) occupied for not less than six months in the previous financial year a house in the city of Madras the annual value whereof was not less than sixty rupees, not being a house in any military or police lines; or
- (d) was assessed in the Province in the previous financial year to tax on companies; or
- (e) was assessed in the Province in the previous financial year to an aggregate amount of not less than three rupees in respect of either or both of the following taxes, namely, property tax or profession tax; or
- (f) is registered as a ryotwari pattadar or an inamdar of land the annual rent value whereof is not less than ten rupees; or
- (g) holds under a ryotwari pattadar or an inamdar a registered lease of land the annual rent value whereof is not less than ten rupees; or
- (h) is registered jointly with the proprietor under section fourteen of the Malabar Land Registration Act, 1895, as the occupant of land the annual rent value whereof is not less than ten rupees; or
- (i) is a landholder holding an estate the annual rent value whereof is not less than ten rupees; or

- (j) holds as ryot, or as tenant under a landholder, land the annual rent value whereof is not less than ten rupees.

6TH SCH.  
—cont.  
(Madras.)

*Application necessary for enrolment in certain cases.*

10. No person shall, by virtue of sub-paragraph (e) of paragraph two, sub-paragraph (c) or sub-paragraph (d) of paragraph three, paragraph five, paragraph six, or paragraph eight, of this Part of this Schedule, be included in the electoral roll of any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included :

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, as respects women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (b) of paragraph nine of this Part of this Schedule.

*General provisions as to joint property, &c.*

11.—(1) Subject to the provisions of this paragraph, property held and payments made jointly by, and assessments made jointly on, more than one person, shall be left out of account for the purposes of this Part of this Schedule.

(2) Where any such property, payments or assessments would qualify a person if they had been made by or on him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one of those persons shall be qualified in respect of the property, payment or assessment and that person shall be—

- (a) if the property is held, or the payments or assessments made, by or on a Hindu joint family, the manager thereof;
- (b) if the property is held or the payments or assessments made by or on any other joint family, the member thereof authorised in that behalf by the family themselves;
- (c) in any other case, the person authorised in that behalf by a majority of the persons by or on whom the property is held or the payments or assessments made.

(3) Nothing in this paragraph affects paragraph four of this Part of this Schedule, or the provisions of Part I of this Schedule relating to partners in firms assessed to income tax.

*Interpretation, &c.*

12.—(1) In this Schedule, in relation to Madras—

“ estate ” means an estate as defined in the Madras Estates Land Act, 1908 ;

6TH SCH.  
—*cont.*  
(Madras.)

“ fasli year ” means a year ending on the thirtieth day of June ;

“ landholder ” means a person owning an estate or part of an estate and includes every person entitled to collect the rent of the whole or part of an estate by virtue of any transfer from the owner or his predecessor in title or of any order of a competent court, or of any provision of law ;

“ rent value ” means the value as determined in accordance with the provisions of section seventy-nine of the Madras Local Boards Act, 1920, with reference to the accounts of the previous fasli year or, in any case in which it is not possible so to determine the rent value, such value as appears to the registration officer to be the rent value ;

“ tenant ” includes all persons who, whether personally or by an agent, occupy a house or land under the owner or landholder or intermediate landholder, whether or not rent is paid to the owner, landholder or intermediate landholder, as the case may be, except that it does not include any person occupying a house in military or police lines rent free by virtue of any office, service or employment.

(2) A person who is paying or is liable to pay the rent of a house shall be deemed to occupy it.

### PART III.

#### BOMBAY.

##### *General requirement as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he satisfies the requirement as to residence in relation to that constituency.

For the purposes of this Part of this Schedule a person shall be deemed to satisfy the requirement as to residence—

- (a) in relation to a Bombay city constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the city of Bombay or in the Thana mahal or the South Salsette taluka ;
- (b) in relation to any other urban constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or within two miles of the boundary thereof ;

- (c) in the case of a rural constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency, or in a contiguous constituency of the same communal description :

6TH SCH.  
—cont.  
(Bombay.)

Provided that a person shall be deemed to satisfy the requirement as to residence in relation to any European or Anglo-Indian territorial constituency if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the Province.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

*Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency, if he was assessed during the previous financial year to income tax.

*Qualifications dependent on property.*

3. Subject as aforesaid a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

- (a) holds in his own right, or occupies as a tenant, alienated or unalienated land or land on talukdari tenure, being land in the constituency assessed at, or of the assessable value of, not less than eight rupees land revenue; or
- (b) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than eight rupees in respect of alienated land in the constituency; or
- (c) is a khot or sharer in a khoti village in the constituency, or a sharer in a bhagdari or narwadari village in the constituency, and is responsible for the payment of not less than eight rupees land revenue; or
- (d) occupies in the constituency as owner or tenant a house or building, situate in the city of Bombay or in any municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

6TH SCH.  
—cont.  
(Bombay.)

In sub-paragraph (d) of this paragraph, the expression “ the appropriate value ” means—

- (i) in relation to a house or building situate within the city of Bombay, an annual rental value of sixty rupees ;
- (ii) in relation to a house or building situate outside the city of Bombay but in an area in which a tax is based on the annual rental value of houses or buildings, an annual rental value of eighteen rupees ;
- (iii) in relation to any other house or building, a capital value of seven hundred and fifty rupees.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation or school leaving examination of the University of Bombay, or an examination prescribed as at least equivalent to either of those examinations, or, if it is so prescribed, any other prescribed examination, not lower than a vernacular final examination.

*Qualification by reason of service in His Majesty's forces.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Additional qualification for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

- (a) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces ; or
- (b) if she is shown in the prescribed manner to be literate ;  
or
- (c) if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall not be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph unless he satisfies the requirement as to residence in relation to the constituency in question, but subject as aforesaid a husband shall be deemed to possess the said qualifications if—

- (a) in the previous financial year, he was assessed to income tax ; or



- (b) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (c) in the constituency he holds in his own right, or occupies as tenant, alienated or unalienated land or land on talukdari tenure assessed at, or of the assessable value of, not less than sixteen rupees land revenue in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district, or not less than thirty-two rupees land revenue elsewhere; or
- (d) he is the alienee of the right of the Government to the payment of rent or land revenue in respect of alienated land in the constituency amounting to not less than sixteen rupees in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district and to not less than thirty-two rupees elsewhere; or
- (e) he is a khot or sharer in a khoti village in the constituency or a sharer in a bhagdari or narwadari village in the constituency and, in either case, is responsible for the payment, in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district, of not less than sixteen rupees land revenue, and, elsewhere, of not less than thirty-two rupees land revenue; or
- (f) he occupies as owner or tenant in the constituency a house or building situate in the city of Bombay or in a municipal borough, municipal district, cantonment or notified area and having at least the appropriate value.

6TH SCH.  
—cont.  
(Bombay.)

In sub-paragraph (f) of this paragraph, the expression "appropriate value" means—

- (i) in relation to a house or building in the city of Bombay, an annual rental value of one hundred and twenty rupees;
- (ii) in relation to a house or building in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or the Ratnagiri district, situate in an area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of twenty-four rupees;
- (iii) in relation to any other house or building in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or the Ratnagiri district, a capital value of one thousand rupees;

6TH SCH.  
—cont.  
(Bombay.)

- (iv) in relation to a house or building in any other area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of thirty-six rupees; and
- (v) in relation to any other house or building, a capital value of one thousand five hundred rupees.

*Special qualification for scheduled castes.*

8. Subject as aforesaid a person who is a member of the scheduled castes shall also be qualified to be included in the electoral roll for any territorial constituency if either—

- (a) he is shown in the prescribed manner to be literate; or
- (b) he was at any time during the year ending on the thirty-first day of December next preceding the prescribed date a person actually performing in the Province the duties of an inferior village office, whether hereditary or not :

Provided that a person who has been dismissed for misconduct and has not been re-employed shall not by virtue of sub-paragraph (b) of this paragraph be qualified to be entered in any electoral roll.

*Application necessary for enrolment in certain cases.*

9. No person shall by virtue of paragraph four or of paragraph six of this Part of this Schedule be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included :

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, in relation to women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (b) of paragraph seven of this Part of this Schedule.

*Provisions as to joint property, &c.*

10.—(1) Subject to the provisions of this paragraph, any reference in this Part of this Schedule to land or other immovable property, or to rent or land revenue in respect of alienated land, shall, in relation to any persons who are co-sharers in such land, property, rent or land revenue, be construed as a reference to the respective shares of those persons.

(2) Where two or more persons occupy any house, the rental value of the house shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons. 6TH SCH.  
—cont.  
(Bombay.)

(3) Where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, and the property, payments or assessments would qualify a person if they had been owned, held, occupied or made by or on him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one member of the family shall be qualified in respect of the property, payment or assessment, and that person shall be, in the case of a Hindu joint family, the manager thereof and, in other cases, the member authorised in that behalf by the family themselves.

Save as aforesaid, any property owned, held or occupied, or payments made, jointly by, or assessments made jointly on, the members of a joint family shall be left out of account for the purposes of this Part of this Schedule.

(4) Nothing in this paragraph affects the provisions of Part I of this Schedule relating to partners in firms assessed to income tax.

*Interpretation, &c.*

11.—(1) In this Schedule, in relation to Bombay—

“holder” means a person lawfully in possession of land, whether his possession is actual or not, and “hold” shall be construed accordingly;

“tenant” means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant’s rights with possession, and, in relation to a house not situate in military or police lines, also includes any person occupying the house rent-free by virtue of any office, service or employment;

“Bombay city constituency” means a constituency comprising any part of the city of Bombay.

(2) The value of any machinery, furniture or equipment contained in or situate upon any house or building shall not be included in estimating for the purposes of this Part of this Schedule the rental value or the capital value of the house or building.

(3) In computing for the purposes of this Part of this Schedule the assessable value of any land, regard shall be had to the average rate of assessment on assessed land in the same village or, if there is no such land in the same village, the average rate of assessment on assessed land in the nearest village containing assessed land.

6TH SCH.  
—cont.  
(Bengal.)

## PART IV.

## BENGAL.

*General requirement as to residence.*

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he has a place of residence in that constituency :

Provided that—

- (a) in the case of a Calcutta constituency, the provisions of this paragraph shall be deemed to be complied with in relation to any person if he has a place of residence in Calcutta and a place of business within the constituency ;
- (b) in the case of a European constituency, the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Bengal but is absent from Bengal on leave from his employment.

(2) In this paragraph “ a place of residence ” means a place where a person ordinarily and actually resides during the greater part of the year.

*Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if he—

- (a) has paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year ; or
- (b) was assessed during the previous year to income tax ; or
- (c) was during the previous year entered in the municipal assessment book or licence register, or any other authorised register maintained by the corporation of Calcutta, as having paid in respect of that year either directly or indirectly any sum as consolidated rate, tax or licence fee to the corporation ; or
- (d) has paid during and in respect of the previous year municipal or cantonment taxes or fees of not less than eight annas, or road and public works cesses under the Cess Act, 1880, of not less than eight annas, or Chaukidari tax under the Village Chaukidari Act, 1870, of not less than six annas, or union rate under the Bengal Village Self-Government Act, 1919, of not less than six annas.

*Qualifications dependent on property.*6TH SCH.  
—cont.  
(Bengal.)

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if at any time during the previous financial or Bengali year he has occupied by virtue of his employment a house in the Province the annual valuation of which is not less than forty-two rupees.

In this paragraph "annual valuation" means the annual rental of the house as ascertained from any accounts of the employer of the person in question which are required by or under any law to be regularly audited or, if the annual valuation is not so ascertainable, one-tenth of the annual remuneration received by the person in question for the employment by virtue of which he occupies it.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation examination of any prescribed university, or an examination prescribed as at least equivalent to any such examination, or if it is so prescribed, any other prescribed examination, not lower than a final middle school examination.

*Qualification<sup>a</sup> by reason of service in  
His Majesty's forces.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Additional qualifications for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or if her husband possesses the qualifications requisite for the purposes of this paragraph or if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words "or if she is shown in the prescribed manner to be literate" were omitted therefrom.

6TH SCH.  
—cont.  
(Bengal.)

7. In relation to a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

- (a) he was during the previous year entered in the municipal assessment book as the owner and occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than one hundred and fifty rupees per annum, or as the owner or occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than three hundred rupees per annum and paid during that year his share of the consolidated rate on the land or building; or
- (b) he has paid during and in respect of the previous year on his sole account and in his own name not less than twenty-four rupees either in respect of the taxes levied under Chapter XI, or in respect of the taxes levied under Chapter XII, of the Calcutta Municipal Act, 1923; or
- (c) his name is entered in the municipal assessment book in respect of any land or building in Calcutta in respect of which not less than twenty-four rupees was paid in the previous year in respect of the consolidated rate.

8. In relation to an urban constituency which is not a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid, in the municipality of Howrah, municipal taxes or fees of not less than three rupees, or, in any other municipal area or cantonment in the Province, municipal or cantonment taxes or fees of not less than one rupee, eight annas.

9. In relation to a rural constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid not less than one rupee, eight annas in respect of municipal taxes or fees, or not less than one rupee in respect of road and public works cesses under the Cess Act, 1880, or not less than two rupees in respect of Chaukidari tax under the Village Chaukidari Act, 1870, or in respect of union rate under the Bengal Village Self-Government Act, 1919.

10. In relation to any territorial constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if he either is a retired pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces or was assessed in the previous year to income tax, or paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year.

*Special provisions as to Darjeeling general constituency.*6TH SCH.  
—cont.  
(Bengal.)

11. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any rural general constituency comprising any part of the Sadar, Kalimpong and Kurseong sub-divisions of the Darjeeling district if that person either—

- (a) has paid during and in respect of the previous year rent of not less than twenty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than two rupees for any land in the Province not situate in a municipal area; or
- (b) is the wife of a person who, during and in respect of the previous year, has paid rent of not less than sixty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than six rupees for any land in the Province not situate in a municipal area.

*Application necessary for enrolment in certain cases.*

12. No person shall by virtue of paragraph three or paragraph four of this Part of this Schedule be included in the electoral roll of any territorial constituency, unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf, that he should be so included.

*Special provisions as to Muhammadan women's constituency.*

13. No man shall be included in the electoral roll for, or be entitled to vote at any election in, any Muhammadan constituency specially formed for the election of persons to fill the seats reserved for women.

*Interpretation, &c.*

14.—(1) In this Schedule, in relation to Bengal,—

“ Calcutta ” means Calcutta as defined in paragraph 11 of section three of the Calcutta Municipal Act, 1923;

“ a Calcutta constituency ” means, subject to the provisions of this paragraph with respect to Anglo-Indian constituencies, European constituencies or Indian Christian constituencies, a constituency which comprises any part of Calcutta;

“ previous year ” means the previous financial year or the previous Bengali year, whichever is appropriate in the particular case;

“ Bengali year ” means a year ending on the last day of the Bengali month of Chaitra.

(2) Notwithstanding anything in this paragraph, an Order in Council delimiting territorial constituencies may provide that any Anglo-Indian constituency, European constituency or Indian

6TH SCH.  
—cont.  
(Bengal.)

Christian constituency comprising any part of Calcutta, shall, for all or any of the purposes of this Part of this Schedule, be deemed not to be a Calcutta constituency.

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves :

Provided that this paragraph shall not apply where members of a joint family have separate accommodation and separate messing, and in any such case any reference in this Part of this Schedule to any property, payment or assessment shall be construed as a reference to each member's share of that property, payment or assessment.

## PART V.

### THE UNITED PROVINCES.

#### *General requirement as to residence.*

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he is resident in the constituency.

(2) For the purposes of this Part of this Schedule a person shall be deemed to be resident in any area if he ordinarily lives in that area or maintains a dwelling-house therein ready for occupation in which he occasionally dwells.

#### *Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if he—

- (a) was assessed during the previous financial year to income tax ; or
- (b) was, in an area wholly or partly within the constituency in which a municipal tax is in force, assessed in the previous financial year to municipal tax on an income of not less than one hundred and fifty rupees per annum.

#### *Qualifications dependent on property.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is the owner or tenant of a house or building in the constituency the rental value whereof is not less than twenty-four rupees per annum.



4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

6TH SCH.  
—cont.  
(United  
Provinces.)

- (a) owns land in the constituency on which land revenue of not less than five rupees per annum is payable; or
- (b) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect of the land, either alone or together with any land revenue payable by him as owner of other land in the constituency, amounts to not less than five rupees per annum; or
- (c) is a tenant of land in the constituency in respect of which rent of not less than ten rupees per annum, or rent in kind equivalent to not less than ten rupees per annum, is payable; or
- (d) is an under-proprietor in Oudh of land in the constituency in respect of which under-proprietary rent of not less than five rupees per annum is payable; or
- (e) in the case of a constituency comprising any part of the Hill Pattis of Kumaun, is resident in those Hill Pattis and, in the constituency, either is owner of a fee simple estate in those Hill Pattis, or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar.

*Educational qualification.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the upper primary examination, or an examination which is prescribed as the equivalent thereof.

*Qualification by reason of service in His Majesty's forces.*

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Special provision as to Shilpkars in the Hill Pattis of Kumaun.*

7. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency comprising any part of the Hill Pattis of Kumaun if he is a Shilpkar resident in a village in those Hill Pattis and is in the prescribed manner selected and designated as their representative by the Shilpkar families of that village.

6TH SCH.  
—cont.  
(United  
Provinces.)

*Additional qualifications for women.*

8. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

- (a) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (b) if she is proved in the prescribed manner to be literate; or
- (c) if her husband possesses the qualifications requisite for the purposes of this paragraph.

9. In relation to any territorial constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

- (a) he is the owner or tenant of a house or building in the constituency, the rental value whereof is not less than thirty-six rupees per annum; or
- (b) was, in an area in which no house or building tax is in force, assessed in the previous year in the constituency to municipal tax on an income of not less than two hundred rupees per annum; or
- (c) owns land in the constituency in respect of which land revenue amounting to not less than twenty-five rupees per annum is payable; or
- (d) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect thereof, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than twenty-five rupees per annum; or
- (e) is resident in the Hill Pattis of Kumaun and, in the constituency, either owns a fee simple estate situate in those Hill Pattis or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar; or
- (f) is, in the constituency, a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1926, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, and is liable as such to rent of not less than twenty-five rupees per annum; or
- (g) holds in the constituency as a tenant, land in respect of which a rent of not less than fifty rupees per annum or a rent in kind equivalent to not less than fifty rupees per annum is payable; or

- (h) was assessed in the previous financial year to income tax; or
- (i) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

6TH SCH.  
—cont.

(United  
Provinces.)

*Application necessary for enrolment in certain cases.*

10.—(1) No person shall by virtue of paragraph five or sub-paragraph (a) or sub-paragraph (b) of paragraph eight of this Part of this Schedule, or by virtue of her husband being a retired, pensioned or discharged officer, non-commissioned officer or soldier, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by, or if it is so prescribed, on behalf of, that person, that that person should be so included.

(2) On the preparation of the original electoral roll for any rural constituency or on any revision of the electoral roll for a rural constituency within three years from the commencement of Part III of this Act, no person shall by virtue of her husband possessing any of the other qualifications requisite for the purposes of the said paragraph eight be included in the electoral roll unless application is made in the prescribed manner by her, or if it is so prescribed, on her behalf, that she should be so included.

*Interpretation, &c.*

- 11.—(1) In this Schedule, in relation to the United Provinces—
- “owner” does not include a mortgagee or a lessee, and
  - “own” shall be construed accordingly;
  - “tenant” as respects any land in a rural area means a tenant as defined in the Agra Tenancy Act, 1926, or the Oudh Rent Act, 1886, as the case may be, and does not include a sub-tenant, and as respects any house or building means a person who occupies it on payment of rent, or in the case of a house, not situate in military or police lines, a person who occupies it rent free by virtue of any office, service or employment;
  - “under-proprietor” means an under-proprietor as defined in the Oudh Rent Act, 1886;
  - “Khaikar” means a person recorded as such in the records of rights of land in the Hill Patts of Kumaun;
  - “building” means a building as defined in the United Provinces Municipalities Act, 1916;
  - “rental value” means the value of a house or building based on the amount of annual rent;
  - “municipal tax” and “house or building tax,” mean the taxes respectively known by those names imposed under the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, and the Cantonments Act, 1924;

6TH SCH.  
—cont.

(United  
Provinces.)

“urban area” means a municipality or notified area as defined in subsection (9) of section two, and subsection (2) of section three hundred and thirty-seven of the United Provinces Municipalities Act, 1916, or a town area as defined in the United Provinces Town Areas Act, 1914, or a cantonment;

“rural area” means an area which is not an urban area.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family or joint tenancy, the family or tenancy shall be adopted as the unit for deciding whether under this Part of this Schedule the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a joint Hindu family, the manager thereof or, if there is no manager, the member nominated in that behalf by the majority of the family, and in other cases the member nominated in that behalf by the family or tenancy concerned.

## PART VI.

### THE PUNJAB.

#### *General requirements as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he is resident in the constituency.

For the purposes of this Part of this Schedule proof that a person owns a family dwelling-house or a share in a family dwelling-house in a constituency and that that house has not during the twelve months preceding the prescribed date been let on rent either in whole or in part shall be sufficient evidence that that person is resident in the constituency.

#### *Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if during the previous financial year either—

- (a) he was assessed to income tax, or was in the Province assessed in respect of any direct municipal or direct cantonment tax to an amount of not less than fifty rupees; or
- (b) he was in the Province assessed to haisiyat or profession tax to an amount of not less than two rupees, or, in districts in which no such tax exists, to any other direct tax imposed under the Punjab District Boards Act to an amount of not less than two rupees.

*Qualifications dependent on property, &c.*6TH SCH.  
—cont.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he either—

- (a) is the owner of land in the Province assessed to land revenue of not less than five rupees per annum; or
- (b) is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land in the Province assessed to land revenue of not less than five rupees per annum; or
- (c) is an assignee of land revenue in the Province amounting to not less than ten rupees per annum; or
- (d) is a tenant of not less than six acres of irrigated land in the constituency, or of not less than twelve acres of unirrigated land in the constituency; or
- (e) has throughout the twelve months immediately preceding the prescribed date owned immovable property in the Province of the value of not less than two thousand rupees or of an annual rental value of not less than sixty rupees, not being land assessed to land revenue; or
- (f) has throughout the twelve months preceding the prescribed date occupied as tenant in the constituency immovable property of an annual rental value of not less than sixty rupees, not being land assessed to land revenue; or
- (g) is a zaildar, inamdar, sufedposh or lambardar in the constituency :

Provided that the provisions of sub-paragraph (d) of this paragraph shall be deemed to be complied with in the case of a person who is the tenant of both irrigated and unirrigated land in the constituency if the sum of the area of that irrigated land and half the area of that unirrigated land is not less than six acres.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have attained the primary or an equivalent or higher educational standard.

*Qualification by reason of service in His Majesty's forces.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier in His Majesty's regular military forces.

6TH SCH.  
—cont.

(The  
Punjab.)

*Additional qualification for women.*

6. Subject as aforesaid a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if she is shown in the prescribed manner to be literate or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

- (a) during the previous financial year was assessed to income tax, or was assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees; or
- (b) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (c) has throughout the twelve months preceding the prescribed date owned immovable property in the Province of the value of not less than four thousand rupees or of an annual rental value of not less than ninety-six rupees, not being land assessed to land revenue; or
- (d) has throughout the twelve months preceding the prescribed date occupied as a tenant immovable property in the constituency of an annual rental value of not less than ninety-six rupees, not being land assessed to land revenue; or
- (e) is the owner of land in the Province assessed to land revenue of not less than twenty-five rupees per annum; or
- (f) is the assignee of land revenue in the Province amounting to not less than fifty rupees per annum; or
- (g) is a tenant or lessee under the terms of a lease for a period of not less than three years of Crown land in the constituency for which an annual rent of not less than twenty-five rupees is payable; or
- (h) is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land assessed to land revenue of not less than twenty-five rupees per annum :

Provided that for the purposes of sub-paragraph (g) of this paragraph, where the amount payable by any tenant or lessee is assessed from harvest to harvest, the annual rent payable by him shall be deemed to be the annual average of the amounts payable by him in the three years preceding that in which the prescribed date falls.

6TH SCH.  
—cont.  
(The  
Punjab.)

*Special qualification for scheduled castes.*

8. Subject as aforesaid a person who is a member of the scheduled castes shall also be qualified to be included in the electoral roll for any territorial constituency if he either—

- (a) is shown in the prescribed manner to be literate; or
- (b) has throughout the twelve months preceding the prescribed date owned immovable property in the Province of a value of not less than fifty rupees, not being land assessed to land revenue, or has throughout that period owned malba of a house in the Province of not less than that value; or
- (c) has, throughout the twelve months preceding the prescribed date, occupied as tenant immovable property in the constituency of an annual rental value of not less than thirty-six rupees.

*Application necessary for enrolment in certain cases.*

9. No person shall, by virtue of paragraph four, paragraph six or sub-paragraph (a) of paragraph eight of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made by him in the prescribed manner that he should be so included.

*Interpretation, &c.*

10.—(1) In this Schedule, in relation to the Punjab—

“annual rental value” in relation to immovable property means the amount for which the property together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to let, from year to year;

“land revenue” means land revenue as defined in subsection (6) of section three of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on land subject to river action, the annual amount thereof shall be taken to be the average amount of land revenue paid during the three agricultural years preceding that in which the prescribed date falls;

6TH SCH.  
—cont.  
(The  
Punjab.)

“land records” means attested records of rights or attested annual records of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter;

“agricultural year” means a year ending on the thirtieth day of September;

“owner” does not include a mortgagee;

“tenant” in relation to agricultural land means a tenant as defined in the Punjab Tenancy Act, 1887, and in relation to other property means a person who holds that property by lease and is, or, but for a special contract, would be, liable to pay rent therefor, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;

“zaildar,” “inamdar,” “sufedposh” and “lambardar” mean respectively persons appointed as such in accordance with rules for the time being in force under the Punjab Land Revenue Act, 1887, and do not include a substitute appointed temporarily for any such person.

(2) In computing for the purposes of this Part of this Schedule the period during which a person has owned any immovable property, any period during which it was owned by a person from whom he derives title by inheritance shall be taken into account.

(3) Any reference to immovable property, not being land assessed to land revenue, includes a reference to any building situated on land assessed to land revenue.

(4) Where property is held or payments are made by, or assessments are made on, the members of a Hindu joint family, and the respective shares of the members of the family are not specified in the land records or in any municipal or cantonment record or in a decree of a civil court, as the case may be, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and, if it does exist, the person qualified shall be the manager of the family.

(5) Subject to the provisions of the last preceding subparagraph, any reference in this Schedule to land assessed to land revenue, to other immovable property, to a tenancy or lease of land assessed to land revenue or to assigned land revenue shall, in relation to any persons who are co-sharers in such land, property, tenancy or lease, or land revenue, be construed as a reference to the respective shares of those persons :



Provided that the share of any person under the age of twenty-one years shall, if his father is alive and a co-sharer, be deemed to be added to the share of his father, and, if his father is dead and his eldest surviving brother is a co-sharer, be deemed to be added to the share of that brother.

6TH SCH.  
—cont.  
(The  
Punjab.)

(6) Not more than one person shall be qualified in respect of the occupation of a building occupied in common by two or more persons and any question which of those persons is to be qualified shall be determined in the prescribed manner.

## PART VII.

### BIHAR.

#### *General requirement as to residence.*

1.—(1) No person shall be qualified to be included in the electoral roll for a territorial constituency unless he resides in the constituency.

(2) A person shall be deemed to reside within a constituency if he ordinarily lives therein, or has his family dwelling therein which he occasionally occupies, or maintains therein a dwelling-house ready for occupation which he occasionally occupies.

#### *Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if he was assessed during the previous financial year to income tax or was, in the previous financial year, assessed to an aggregate amount of not less than one rupee eight annas in respect of municipal tax or is assessed, otherwise than in the Santal Parganas, to chaukidari tax of an annual amount of not less than nine annas :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if there were substituted for the reference to nine annas a reference to twelve annas.

#### *Qualifications dependent on property.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if he either—

- (a) occupies land or buildings situate in the notified area of Jamshedpur in respect of which he is liable to pay an annual rent of not less than twenty-four rupees; or

6TH SCH.  
—cont.  
(Bihar.)

(b) holds land in the Province, not situated in the notified area of Jamshedpur or an area in which municipal tax or chaukidari tax is levied, for which he is liable to pay a rent of not less than six rupees per annum or a local cess of not less than three annas :

Provided that in relation to land within the Santal Parganas this paragraph shall have effect as if there were substituted for the reference to six rupees, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, a reference to five rupees, and thereafter a reference to three rupees eight annas.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed the matriculation examination of any prescribed university or an examination prescribed as at least equivalent to any such examination or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination.

*Qualification by reason of service in His Majesty's forces.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Additional qualification for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if her husband possesses the qualifications requisite for the purposes of this paragraph, or if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words " or if she is shown in the prescribed manner to be literate " were omitted therefrom.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

(a) in the previous financial year he was assessed to income tax ; or

- (b) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (c) he was in the previous financial year assessed in the Province to an aggregate amount of not less than three rupees in respect of municipal tax; or
- (d) he is assessed in the Province, otherwise than in the Santal Parganas, to an annual sum of not less than two rupees eight annas in respect of chaukidari tax; or
- (e) he occupies land or buildings situate in the notified area of Jamshedpur in respect of which he is liable to pay rent of not less than one hundred and forty-four rupees per annum; or
- (f) he holds land in the Province, not situated in the notified area of Jamshedpur or an area in which municipal tax or chaukidari tax is levied, in respect of which he is liable to pay rent of not less than twenty-four rupees per annum or a local cess of not less than twelve annas.

6TH SCH.  
—cont.  
(Bihar.)

*Special provisions as to Muhammadan women's constituency.*

8. No man shall be included in the electoral roll for, or be entitled to vote at any election in, any Muhammadan constituency specially formed for the election of a person to fill the seat reserved for women.

*Interpretation, &c.*

9.—(1) In this Schedule, in relation to Bihar—

“municipal tax” means a tax or rate levied in a municipality constituted under the Bihar and Orissa Municipal Act, 1922, in an area in respect of which a notification has issued under section three hundred and eighty-eight of that Act, or in a cantonment, or in the area administered by the Patna Administration Committee;

“chaukidari tax” means any tax levied under the Village Chaukidari Act, 1870, the Chota Nagpur Rural Police Act, 1914, or section thirty of the Bihar and Orissa Village Administration Act, 1922.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

6TH SCH.  
—cont.  
(Bihar.)

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, persons other than the members of a joint family, all such persons shall be regarded as a single person for deciding whether the requisite qualification exists, and if it does exist, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one and one only of those persons shall be qualified and the person to be qualified shall be selected in the prescribed manner.

## PART VIII.

### THE CENTRAL PROVINCES AND BERAR.

#### *General requirements as to residence.*

1.—(1) No person shall be qualified to be included in the electoral roll for a territorial constituency unless, in the case of a rural constituency, he has a place of residence in the constituency, and, in the case of an urban constituency, he has a place of residence in, or within two miles from the boundary of, the constituency.

(2) For the purposes of this Part of this Schedule a person shall be deemed to have a place of residence in an area if and only if he either—

- (a) has actually dwelt in a house within the area for not less than one hundred and eighty days in the aggregate during the previous financial year; or
- (b) he has maintained a house within the area for an aggregate period of not less than one hundred and eighty days during that year as a dwelling for himself in charge of his dependants or servants, and has visited that house during that year.

#### *Qualifications dependent upon taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if in the previous financial year he either—

- (a) was assessed to income tax; or
- (b) was, in an urban area in the Province in which a municipal tax based on haisiyat is imposed, assessed to such a tax on a haisiyat of not less than seventy-five rupees.

*Qualifications dependent on property, &c.*6TH SCH.  
—cont.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of a territorial constituency if he either— (The Central Provinces and Berar.)

- (a) holds, in the Central Provinces, as a proprietor or thekadar, an estate or mahal the land revenue or kamil jama of which is not less than two rupees; or
- (b) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or, as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed or assessable land revenue or the rent of which is not less than two rupees; or
- (c) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than two rupees; or
- (d) is, in an urban area in the Province, the owner or tenant of a building, the annual rental value of which is not less than six rupees; or
- (e) is a watandar patel or a watandar patwari holding office, or a registered deshmukh or deshpandia or a lambardar.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed an examination which qualifies for admission to a course of study for a degree of the Nagpur University, or an examination prescribed as at least equivalent thereto, or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination :

Provided that, in relation to a constituency in Berar, the foregoing provisions of this paragraph shall be deemed to be complied with in relation to any person if he is proved in the prescribed manner to have passed any examination in the State of Hyderabad prescribed as at least equivalent to an examination the passing of which qualifies persons under those provisions.

*Qualification by reason of service in His Majesty's forces and the forces of His Exalted Highness the Nizam of Hyderabad.*

5.—(1) Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

6TH SCH.  
—cont.  
(The Central  
Provinces  
and Berar.)

(2) Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

*Additional qualification for women.*

6.—(1) Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

- (a) if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces;
- (b) if she is proved in the prescribed manner to be literate or to be the holder of a primary school certificate; or
- (c) if her husband possesses the qualifications requisite for the purposes of this paragraph.

(2) Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or an officer or man of the Hyderabad State Police.

7.—(1) A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

- (a) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or
- (b) holds, in the Central Provinces, as a proprietor or thekadar, an estate or mahal the land revenue or kamil jama of which is not less than thirty-five rupees; or
- (c) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed or assessable land revenue or rent of which is not less than thirty-five rupees; or
- (d) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than thirty-five rupees; or

- (e) is, in an urban area, the owner or tenant of a building of which the annual rental value is not less than thirty-six rupees; or
- (f) was, in an urban area in which a municipal tax based on haisiyat is imposed, assessed in the previous financial year to such a tax on a haisiyat of not less than four hundred rupees.

6TH SCH.  
—cont.  
(The Central  
Provinces  
and Berar.)

(2) In relation to any territorial constituency in Berar, a husband shall also be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

*Additional qualification for members of scheduled castes.*

8. Subject as aforesaid, a member of a scheduled caste shall also be qualified to be included in the electoral roll for any territorial constituency if he is a kotwar, a jaglia, or a village mahar holding office.

*Application necessary for enrolment in certain cases.*

9. No person shall, by virtue of paragraph four of this Part of this Schedule, or by virtue of being a pensioned widow or mother, or of being literate or the holder of a primary school certificate, or of being the wife of an officer, non-commissioned officer, soldier or man of any force, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included.

*Interpretation, &c.*

10.—(1) In this Schedule, in relation to the Central Provinces and Berar—

“building” means any structure or enclosure, whether used as a human dwelling or otherwise, and includes a part of a building;

“estate,” “mahal,” “malik makbuza,” “kamil jama,” “sir land” and “khudkasht” have the meanings respectively assigned to them in section two of the Central Provinces Land Revenue Act, 1917;

“estate or mahal” includes a part of an estate or a mahal;

6TH SCH.  
—cont.  
(The Central  
Provinces  
and Berar.)

- “lambardar” means a lambardar appointed under the provisions of the Central Provinces Land Revenue Act, 1917;
- “land revenue” means land revenue as defined in section fifty-six of the Central Provinces Land Revenue Act, 1917, and in section forty-nine of the Berar Land Revenue Code, 1928;
- “proprietor” includes an inferior proprietor and a plot proprietor, but does not include a transferee of proprietary rights in possession, or a mortgagee with possession;
- “raiya” means the holder of a survey number as defined in subsection (18) of section two of the Central Provinces Land Revenue Act, 1917, and includes the holder of land recorded in the land records maintained by the Provincial Government as milkiyat sarkar;
- “registered deshmukh or deshpandia” means a person, being a deshmukh or deshpandia, whose name is recorded in the registers of political pensions maintained by the Deputy Commissioners in Berar as the holder of a pension or share of a pension;
- “rental value,” in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;
- “tenant,” in relation to agricultural land, means a tenant as defined in subsection (11) of section two of the Central Provinces Tenancy Act, 1920, but does not include a sub-tenant, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;
- “thekadar” includes a gaontia and a protected headman;
- “hold” in relation to land or an estate or mahal, means to be recorded in the records maintained under Chapter V of the Central Provinces Land Revenue Act, 1917, or Chapter X of the Berar Land Revenue Code, 1928, or, in the case of the Melghat Taluq of the Amraoti District, in the land records prescribed by the Provincial Government, as the person in possession of the land, estate or mahal;



“urban area” means a municipality, notified area or cantonment, and includes the Government gun carriage factory estate at Jubhulpore and any prescribed railway settlements;

6TH SCH.  
—cont.  
(The Central  
Provinces  
and Berar.)

“watandar patel” and “watandar patwari” mean respectively a patel and a patwari appointed under section five of the Berar Patels and Patwaris Law, 1900.

(2) For the purposes of this Part of this Schedule ante-alienation tenants as defined in section seventy-two of the Berar Land Revenue Code, 1928, and section forty of the Berar Alienated Villages Tenancy Law, 1921, permanent tenants as defined in section forty-seven of the Berar Alienated Villages Tenancy Law, 1921, and tenants of antiquity as defined in section seventy-three of the Berar Land Revenue Code, 1928, shall be deemed to hold agricultural land in other than tenancy right.

(3) Subject to the provisions of the next succeeding subparagraph, the provisions of this Part of this Schedule shall have effect in relation to any persons who are co-sharers in, or in a tenancy or lease of, land or other immovable property as if the respective shares of those persons in the land, property, tenancy or lease were held separately.

(4) Where property is held or payments are made jointly by the members of a joint family or a tax is assessed jointly on the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(5) Any reference in this Part of this Schedule to a retired, pensioned or discharged officer or man of the Hyderabad State Police shall be deemed not to include a reference to any person who has been dismissed or discharged from the police for disciplinary reasons.

## PART IX.

### ASSAM.

#### *General requirement as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he has a place of residence in the constituency, and a person shall be deemed to have a place of residence in a constituency if he ordinarily lives in the constituency or has his family dwelling place in the constituency and occasionally occupies it:

6TH SCH.  
—cont.  
(Assam.)

Provided that in relation to the European constituency the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Assam but is absent from Assam on leave from his employment.

*Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if, in the previous financial year, he either—

- (a) was assessed to income tax; or
- (b) was in the constituency assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than two rupees or, in the Sylhet municipality, of not less than one rupee eight annas, or to a tax of not less than one rupee in a Small Town, or, in the district of Sylhet, the district of Cachar or the district of Goalpara, to a tax of not less than eight annas under the Village Chaukidari Act, 1870.

*Qualifications dependent on property.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if, in the constituency, he either—

- (a) is the owner of land in the Province the land revenue on which has been assessed or is assessable at not less than seven rupees eight annas per annum; or
- (b) is liable to pay a local rate of not less than eight annas per annum; or
- (c) throughout the previous financial or previous Bengali year held from a landlord land in any of the following districts, that is to say, Lakhimpur, Sibsagar, Darrang, Nowgong or Kamrup, or in the Garo Hills, and paid to the landlord rent to the value of not less than seven rupees eight annas in respect of that land :

Provided that for the purposes of this paragraph land situate, and local rates levied, in the districts of Sylhet, Cachar and Goalpara shall be left out of account.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the middle school leaving certificate examination or any other examination prescribed as at least equivalent thereto.

*Qualification by reason of service in His Majesty's forces.*6TH SCH.  
—cont.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular military forces or the Assam Rifles. (Assam.)

*Additional qualification for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles, or if she is proved in the prescribed manner to be literate, or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he—

- (a) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles; or
- (b) was in the previous financial year assessed to income tax; or
- (c) was in the previous financial year assessed in the constituency in respect of municipal or cantonment rates or taxes—
  - (i) in the Nowgong municipality, to not less than two rupees; or
  - (ii) in the Sylhet municipality, to not less than one rupee eight annas; or
  - (iii) elsewhere in the Province, to not less than three rupees; or
- (d) was in the constituency assessed in the previous financial year to a tax of not less than one rupee in a Small Town; or
- (e) was in the constituency assessed in the previous financial year in the district of Sylhet, the district of Cachar or the district of Goalpara to a tax of not less than one rupee under the Village Chaukidari Act, 1870; or
- (f) elsewhere than in the said districts, is the owner of land in the constituency, the land revenue on which has been assessed or is assessable at not less than fifteen rupees per annum; or
- (g) is liable to pay a local rate in the constituency of not less than one rupee per annum.

6TH SCH.  
—cont.  
(Assam.)

*Application necessary for enrolment in certain cases.*

8. No person shall, by virtue of paragraph six of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by her, or, if it is so prescribed, on her behalf, that she should be so included :

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, in relation to women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (a) of paragraph seven of this Part of this Schedule.

*Special provisions as to seat reserved for women.*

9. The following provisions shall have effect in relation to any constituency specially formed for the election of persons to fill the seat reserved for women—

- (a) no man shall be included in the electoral roll for the constituency, or be entitled to vote at any election therein ;
- (b) if and so long as the constituency comprises any part of Shillong, any reference in this Part of this Schedule to " the constituency " shall be construed as including a reference to so much of the areas under the jurisdiction of the Shillong municipal Board and the Shillong cantonment authority as is not part of British India, and any reference to municipal or cantonment rates or taxes shall be construed as including a reference to any such rates or taxes assessed by or paid to that board or that authority in the exercise of any jurisdiction exercised by them in relation to areas outside British India.

*Special provisions as to backward areas and backward tribes.*

10. No person who is entitled to vote in the election of a person to fill any of the seats to be filled by representatives of backward areas or backward tribes, or is entitled to be included in the electoral roll for any constituency formed for the purpose of filling any such seat, shall be included in the electoral roll for any territorial constituency in the Province, other than any constituency specially formed for the election of persons to fill the seat reserved for women.

*Interpretation, &c.*

11.—(1) In this Schedule, in relation to Assam—

- " Small Town " means a notified area constituted under Chapter XII of the Assam Municipal Act I of 1923 ;
- " Bengali year " means a year ending on the last day of the Bengali month of Chaitra ;

“local rate” means the local rate assessed under the Assam Local Rates Regulation, 1879; 6TH SCH.  
—cont.

“landlord” means a person under whom another person holds land immediately, but does not include the Government; (Assam.)

“rent” includes rent in kind or partly in kind.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the necessary qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves :

Provided that any other member of any such family shall also be qualified if the proportion of the joint property, payment or assessment which corresponds with his share therein would be sufficient for him to be qualified if he held it separately.

## PART X.

### THE NORTH WEST FRONTIER PROVINCE.

#### *General requirement as to residence.*

1. No person shall be qualified to be included in the electoral roll for any territorial constituency unless he is resident in the constituency.

For the purposes of this Part of this Schedule proof that a person or, in the case of a woman, her husband owns a family dwelling-house or a share in a family dwelling-house in a constituency and that that house has not during the twelve months preceding the prescribed date been let on rent either in whole or in part shall be sufficient evidence that that person is resident in the constituency.

#### *Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if during the previous financial year, he was either—

- (a) assessed to income tax ; or
- (b) assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees ; or
- (c) in the case of a rural constituency, assessed to district board tax of not less than two rupees.

6TH SCH  
—cont.

(The North  
West  
Frontier  
Province.)

*Qualifications dependent on rights in property, &c.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if, in the Province, he either—

- (a) owned throughout the twelve months preceding the prescribed date immovable property of the value of not less than six hundred rupees, not being land assessed to land revenue; or
- (b) has for the twelve months preceding the prescribed date occupied as a tenant immovable property of an annual rental value of not less than forty-eight rupees, not being land assessed to land revenue; or
- (c) is the owner of not less than six acres irrigated land or not less than twelve acres unirrigated land or of land assessed to land revenue of not less than five rupees per annum; or
- (d) is the assignee of land revenue amounting to not less than ten rupees per annum; or
- (e) has been for the whole of the preceding fasli year the tenant of not less than six acres of irrigated land or not less than twelve acres unirrigated land; or
- (f) is a zaildar, inamdar or lambardar :

Provided that for the purposes of sub-paragraph (c) and sub-paragraph (e) of this paragraph a person shall be deemed to own or, as the case may be, to have been the tenant of, at least six acres of irrigated land if he owns, or, as the case may be, was the tenant of, irrigated and unirrigated land and the sum of the area of that irrigated land and half the area of that unirrigated land is not less than six acres.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included—

- (a) in the electoral roll for any urban constituency, if he is proved in the prescribed manner to have passed a middle school examination or any other examination prescribed as at least equivalent to that examination;
- (b) in the electoral roll for a rural constituency, if he is proved in the prescribed manner to have passed the primary (fourth class) examination or any other examination prescribed as at least equivalent to that examination.

*Qualification by reason of service in His Majesty's forces.*

6TH SCH.

—cont.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

(The North  
West  
Frontier  
Province.)*Additional qualification for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if her husband possesses the qualifications requisite for the purposes of this paragraph or if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words " or if she is shown in the prescribed manner to be literate " were omitted therefrom.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if either—

- (a) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces ; or
- (b) he has an income of at least forty rupees per month ; or
- (c) he was during the previous financial year assessed to income tax ; or
- (d) in relation to an urban constituency, he was, during the previous financial year, assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees ; or
- (e) in relation to a rural constituency, he was during the preceding financial year assessed in the Province in respect of any cess, rate or tax to an amount of not less than four rupees per annum payable to the district board ; or
- (f) he owned throughout the twelve months preceding the prescribed date immovable property in the Province of the value of not less than six hundred rupees, not being land assessed to land revenue ; or

6TH SCH.  
—cont.  
(The North  
West  
Frontier  
Province.)

- (g) he occupied as a tenant throughout the twelve months preceding the prescribed date immovable property in the Province of an annual rental value of not less than forty-eight rupees, not being land assessed to land revenue; or
- (h) he is the owner of land in the Province assessed to land revenue of not less than ten rupees per annum; or
- (i) he is an assignee of land revenue in the Province amounting to not less than twenty rupees per annum; or
- (j) he is a tenant or lessee, under the terms of a written lease for a period of not less than three years, of land in the Province assessed to land revenue of not less than ten rupees per annum; or
- (k) he is a tenant with a right of occupancy, as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land in the Province assessed to land revenue of not less than ten rupees per annum.

*Application necessary for enrolment in certain cases.*

8. No person shall, by virtue of paragraph four or paragraph six of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made by him in the prescribed manner that he should be so included.

*Interpretation, &c.*

9.—(1) In this Schedule, in relation to the North West Frontier Province—

“annual rental value,” in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;

“fasli year” means a year ending on the thirtieth day of September;

“land revenue” means land revenue as defined in subsection (6) of section three of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on land subject to river action, the annual amount thereof shall be taken to be the average amount paid during the three years preceding the prescribed date;

“zaildar,” “inamdar” and “lambardar” mean respectively persons appointed as such in accordance with rules for the time being in force under the Punjab Land Revenue Act, 1887, and do not include a substitute appointed temporarily for any such person;



“tenant” in relation to agricultural land means a tenant as defined in the Punjab Tenancy Act, 1887, and in relation to other property, means a person who holds that property by lease and is, or, but for a special contract, would be, liable to pay rent therefor, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment.

6TH SCH.  
--cont.  
(The North  
West  
Frontier  
Province.)

(2) In computing for the purposes of this Part of this Schedule the period during which a person has owned any immovable property, any period during which it was owned by a person from whom he derives title by inheritance shall be taken into account.

(3) Any reference to immovable property, not being land assessed to land revenue, includes a reference to any building situated on land assessed to land revenue.

(4) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists and, if it does exist, the person qualified shall be, in the case of a Hindu joint family the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(5) Subject to the provisions of the last preceding subparagraph, any reference in this Schedule to land assessed to land revenue, to other immovable property, to a tenancy or lease of land assessed to land revenue or to assigned land revenue, shall, in relation to any persons who are co-sharers in such land, property, tenancy or lease, or land revenue, be construed as a reference to the respective shares of those persons :

Provided that the share of any person under the age of twenty-one years shall, if his father is alive and a co-sharer, be deemed to be added to the share of his father, and, if his father is dead and his eldest surviving brother is a co-sharer, be deemed to be added to the share of that brother.

## PART XI.

### ORISSA.

#### *General requirements as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he is resident in the constituency, and a person shall be deemed to be resident within a constituency if he ordinarily lives therein or has his family dwelling therein which he occasionally occupies, or maintains therein a dwelling-house ready for occupation which he occasionally occupies.

6TH SCH.  
—cont.

(Orissa.)

*Qualifications applicable to all territorial constituencies.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if in the previous financial year he was assessed to income tax, or was assessed to an aggregate amount of not less than one rupee, eight annas, in respect of municipal taxes.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed the matriculation examination of any prescribed university or an examination prescribed as at least equivalent to any such examination, or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

5. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(a) if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(b) if her husband either is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces, or in the previous financial year was assessed to income tax or to an aggregate sum of not less than three rupees in respect of municipal taxes; or

(c) if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if sub-paragraph (c) were omitted therefrom.

*Special provisions as to the districts of Cuttack, Puri, Balasore and the sub-division of Angul.*

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the districts of Cuttack, Puri and Balasore and the sub-division of Angul if he either—

(a) is assessed to chaukidari tax of an annual amount of not less than nine annas; or

- (b) holds land in the Province, not situated in a municipality or an area in which chaukidari tax is levied, for which he is liable to pay rent or land revenue of not less than two rupees per annum or a local cess of not less than one anna :

6TH SCH.  
—cont.

(Orissa.)

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if there were substituted for the reference to nine annas a reference to twelve annas.

7. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any such constituency as is mentioned in the last preceding paragraph if she is the wife of any person who either—

- (a) is assessed to chaukidari tax of an annual amount of not less than two rupees, eight annas; or
- (b) holds land in the Province, not situated in a municipality or in an area in which chaukidari tax is levied, for which he is liable to pay rent or land revenue of not less than sixteen rupees per annum or local cess of not less than eight annas.

*Special provisions as to the districts of Ganjam and Vizagapatam and the Khondmals sub-division.*

8. Subject as aforesaid, a person, not being a member of a backward tribe, shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the districts of Ganjam and Vizagapatam or in the Khondmals sub-division—

- (a) if in either of those districts or in that sub-division he holds land, not situate in a municipality, in respect of which he is liable to pay rent or land revenue of not less than two rupees per annum; or
- (b) without prejudice to the generality of the foregoing provisions, if, being a woman, she is the wife of a person who in either of those districts or in that sub-division holds land, not situate in a municipality, in respect of which he is liable to pay rent or land revenue of not less than sixteen rupees per annum.

*Special provision as to the district of Sambalpur.*

9. Subject as aforesaid, a person shall be qualified to be included in the electoral roll for any constituency situated wholly or partly in the district of Sambalpur if, in that district, he either—

- (a) holds land, not situated in a municipality or a sanitation area, for which he is liable to pay rent or land revenue

6TH SCH.  
—cont.  
Orissa.)

- of not less than one rupee per annum or village cess of not less than one anna; or
- (b) is in occupation of a house for which he is liable to pay rent of not less than six rupees per annum, not being a house in a municipality or sanitation area; or
- (c) is assessed to an annual tax of at least twelve annas under the Central Provinces Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920; or
- (d) is a village servant holding office as a jhankar, ganda, kotwar, jagalia or mahar, and holds land recorded in the record of rights as service land :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if for the references in sub-paragraph (a) thereof to one rupee and one anna there were substituted respectively references to two rupees and two annas.

10. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the district of Sambalpur if she is the wife of a person who, in that district, either—

- (a) holds land not situated in a municipality or a sanitation area, for which he is liable to pay rent or land revenue of not less than sixteen rupees per annum or village cess of not less than eight annas; or
- (b) is in occupation of a house for which he is liable to pay an annual rent of not less than thirty rupees, not being a house in a municipality or sanitation area; or
- (c) is assessed to an annual tax of not less than ten rupees under the Central Provinces Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920.

*Interpretation, &c.*

11.—(1) In this Schedule, in relation to Orissa—

- “ backward tribe ” has the same meaning as in the Fifth Schedule to this Act;
- “ municipality ” means an area constituted a municipality under the Bihar and Orissa Municipal Act, 1922, or the Madras District Municipalities Act, 1920, or an area in respect of which a notification has issued under section three hundred and eighty-eight of the Bihar and Orissa Municipal Act, 1922;

- “ municipal tax ” means a tax or rate levied in a municipality ;
- “ sanitation area ” means an area administered under the Central Provinces Village Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920 ;
- “ chaukidari tax ” means a tax levied under the Village Chaukidari Act, 1870, under section thirty of the Bihar and Orissa Village Administration Act, 1922, or under section forty-seven of the Angul Laws Regulation, 1913.

6TH SCH.  
— cont.  
(Orissa.)

(2) Where property is held or payments are made jointly by, or assessments made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, persons other than the members of a joint family, all such persons shall be regarded as a single person for deciding whether the requisite qualification exists, and if it does exist, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule one and only of those persons shall be qualified, and the persons to be qualified shall be selected in the prescribed manner.

## PART XII.

### SIND.

#### *General requirement as to residence.*

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he satisfies the requirement as to residence in relation to that constituency.

For the purposes of this Part of this Schedule a person shall be deemed to satisfy the requirement as to residence—

- (a) in relation to an urban constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or within two miles of the boundary thereof ;
- (b) in the case of a rural constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or in a contiguous constituency of the same communal description :

6TH SCH.  
— cont.  
(Sind.)

Provided that a person shall be deemed to satisfy the requirement as to residence in relation to any European territorial constituency if he has, for a period of not less than one hundred and eighty days in the previous financial year, resided in a house in the Province.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it, or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

*Qualifications dependent on taxation.*

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency, if he was assessed during the previous financial year to income tax.

*Qualifications dependent on property.*

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

- (a) holds in his own right or occupies as a permanent tenant or as a lessee from the Government alienated or unalienated land in the constituency on which, in any one of the five revenue years preceding that in which the prescribed date falls, an assessment of not less than eight rupees land revenue has been paid, or would have been paid if the land had not been alienated; or
- (b) cultivates as a Hari alienated or unalienated land in the constituency on which in the revenue year preceding that in which the prescribed date falls an assessment of not less than sixteen rupees land revenue has been leviable, or would have been leviable if the land had not been alienated; or
- (c) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than eight rupees in respect of alienated land in the constituency; or
- (d) occupies as owner or tenant in the constituency a house or building situate in the city of Karachi or in any municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

Where land is cultivated by more than one Hari, only one Hari for every sixteen rupees of land revenue shall be treated as qualified under sub-paragraph (b) of this paragraph in respect of that land, and any question which of several Haris shall be treated

as qualified under this paragraph in respect of any land shall be determined in the prescribed manner.

6TH SCH.  
—cont.  
(Sind.)

In sub-paragraph (d) of this paragraph, the expression "the appropriate value" means—

- (i) in relation to a house or building situate within the city of Karachi, an annual rental value of thirty rupees;
- (ii) in relation to a house or building situate outside the city of Karachi but in an area in which a tax is based on the annual rental value of houses or buildings, an annual rental value of eighteen rupees;
- (iii) in relation to any other house or building, a capital value of seven hundred and fifty rupees.

*Educational qualification.*

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation or school leaving examination of the university of Bombay or an examination prescribed as at least equivalent to either of those examinations or, if it is so prescribed, any other prescribed examination, not being lower than a vernacular final examination.

*Qualification by reason of service in His Majesty's forces.*

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

*Additional qualification for women.*

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency, if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if she is proved in the prescribed manner to be literate, or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall not be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph unless he satisfies the requirement as to residence in relation to the constituency in question, but, subject as aforesaid a husband shall be deemed to possess the said qualifications if he—

- (a) was in the previous financial year assessed to income tax; or

6TH SCH.  
—cont.  
(Sind.)

- (b) is a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular military forces; or
- (c) holds in his own right or occupies as a permanent tenant or as a lessee from the Government alienated or unalienated land in the constituency on which, in any one of the five revenue years preceding that in which the prescribed date falls, an assessment of land revenue amounting, in the Upper Sind Frontier district, to not less than sixteen rupees, and, elsewhere, to not less than thirty-two rupees, has been paid, or would have been paid if the land had not been alienated; or
- (d) is the alienee of the right of the Government to the payment of rent or land revenue in respect of alienated land in the constituency, amounting, in the Upper Sind Frontier district, to not less than sixteen rupees, and, elsewhere, to not less than thirty-two rupees; or
- (e) occupies as owner or tenant in the constituency a house or building situate in the city of Karachi or in a municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

In sub-paragraph (e) of this paragraph, the expression "appropriate value" means—

- (i) in relation to a house or building within the city of Karachi, an annual rental value of sixty rupees;
- (ii) in relation to a house or building situate in any other area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of thirty-six rupees; and
- (iii) in relation to any other house or building, a capital value of one thousand five hundred rupees.

*Application necessary for enrolment in certain cases.*

8. No person shall by virtue of paragraph four or paragraph six of this Part of this Schedule be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf that he should be so included.

*Provisions as to joint property, &c.*

9.—(1) Subject to the provisions of this paragraph, any reference in this Part of this Schedule to land or other immovable property, or to rent or land revenue in respect of alienated land, shall, in relation to any persons who are co-sharers in such land, property, rent or land revenue, be construed as a reference to the respective shares of those persons.



(2) Where two or more persons occupy any house, the rental value of the house shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons. 6TH SCH.  
—cont.  
(Sind.)

(3) Where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, and the property, payments or assessments would qualify a person if they had been owned, held, occupied or made by or on him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one member of the family shall be qualified in respect of the property, payment or assessment, and that person shall be, in the case of a Hindu joint family, the manager thereof and in other cases the member authorised in that behalf by the family themselves.

Save as aforesaid any property owned, held or occupied or payments made jointly by, or assessments made jointly on, the members of a joint family, shall be left out of account for the purposes of this Part of this Schedule.

(4) Nothing in this paragraph affects the provisions of Part I of this Schedule relating to partners in firms assessed to income tax or the provisions of this Part of this Schedule relating to Haris.

*Interpretation, &c.*

10.—(1) In this Schedule, in relation to Sind—

“tenant” means a lessee whether holding under an Instrument or under an oral agreement, and includes a mortgagee of a tenant’s rights with possession, and, in relation to a house not situate in military or police lines, also includes any person occupying the house rent free by virtue of any office, service or employment;

“holder” means a person lawfully in possession of land, whether his possession is actual or not, and “hold” shall be construed accordingly.

(2) The value of any machinery, furniture or equipment contained in or situate upon any house or building shall not be included in estimating for the purposes of this Part of this Schedule the rental value or the capital value of the house or building.

(3) In computing for the purposes of this Part of this Schedule the assessable value of any land, regard shall be had to the average rate of assessment on assessed land in the same village or, if there is no such land in the same village, the average rate of assessment on assessed land in the nearest village containing assessed land.

Sections 100,  
104.

## SEVENTH SCHEDULE.

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### LEGISLATIVE LISTS.

#### LIST I.

##### FEDERAL LEGISLATIVE LIST.

1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment; central intelligence bureau; preventive detention in British India for reasons of State connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States.

2. Naval, military and air force works; local self-government in cantonment areas (not being cantonment areas of Indian State troops), the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas.

3. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

4. Ecclesiastical affairs, including European cemeteries.

5. Currency, coinage and legal tender.

6. Public debt of the Federation.

7. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication; Post Office Savings Bank.

8. Federal Public Services and Federal Public Service Commission.

9. Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.

10. Works, lands and buildings vested in, or in the possession of, His Majesty for the purposes of the Federation (not being naval, military or air force works), but, as regards property situate in a Province, subject always to Provincial legislation,

save in so far as Federal law otherwise provides, and, as regards property in a Federated State held by virtue of any lease or agreement with that State, subject to the terms of that lease or agreement.

7TH SCH.  
—cont.

11. The Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and any similar institution controlled or financed by the Federation.

12. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

13. The Benares Hindu University and the Aligarh Muslim University.

14. The Survey of India, the Geological, Botanical and Zoological Surveys of India; Federal meteorological organisations.

15. Ancient and historical monuments; archæological sites and remains.

16. Census.

17. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom; pilgrimages to places beyond India.

18. Port quarantine; seamen's and marine hospitals, and hospitals connected with port quarantine.

19. Import and export across customs frontiers as defined by the Federal Government.

20. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

21. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

22. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

7TH SCH.  
—cont.

23. Fishing and fisheries beyond territorial waters.

24. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

25. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

26. Carriage of passengers and goods by sea or by air.

27. Copyright, inventions, designs, trademarks and merchandise marks.

28. Cheques, bills of exchange, promissory notes and other like instruments.

29. Arms; firearms; ammunition.

30. Explosives.

31. Opium, so far as regards cultivation and manufacture, or sale for export.

32. Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable, so far as regards possession, storage and transport.

33. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit.

34. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.

35. Regulation of labour and safety in mines and oilfields.

36. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under Federal control is declared by Federal law to be expedient in the public interest.

37. The law of insurance, except as respects insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List, by a Province.

38. Banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on business only within that State.

39. Extension of the powers and jurisdiction of members of a police force belonging to any part of British India to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the Government of the Province or the Chief Commissioner, as the case may be; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit.

40. Elections to the Federal Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

41. The salaries of the Federal Ministers, of the President and Vice-President of the Council of State and of the Speaker and Deputy Speaker of the Federal Assembly; the salaries, allowances and privileges of the members of the Federal Legislature; and, to such extent as is expressly authorised by Part II of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Legislature.

42. Offences against laws with respect to any of the matters in this list.

43. Inquiries and statistics for the purposes of any of the matters in this list.

44. Duties of customs, including export duties.

45. Duties of excise on tobacco and other goods manufactured or produced in India except—

- (a) alcoholic liquors for human consumption;
- (b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;
- (c) medicinal and toilet preparations containing alcohol, or any substance included in sub-paragraph (b) of this entry.

46. Corporation tax.

47. Salt.

48. State lotteries.

49. Naturalisation.

50. Migration within India from or into a Governor's Province or a Chief Commissioner's Province.

51. Establishment of standards of weight.

7TH SCH.  
—cont.

52. Ranchi European Mental Hospital.

53. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list and, to such extent as is expressly authorised by Part IX of this Act, the enlargement of the appellate jurisdiction of the Federal Court, and the conferring thereon of supplemental powers.

54. Taxes on income other than agricultural income.

55. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

56. Duties in respect of succession to property other than agricultural land.

57. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.

58. Terminal taxes on goods or passengers carried by railway or air; taxes on railway fares and freights.

59. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

#### LIST II. •

##### PROVINCIAL LEGISLATIVE LIST.

1. Public order (but not including the use of His Majesty's naval, military or air forces in aid of the civil power); the administration of justice; constitution and organisation of all courts, except the Federal Court, and fees taken therein; preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

2. Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list; procedure in Rent and Revenue Courts.

3. Police, including railway and village police.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other units for the use of prisons and other institutions.

5. Public debt of the Province.

6. Provincial Public Services and Provincial Public Service Commissions.

7. Provincial pensions, that is to say, pensions payable by the Province or out of Provincial revenues.

7TH SCH.  
—cont.

8. Works, lands and buildings vested in or in the possession of His Majesty for the purposes of the Province.

9. Compulsory acquisition of land.

10. Libraries, museums and other similar institutions controlled or financed by the Province.

11. Elections to the Provincial Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

12. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the President and Deputy President thereof; the salaries, allowances and privileges of the members of the Provincial Legislature; and, to such extent as is expressly authorised by Part III of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Legislature.

13. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

14. Public health and sanitation; hospitals and dispensaries; registration of births and deaths.

15. Pilgrimages, other than pilgrimages to places beyond India.

16. Burials and burial grounds.

17. Education.

18. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; minor railways subject to the provisions of List I with respect to such railways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List III with regard to such waterways; ports, subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

19. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.

20. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; improvement of stock and prevention of animal diseases; veterinary training and practice; pounds and the prevention of cattle trespass.

7TH SCH.  
—*cont.*

21. Land, that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization; Courts of Wards; encumbered and attached estates; treasure trove.

22. Forests.

23. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under Federal control.

24. Fisheries.

25. Protection of wild birds and wild animals.

26. Gas and gasworks.

27. Trade and commerce within the Province; markets and fairs; money lending and money lenders.

28. Inns and innkeepers.

29. Production, supply and distribution of goods; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.

30. Adulteration of foodstuffs and other goods; weights and measures.

31. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.

32. Relief of the poor; unemployment.

33. The incorporation, regulation, and winding-up of corporations other than corporations specified in List I; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

34. Charities and charitable institutions; charitable and religious endowments.

35. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.

36. Betting and gambling.

37. Offences against laws with respect of any of the matters in this list.



38. Inquiries and statistics for the purpose of any of the matters in this list.

7TH SCH.  
—cont.

39. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.

40. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India—

- (a) alcoholic liquors for human consumption ;
- (b) opium, Indian hemp and other narcotic drugs and narcotics ; non-narcotic drugs ;
- (c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

41. Taxes on agricultural income.

42. Taxes on lands and buildings, hearths and windows.

43. Duties in respect of succession to agricultural land.

44. Taxes on mineral rights, subject to any limitations imposed by any Act of the Federal Legislature relating to mineral development.

45. Capitation taxes.

46. Taxes on professions, trades, callings and employments.

47. Taxes on animals and boats.

48. Taxes on the sale of goods and on advertisements.

49. Cesses on the entry of goods into a local area for consumption, use or sale therein.

50. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

51. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

52. Dues on passengers and goods carried on inland waterways.

53. Tolls.

54. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

7TH SCH.  
—cont.

## LIST III.

## CONCURRENT LEGISLATIVE LIST.

## PART I.

1. Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power.

2. Criminal Procedure, including all matters included in the Code of Criminal Procedure at the date of the passing of this Act.

3. Removal of prisoners and accused persons from one unit to another unit.

4. Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of this Act; the recovery in a Governor's Province or a Chief Commissioner's Province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.

5. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

6. Marriage and divorce; infants and minors; adoption.

7. Wills, intestacy, and succession, save as regards agricultural land.

8. Transfer of property other than agricultural land; registration of deeds and documents.

9. Trusts and Trustees.

10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.

11. Arbitration.

12. Bankruptcy and insolvency; administrators-general and official trustees.

13. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

14. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List I or List II.

15. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list.

16. Legal, medical and other professions.
17. Newspapers, books and printing presses.
18. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.
19. Poisons and dangerous drugs.
20. Mechanically propelled vehicles.
21. Boilers.
22. Prevention of cruelty to animals.
23. European vagrancy; criminal tribes.
24. Inquiries and statistics for the purpose of any of the matters in this Part of this List.
25. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

7<sup>TH</sup> SCH.  
—cont.

## PART II.

Section 126  
(2).

26. Factories.
27. Welfare of labour; conditions of labour; provident funds; employers' liability and workmen's compensation; health insurance, including invalidity pensions; old age pensions.
28. Unemployment insurance.
29. Trade unions; industrial and labour disputes.
30. The prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants.
31. Electricity.
32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.
33. The sanctioning of cinematograph films for exhibition.
34. Persons subjected to preventive detention under Federal authority.
35. Inquiries and statistics for the purpose of any of the matters in this Part of this List.
36. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

## EIGHTH SCHEDULE.

## THE FEDERAL RAILWAY AUTHORITY.

1. The Federal Railway Authority, which shall be a body corporate by, and may sue and be sued in, that name, (in this Schedule referred to as "the Authority") shall consist of seven persons to be appointed by the Governor-General.

2. A person shall not be qualified to be appointed or to be a member of the Authority—

(a) unless he has had experience in commerce, industry, agriculture, finance, or administration; or

(b) if he is, or within the twelve months last preceding has been—

(i) a member of the Federal or any Provincial Legislature; or

(ii) in the service of the Crown in India; or

(iii) a railway official in India.

3. Of the first members of the Authority, three shall be appointed for three years and any of those members shall at the expiration of his original term of office be eligible for re-appointment for a further term of three years, or of five years.

Subject as aforesaid, a member of the Authority shall be appointed for five years and shall at the expiration of his original term of office be eligible for re-appointment for a further term not exceeding five years.

The Governor-General, exercising his individual judgment, may terminate the appointment of any member if satisfied that that member is for any reason unable or unfit to continue to perform the duties of his office.

4. The Governor-General, exercising his individual judgment, may make rules providing for the appointment of temporary members to act in place of any members temporarily unable to perform the duties of their office.

5. A member of the Authority shall be entitled to receive such salary and allowances as the Governor-General, exercising his individual judgment, may determine :

Provided that the emoluments of a member shall not be reduced during his term of office.

6. All acts of the Authority and all questions before them shall be done and decided by a majority of the members present and voting at a meeting of the Authority.

In the case of an equality of votes at any meeting, the person presiding thereat shall have a second or casting vote.

7. If a member of the Authority is or becomes the holder of or tenders for any contract for the supply of materials to, or

the execution of works for, any railway in India, or is or becomes concerned in the management of any company holding or tendering for such a contract as aforesaid, he shall forthwith make full disclosure of the facts to the Authority and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract.

8. At any meeting of the Authority a person or persons deputed by the Governor-General to represent him may attend and speak, but not vote.

9. Subject to the provisions of this Act, the Authority may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such order.

10. The proceedings of the Authority shall not be invalidated by any vacancy among their number, or by any defect in the appointment or qualification of any member.

11. At the head of the executive staff of the Authority there shall be a chief railway commissioner, being a person with experience in railway administration, who shall be appointed by the Governor-General, exercising his individual judgment, after consultation with the Authority.

12. The chief railway commissioner shall be assisted in the performance of his duties by a financial commissioner, who shall be appointed by the Governor-General, and by such additional commissioners, being persons with experience in railway administration, as the Authority on the recommendation of the chief railway commissioner may appoint.

13. The chief railway commissioner shall not be removed from office except by the Authority and with the approval of the Governor-General, exercising his individual judgment, and the financial commissioner shall not be removed from office except by the Governor-General, exercising his individual judgment.

14. The chief railway commissioner and the financial commissioner shall have the right to attend any meeting of the Authority, and the financial commissioner shall have the right to require any matter which relates to, or affects, finance to be referred to the Authority.

15. The Authority shall not be liable to pay Indian income tax or supertax on any of its income, profits or gains.

16. The authority shall entrust all their money which is not immediately needed to the Reserve Bank of India and employ that bank as their agents for all transactions in India relating to remittances, exchange and banking, and the bank shall undertake the custody of such moneys and such agency transactions on the same terms and conditions as those upon which they undertake the custody of moneys belonging to, or agency transactions for, the Federal Government.

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Section 317.

## NINTH SCHEDULE.

PROVISIONS OF GOVERNMENT OF INDIA ACT CONTINUED  
IN FORCE WITH AMENDMENTS UNTIL THE ESTABLISH-  
MENT OF THE FEDERATION.*The Governor-General's Executive Council.*Members of  
Council.

36.—(1) The members of the Governor-General's Executive Council shall be appointed by His Majesty by warrant under the Royal Sign Manual.

(2) The number of the members of the Council shall be such as His Majesty thinks fit to appoint.

(3) Three at least of them must be persons who have been for at least ten years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a high court, of not less than ten years' standing.

(4) If any member of the Council (other than the Commander-in-Chief for the time being of His Majesty's forces in India) is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member, hold any military command or be employed in actual military duties.

(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council, in any case where such provision is not made by the foregoing provisions of this section.

Rank and  
precedence of  
Commander-  
in-Chief.

37. If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council, he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General.

Vice-Presi-  
dent of  
Council.

38. The Governor-General shall appoint a member of his Executive Council to be vice-president thereof.

Meetings.

39.—(1) The Governor-General's Executive Council shall assemble at such places in India as the Governor-General in Council appoints.

(2) At any meeting of the Council the Governor-General or other person presiding and one member of the Council (other than the Commander-in-Chief) may exercise all the functions of the Governor-General in Council.

Business of  
Governor-  
General in  
Council.

40.—(1) All orders and other proceedings of the Governor-General in Council shall be expressed to be made by the Governor-General in Council, and shall be signed by a secretary to the Government of India, or otherwise as the Governor-General in

Council may direct, and, when so signed, shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council.

9TH SCH.  
—cont.

(2) The Governor-General may make rules and orders for the more convenient transaction of business in his Executive Council, and every order made or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Governor-General in Council.

41.—(1) If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.

Procedure  
in case of  
difference of  
opinion.

(2) Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the Governor-General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.

(4) Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of his Council.

42. If the Governor-General is obliged to absent himself from any meeting of the Council, by indisposition or any other cause, the vice-president, or, if he is absent, the senior member (other than the Commander-in-Chief) present at the meeting, shall preside thereat, with the like powers as the Governor-General would have had if present :

Provisions  
for absence  
of Governor-  
General from  
meetings of  
Council.

Provided that, if the Governor-General is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of Council made at the meeting, the act shall require his signature; but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the Governor-General, when present, dissents from the majority at a meeting of the Council.

9TH SCH.

—cont.

Powers of  
Governor-  
General in  
absence from  
Council.

43.—(1) Whenever the Governor-General in Council declares that it is expedient that the Governor-General should visit any part of India unaccompanied by his Executive Council, the Governor-General in Council may, by order, authorize the Governor-General alone to exercise, in his discretion, all or any of the powers which might be exercised by the Governor-General in Council at meetings of the Council.

*The Indian legislature.*Indian  
legislature.

63. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

Council of  
State.

63A.—(1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under this Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative  
Assembly.

63B.—(1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under this Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred :

Provided that rules made under this Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-sevenths of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

President of  
Legislative  
Assembly.

63C.—(1) There shall be a president of the Legislative Assembly, who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.



(2) There shall be a deputy-president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

9TH SCH.  
—cont.

(3) A president and a deputy-president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(4) A president and deputy-president shall receive such salaries as may be determined by Act of the Indian legislature.

63D.—(1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting :

Duration  
and sessions  
of Legis-  
lative  
Assembly  
and Council  
of State.

Provided that—

- (a) either chamber of the legislature may be sooner dissolved by the Governor-General; and
- (b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and
- (c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months, after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

63E.—(1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant.

Membership  
of both  
chambers.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

9TH SCH.  
—cont.

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

Supple-  
mentary  
provisions  
as to com-  
position of  
Legislative  
Assembly  
and Council  
of State.

64.—(1) Subject to the provisions of this Act, provision may be made by rules under this Act as to—

- (a) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise; and
- (b) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly; and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matter incidental or ancillary thereto; and
- (d) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly; and
- (e) the final decision of doubts or disputes as to the validity of an election; and
- (f) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly.

Business and  
proceedings  
in Indian  
legislature.

67.—(1) Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

(2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any

amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

9TH SCH  
—cont.

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of this Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

67A.—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

Indian  
Budget.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

9TH SCH.  
—cont.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration unless the Governor-General otherwise directs :—

- (i) interest and sinking fund charges on loans; and
- (ii) expenditure of which the amount is prescribed by or under any law; and
- (iii) salaries (including in the case of the Governor-General sums payable on his account in respect of his office) and pensions payable to or to the dependants of—
  - (a) persons appointed by or with the approval of His Majesty;
  - (b) Chief Commissioners and Judicial Commissioners; and
- (iv) any grants for purposes connected with the administration of any areas in a Province which are for the time being Excluded Areas; and
- (v) the sums payable to His Majesty under the Government of India Act, 1935, in respect of the expenses of His Majesty incurred in discharging the functions of the Crown in relation to Indian States; and
- (vi) expenditure classified by the order of the Governor-General in Council as—
  - (a) ecclesiastical;
  - (b) external affairs;
  - (c) defence; or
  - (d) relating to tribal areas.
- (vii) Expenditure of the Governor-General in discharging his functions as respects matters with respect to which he is required by the provisions of the Government of India Act, 1935, for the time being in force to act in his discretion;
- (viii) any other expenditure declared by the provisions of the Government of India Act, 1935, for the time being in force to be charged on the revenues of the Federation.

(4) If any question arises as to whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

9TH SCH.  
—cont.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent, or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section, the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

67B.—(1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

Provision  
for case of  
failure to  
pass legisla-  
tion.

- (a) if the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and
- (b) if the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the

9TH SCH.  
—cont.

Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

Assent of  
Governor-  
General to  
Bills.

68.—(1) When a Bill has been passed by both chambers of the Indian legislature, the Governor-General may declare that he assents to the Bill, or that he withholds assent from the Bill, or that he reserves the Bill for the signification of His Majesty's pleasure thereon.

(2) A Bill passed by both chambers of the Indian legislature shall not become an Act until the Governor-General has declared his assent thereto, or, in the case of a Bill reserved for the signification of His Majesty's pleasure, until His Majesty in Council has signified his assent and that assent has been notified by the Governor-General.

Power of  
Crown to  
disallow  
Acts.

69.—(1) When an Act of the Indian legislature has been assented to by the Governor-General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the Governor-General shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

Power to  
make ordi-  
nances in  
cases of  
emergency.

72. The Governor-General may, in cases of emergency, make and promulgate ordinances for the peace and good government of British India or any part thereof, and any ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian legislature; but the power of making ordinances under this section is subject to the like restrictions as the power of the Indian legislature to make laws; and any ordinance made under this section is subject to the like disallowance as an Act passed by the Indian legislature, and may be controlled or superseded by any such Act.

*Salaries, leave of absence, vacation of office, &c.*

Salaries and  
allowances of  
Governor-  
General and  
certain other  
officials in  
India.

85.—(1) There shall be paid to the Governor-General of India, to the Commander-in-Chief of His Majesty's Forces in India and to the members of the Governor-General's Executive Council (other than the Commander-in-Chief), out of the revenues of the Governor-General in Council, such salaries and such allowances (if any) for equipment and voyage as the Secretary of State may by order fix in that behalf and subject to or in default of any such order as are payable at the commencement of Part III of the Government of India Act, 1935; but the salary of the Governor-General shall not exceed two hundred and fifty-six thousand rupees annually, the salary of the Commander-in-Chief shall not exceed one hundred thousand rupees annually and the

salary of members of the Governor-General's Executive Council (other than the Commander-in-Chief) shall not exceed eighty thousand rupees annually.

9TH SCH.  
—cont.

(2) Provided as follows :—

- (a) the Secretary of State shall not make any Order affecting salaries of members of the Governor-General's Executive Council except after consulting his advisers and with the concurrence of at least one-half of them ;
- (b) if any person to whom this section applies holds or enjoys any pension or salary or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him ;
- (c) nothing in the provisions of this section with respect to allowances shall authorise the imposition of any additional charge on the revenues of the Governor-General in Council.

(3) The remuneration payable to a person under this section shall commence on his taking upon himself the execution of his office and shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein :

Provided that nothing in this section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons before the commencement of Part III of the Government of India Act, 1935, by the Secretary of State in Council or may thereafter be sanctioned by the Secretary of State.

86.—(1) The Secretary of State may grant to the Governor-General and, on the recommendation of the Governor-General in Council, to the Commander-in-Chief, leave of absence for urgent reasons of public interest, or of health or of private affairs.

Power to grant leave of absence to Governor-General, &c.

(2) The Governor-General in Council may grant to any member of his Executive Council (other than the Commander-in-Chief) leave of absence for urgent reasons of health or of private affairs.

(3) Leave of absence shall not be granted to any person in pursuance of this section for any period exceeding four months nor more than once during his tenure of office :

Provided that the Secretary of State may, if he thinks fit, extend any period of leave so granted, but in any such case the reasons for the extension shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament.

(4) Where leave of absence is granted to any person in pursuance of this section, he shall retain his office during the

9TH SCH.  
—cont.

period of leave as originally granted, or, if that period is extended by the Secretary of State during the period as so extended, but, if his absence exceeds that period, his office shall be deemed to have become vacant in the case of a person granted leave for urgent reasons of public interest as from the termination of that period and in any other case as from the commencement of his absence.

(5) Where a person obtains leave of absence in pursuance of this section, he shall be entitled to receive during his absence such leave-allowances as may be prescribed by rules made by the Secretary of State, but, if he does not resume his duties upon the termination of the period of the leave, he shall, unless the Secretary of State otherwise directs, repay, in such manner as may be so prescribed as aforesaid, any leave-allowances received under this subsection.

(6) If the Governor-General or the Commander-in-Chief is granted leave for urgent reasons of public interest, the Secretary of State may, in addition to the leave-allowances to which he is entitled under this section, grant to him such further allowances in respect of travelling expenses as the Secretary of State may think fit.

(7) Rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

Acting ap-  
pointments  
during the  
absence of  
the Gover-  
nor-General,  
&c., on  
leave.

87.—(1) Where leave is granted in pursuance of the foregoing section to the Governor-General or to the Commander-in-Chief, a person shall be appointed to act in his place during his absence, and the appointment shall be made by His Majesty by warrant under the Royal Sign Manual. The person so appointed during the absence of the Commander-in-Chief may, if the Commander-in-Chief was a member of the Executive Council of the Governor-General, be also appointed by the Governor-General in Council to be a temporary member of that Council.

(2) The person so appointed shall, until the return to duty of the permanent holder of the office, or, if he does not return, until a successor arrives, hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office.

Power for  
Governor-  
General to  
exercise  
powers before  
taking  
seat.

89.—(1) If any person appointed to the office of Governor-General is in India on or after the event on which he is to succeed, and thinks it necessary to exercise the powers of Governor-General before he takes his seat in Council, he may make known by notification his appointment and his intention to assume the office of Governor-General.



(2) After the notification, and thenceforth until he repairs to the place where the Council may assemble, he may exercise alone all or any of the powers which might be exercised by the Governor-General in Council.

9TH SCH.  
—cont.

(3) All acts done in the Council after the date of the notification, but before the communication thereof to the Council, shall be valid, subject, nevertheless, to revocation or alteration by the person who has so assumed the office of Governor-General.

(4) When the office of Governor-General is assumed under the foregoing provision, the vice-president, or, if he is absent, the senior member of the council (other than the Commander-in-Chief) then present, shall preside therein, with the same powers as the Governor-General would have had if present.

90.—(1) If a vacancy occurs in the office of Governor-General when there is no successor in India to supply the vacancy, that one of the following governors, that is to say, the Governor of Madras, the Governor of Bombay, and the Governor of Bengal, who was first appointed to the office of Governor by His Majesty shall hold and execute the office of Governor-General until a successor arrives or until some person in India is duly appointed thereto.

Temporary  
vacancy in  
office of  
Governor-  
General.

(2) Every such acting Governor-General, while acting as such, shall have and may exercise all the rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the salary and allowances appertaining to his office of Governor, and shall not act in his office of Governor.

(3) If, on the vacancy occurring, it appears to the Governor, who by virtue of this section holds and executes the office of Governor-General, necessary to exercise the powers thereof before he takes his seat in Council, he may make known by notification his appointment, and his intention to assume the office of Governor-General, and thereupon the provisions of section eighty-nine of this Act shall apply.

(4) Until such a Governor has assumed the office of Governor-General, if no successor is on the spot to supply such vacancy, the vice-president, or, if he is absent, the senior member of the Executive Council (other than the Commander-in-Chief) shall hold and execute the office of Governor-General until the vacancy is filled in accordance with the provisions of this Act.

(5) Every vice-president or other member of Council so acting as Governor-General, while so acting, shall have and may exercise all the rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing his salary and allowances as member of Council for that period.

9TH SCH.

—cont.

Temporary  
vacancy in  
office of  
member of  
the Execu-  
tive Council.

92.—(1) If a vacancy occurs in the office of a member of the Executive Council of the Governor-General (other than the Commander-in-Chief), and there is no successor present on the spot, the Governor-General in Council shall supply the vacancy by appointing a temporary member of Council.

(2) Until a successor arrives, the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

(3) If a member of the Executive Council of the Governor-General (other than the Commander-in-Chief) is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave or special duty, the Governor-General in Council shall appoint some person to be a temporary member of Council.

(4) Until the return to duty of the member so incapable or absent, the person temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office.

(4A) When a member of the Executive Council is by infirmity or otherwise rendered incapable of acting or attending to act as such and a temporary member of Council is appointed in his place, the absent member shall be entitled to receive half his salary for the period of his absence.

(5) Provided as follows :—

- (a) no person may be appointed a temporary member of Council who might not have been appointed to fill the vacancy supplied by the temporary appointment; and
- (b) if the Secretary of State informs the Governor-General that it is not the intention of His Majesty to fill a vacancy in the Governor-General's Executive Council, no temporary appointment may be made under this section to fill the vacancy, and, if any such temporary appointment has been made before the date of the receipt of the information by the Governor-General, the tenure of the person temporarily appointed shall cease from that date.

93.—(1) A nominated or elected member of either chamber of the Indian legislature may resign his office to the Governor-General, and on the acceptance of the resignation the office shall become vacant.

9TH SCH.  
—cont.  
Vacancies in  
legislative  
councils.

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office the Governor-General may, by notification published in the government gazette, declare that the seat in Council of that member has become vacant.

*Supplemental.*

129A.—(1) Where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State, and shall not be subject to repeal or alteration by any legislature in India.

Provisions  
as to rules.

(2) Any rules made under this Act may be so framed as to make different provision for different provinces.

(3) Any rules to which subsection (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications and additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

Section 321.

**TENTH SCHEDULE.****PROVISIONS AS TO GOVERNOR OF BURMA.**

1. There shall be paid to the Governor such annual salary, such allowances for his expenses in respect of equipment and travelling upon appointment and such allowances during his term of office as may from time to time be fixed by His Majesty in Council.

2. Such provision shall be made for enabling the Governor to discharge conveniently and with dignity the duties of his office as may be determined by His Majesty in Council.

3. While the Governor is absent on leave, he shall, in lieu of his salary, be entitled to such leave allowance as may be fixed by His Majesty in Council.

4. There shall be granted to and in respect of the Governor such customs privileges as may be specified by Order in Council.

5. Any person appointed by His Majesty to act as Governor during the absence of the Governor from Burma or during any period during which the Governor is for any reason unable to perform the duties of his office shall, during and in respect of, the period while he is acting as Governor, have all the powers and immunities, and be subject to all the duties, of the Governor, and shall be entitled to the same salary and, save as may be otherwise provided by His Majesty in Council, the same allowances and privileges, as the Governor, and, if he holds any other office, shall not act therein or be entitled to the salary and allowances appertaining thereto while he is acting as Governor.

6. Any sums required to give effect to the provisions of this Schedule shall be paid out of, and charged on, the revenues of Burma.

**ELEVENTH SCHEDULE.****AREAS IN BURMA TO WHICH SPECIAL PROVISIONS APPLY.****PART I.**

(1) The Federated Shan States as specified in Notification No. 31 dated 27th September, 1922, of the Political Department of the Government of Burma as amended by any subsequent notification made before the commencement of Part XIV of this Act.

Sections  
325, 326,  
347, 358,  
377, 473.

(2) The Shan States specified in Notification No. 41 dated 5th October, 1922, of the Political Department of the Government of Burma, as amended by any subsequent notification made before the commencement of Part XIV of this Act, other than the Federated Shan States.

11TH SCHEDULE  
—cont.

(3) The Arakan Hill Tracts.

(4) The Chin Hills District.

(5) The Kachin Hill Tracts of the Myitkyina, Bhamo and Katha Districts.

(6) The Somra Tract.

(7) The area known as the Triangle.

(8) The area known as the Hukawng Valley lying to the north of the Upper Chindwin District.

(9) The Salween District.

(10) All tribal territories which at the date of coming into operation of Part XIV of this Act are unadministered.

#### PART II.

(1) Such parts of the Myitkyina and Bhamo Districts as are not included in Part I of this Schedule.

(2) Such parts of the Upper Chindwin District as constitute the Homalin sub-division together with the village tracts which were included in the former Tamu township of the Mawlaik sub-division on the date preceding its abolition.

(3) The Kyain township, the Myawaddy Circle of the Kawkareik township, and so much of the Karen Hill tracts situate in the eastern half of the Toungoo District and in the Thaton District as may be prescribed by His Majesty in Council.

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### TWELFTH SCHEDULE.

Section 325.

#### COMPOSITION OF THE BURMA LEGISLATURE.

##### *General qualification for Membership.*

1. A person shall not be qualified to be chosen to fill a seat in the Legislature unless he—

(a) is a British subject; and

(b) is, in the case of a seat in the House of Representatives, not less than twenty-five years of age, and in the case of a seat in the Senate, not less than thirty-five years of age; and

(c) possesses such, if any, of the other qualifications specified in, or prescribed under, this Schedule as may be appropriate in his case.

12TH SCH.  
—cont.

2. Upon the expiration of the term for which he is chosen to serve as a member of the Burma Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

*The House of Representatives.*

3. Of the seats in the House of Representatives—

- (a) ninety-one seats shall be general non-communal seats;
- (b) twelve seats shall be filled by representatives of Karens;
- (c) eight seats shall be filled by representatives of Indians;
- (d) two seats shall be filled by representatives of Anglo-Burmans;
- (e) three seats shall be filled by representatives of Europeans;
- (f) eleven seats shall be filled by representatives of Commerce and Industry;
- (g) one seat shall be filled by a representative of Rangoon University;
- (h) two seats shall be filled by representatives of Indian Labour;
- (i) two seats shall be filled by representatives of non-Indian Labour.

References in this Schedule to representatives of Indians do not include references to representatives of Indian Labour.

4. So much of Burma as His Majesty may deem suitable for inclusion in any constituency, or in any constituency of a particular class, shall be divided into territorial constituencies—

- (i) for the election of persons to fill general non-communal seats;
- (ii) for the election of persons as representatives of Karens;
- (iii) for the election of persons as representatives of Indians;
- (iv) for the election of persons as representatives of Indian Labour;
- (v) for the election of persons as representatives of non-Indian Labour,

and in the case of each class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

5. In the case of the seats to be filled by representatives of Anglo-Burmans and the seats to be filled by representatives of Europeans, the whole of Burma shall be the constituency.

6. The provisions of the Thirteenth Schedule to this Act shall have effect with respect to the election of persons to hold the seats in the House of Representatives mentioned in the two last preceding paragraphs.

12TH SCH.  
—cont.

7. Persons shall be chosen in such manner as may be prescribed to hold the seats to be filled by representatives of Commerce and Industry and Rangoon University.

8. Of the seats to be filled by representatives of Commerce and Industry, one shall be filled by a representative of the Burmese Chamber of Commerce, two shall be filled by representatives of the Burma Indian Chamber of Commerce, one shall be filled by a representative of the Nattukottai Chettiars' Association, five shall be filled by representatives of the Burma Chamber of Commerce, one shall be filled by a representative of the Rangoon Trades Association and one shall be filled by a representative of the Chinese Chamber of Commerce.

9. A person shall not be qualified to be chosen to fill a seat in the House of Representatives unless—

- (a) in the case of a seat to be filled by representatives of Commerce and Industry, of a representative of Rangoon University or of representatives of Indian Labour or non-Indian Labour, he possesses such qualifications as may be prescribed;
- (b) in the case of any other seat, he is entitled to vote at an election to fill some seat in the House of Representatives.

#### *The Senate.*

10. Of the thirty-six seats in the Senate, eighteen shall be filled by persons elected by the members of the House of Representatives in accordance with the system of proportional representation by means of the single transferable vote, and eighteen shall be filled by persons chosen by the Governor in his discretion.

11. In the event of a casual vacancy occurring in a seat held by an elected Senator who was a Karen, an Indian, an Anglo-Burman, or a European, no person shall be eligible to fill the vacancy who is not, as the case may be, a Karen, an Indian, an Anglo-Burman, or a European.

12.—(1) A person shall not be qualified to be chosen to hold a seat in the Senate unless he—

- (i) was, in the financial year preceding that in which the election is held, assessed to income-tax in Burma on an income of twelve thousand rupees a year or over; or
- (ii) paid, during and in respect of the year of assessment preceding that in which the election is held, land revenue

12TH SCH.  
—cont.

- of a thousand rupees or over in Lower Burma or five hundred rupees or over in Upper Burma; or
- (iii) has previous official service in Burma as a member of the Governor's Executive Council under the Acts repealed by this Act, or as a minister, or as a judge of the High Court, or as a permanent Deputy Commissioner, or as a permanent district and sessions judge; or
- (iv) has rendered other public service recognised by the conferment of a title equal to, or higher than, the Burman title of Taing kyo Pyi kyo Saung; or
- (v) possesses such other qualifications in respect of the rendering of distinguished public service as the Governor in his discretion may prescribe.
- (2) For the purposes of this paragraph :
- (a) where a firm has been assessed to income tax in Burma in any year, every partner in that firm shall be deemed to have been assessed to that tax in that year to an amount, to be certified in the prescribed manner, equal to his share in the firm's income on which the tax was so assessed;
- (b) where water rate is levied in addition to land revenue, payment thereof shall be treated as payment of land revenue.

*General.*

13.—(1) In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say :—

- “ a European ” means a person whose father or any of whose other male progenitors in the male line is or was of European descent, and who is not a native of India or Burma;
- “ an Anglo-Burman ” means a person whose father or any of whose other male progenitors in the male line is or was of European descent, but who is a native of India or Burma;
- “ a Karen ” includes a Taungthu and means a person belonging to any race which the Governor exercising his individual judgment may, by notification in the Gazette, declare to be a Karen or Taungthu race for the purpose of this Schedule;
- “ an Indian ” means a person of Indian descent in the male line, being a British subject and resident in Burma, who either was born in or has a domicile in India, or whose father or grandfather was so born, or had at the birth of the person in question or of the father of the person in question, as the case may be, such a domicile; and



“prescribed” means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Legislature or the Governor of Burma is competent to regulate, prescribed by an Act of the Legislature or by a rule made under the next but one succeeding paragraph.

12TH SCH.  
—cont.

(2) In determining any question as to whether a person was born in or had, at any past date, a domicile in India, regard shall be had to the boundaries of India at the date when the question falls to be determined and not at the date of the birth of that person or, as the case may be, the said past date.

(3) In this paragraph the expression “native of India or Burma” has the same meaning as the expression “native of India” had for the purposes of section six of the Government of India Act, 1870, and accordingly it includes any person born and domiciled within the dominions of His Majesty in India or Burma of parents habitually resident in India or Burma and not established there for temporary purposes only.

14. In so far as provision with respect to the matters hereinafter mentioned is not made by this Act, His Majesty in Council may from time to time make provision with respect to those matters or any of them, that is to say:—

- (a) the delimitation of the territorial constituencies;
- (b) the qualifications entitling persons to vote at the elections and the preparation of electoral rolls;
- (c) the conduct of the elections and the methods of voting thereat;
- (d) the filling of casual vacancies in the House of Representatives and the Senate;
- (e) the expenses of candidates at the elections;
- (f) corrupt practices and other offences at or in connection with the elections;
- (g) the decision of doubts and disputes arising out of or in connection with the elections;
- (h) matters ancillary to any such matters as aforesaid.

15. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Burma Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this Schedule and the provisions of the Thirteenth Schedule and securing the due constitution of the Legislature and in particular, but without prejudice to the generality of the foregoing words, with respect to—

- (i) the notification of vacancies, including casual vacancies, and the proceedings to be taken for filling vacancies;

12TH SCH.  
—cont.

- (ii) the nomination of candidates;
- (iii) the conduct of elections, including the application to elections to the Senate of the principle of proportional representation by means of the single transferable vote;
- (iv) the expenses of candidates at elections;
- (v) corrupt practices and other offences at or in connection with elections;
- (vi) the decision of doubts and disputes arising out of or in connection with elections; and
- (vii) the manner in which the rules are to be carried into effect.

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### THIRTEENTH SCHEDULE.

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Schedule 12  
(6).

#### PROVISIONS AS TO FRANCHISE IN BURMA.

##### *General Constituencies.*

1. There shall be an electoral roll for every general constituency and no person who is not, and, except as expressly provided by this Schedule, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

In this Schedule "general constituency" means a constituency other than a constituency for the election of representatives of commerce and industry, the representative of Rangoon University or representatives of labour.

2. The electoral rolls for the general constituencies shall be made up, and from time to time in whole or in part revised, by reference to such date, in this Schedule referred to as "the prescribed date," as may be directed in each case by the Governor exercising his individual judgment.

3. No person shall be included in the electoral roll for any general constituency unless he has attained the age of eighteen years and is either a British subject or a subject of a prescribed Indian State, or, if it is so prescribed, a subject of any Indian State.

4. No person shall be included in the electoral roll for, or vote at any election in, any general constituency if he is of unsound mind and stands so declared by a competent court.

5. No person shall be included in the electoral roll for a Karen constituency, an Indian general constituency, the Anglo-Burman constituency or the European constituency unless he is a Karen, an Indian, an Anglo-Burman or a European, as the case may be.

6. No person who is included in the electoral roll for any Karen constituency, any Indian general constituency, the Anglo-Burman constituency or the European constituency shall be included in the electoral roll for a general non-communal constituency or vote at any election to fill a general non-communalseat.

13TH SCH.  
—cont.

7. No person shall at a general election vote in more than one general constituency and such provisions, if any, as may be prescribed shall have effect for the purpose of preventing persons being included in the electoral roll for more than one general constituency.

8. No person shall be included in the electoral roll for, or vote at any election in, a general constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Legislature or rules made by the Governor as may be made or passed under this Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for general constituencies in which it may be included.

9. No person shall vote at any election in a general constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

10. Subject to the provisions of paragraphs three to eight of this Schedule, a person shall be qualified to be included in the electoral roll for a general constituency if he is ordinarily resident in the constituency and either—

- (a) was in the previous financial year assessed to income tax in Burma; or
- (b) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces, or is a retired, pensioned, or discharged officer or man of any police force in Burma, not being a person dismissed or discharged for disciplinary reasons; or
- (c) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the Auxiliary Force (India), the Indian Territorial Force, or any prescribed Burman auxiliary or territorial force, not being a person who has been dismissed or discharged from the force for disciplinary reasons or has served in the force for less than four years; or
- (d) was in the previous agricultural year and any other two agricultural years entered in the capitation tax assessment roll as liable to pay capitation tax, or entered in the thathameda tax assessment roll as head of the household and liable to pay thathameda tax and was not exempted from payment of capitation tax or

13TH SCH.  
—cont.

thathameda tax, as the case may be, on the ground of poverty or of being an immigrant from a country outside Burma; or

- (e) has attained the age of sixty years and was at any time in his sixtieth year entered in the capitation tax assessment roll as liable to pay capitation tax and was not exempted from payment thereof on the ground of poverty or of being an immigrant from a country outside Burma; or
- (f) paid, during and in respect of the previous agricultural year or the previous financial year and any other two agricultural or financial years, a tax levied under the Burma Rural Self-Government Act, 1921; or
- (g) paid in Burma, during and in respect of the previous agricultural year, and any other two agricultural years, land revenue of not less than five rupees per year.

11. Without prejudice to the provisions of the last preceding paragraph, but subject to the provisions of paragraphs three to eight of this Schedule, a person shall be qualified to be included in the electoral roll for an urban general constituency if he is ordinarily resident in the constituency and either—

- (a) owns immovable property in the constituency of one hundred rupees or more in value; or
- (b) paid municipal taxes or cantonment taxes in Burma in respect of the previous financial year and any other two financial years; or
- (c) for not less than three months in the previous financial year, and for not less than three months in each of any other two financial years, occupied, in consideration of the payment of rent or the rendering of services, a building, a part of a building or a piece of land in the constituency, the monthly rental of which alone, or when added to the monthly rental value of any other building, part of a building or piece of land in the constituency which was throughout the three months in question owned or occupied by him, was not less than four rupees.

For the purposes of sub-paragraph (c) of this paragraph,—

- (i) where a person lodges in a building or part of a building and makes payments in respect of his lodging or his board and lodging, he shall be deemed to occupy it at a rent, and the rental value thereof shall in relation to him be deemed to be the monthly charge made to him for his lodging or, as the case may be, one-fifth of the monthly charge made to him for his board and lodging;

- (ii) where two or more persons (not being lodgers) jointly occupy a building or part of a building as a dwelling or for the purposes of their business or their respective businesses, the rental value of the building or part of a building shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons;
- (iii) subject as aforesaid, where the assessment of municipal taxes is based on the rental value of the assessed property, the rental value of any property adopted for the purpose of any such assessment shall be treated as the rental value of that property.

13TH SCH.  
—cont.

12. The provisions of the last preceding paragraph shall apply in relation to any rural constituency which includes the municipality of Toungoo, the municipality of Kyaukpyu or the municipality of Thayetmyo as if that constituency were an urban constituency, except that for any reference to the constituency (other than that contained in the reference to the electoral roll for the constituency) there shall be substituted a reference to that one of the said municipalities which is included in the constituency.

13. Any requirement specified in paragraph ten or paragraph eleven of this Schedule as a requirement to be satisfied in relation to the previous financial year and any other two financial years, or in relation to the previous agricultural year and any other two agricultural years shall be deemed to be satisfied in the case of any person if that requirement is satisfied in his case in relation to the previous financial or, as the case may be, agricultural year, and either—

- (a) he has previously been included in the electoral roll of a general constituency in Burma (either under Part XIV of this Act, or, before the commencement of Part XIV of this Act, under the Government of India Act); or
- (b) he was assessed to income tax in Burma in any earlier financial year, or at any time in any earlier financial year owned immovable property of the value of not less than one hundred rupees in an urban constituency in Burma or in the municipality of Toungoo, the municipality of Kyaukpyu or the municipality of Thayetmyo; or
- (c) he satisfied in relation to any two earlier agricultural years or in relation to two earlier financial years any of the requirements specified in the said paragraphs as requirements to be satisfied in relation to three agricultural years or three financial years, as the case may be.

In determining for the purpose of sub-paragraph (c) of this paragraph whether a person has fulfilled in relation to any year

13TH SCH.  
—cont.

the requirement specified in sub-paragraph (c) of paragraph eleven of this Schedule, any reference in sub-paragraph (c) of the said paragraph eleven to the constituency shall be construed as a reference to any one of the following areas, that is to say, the urban constituencies in Burma and the municipalities of Toungoo, Kyaukpyu and Thayetmyo.

14. Subject to the provisions of paragraphs three to eight of this Schedule, but without prejudice to any of the other provisions of this Schedule, a woman who has attained the age of twenty-one years and is ordinarily resident in any general constituency shall be qualified to be included in the electoral roll therefor if it is shown in the prescribed manner that she has attained any of the following educational standards, that is to say, the Vernacular Standard IV, the Anglo-vernacular Standard IV or the English Standard IV, or is able to read and write a letter in some language or dialect to be selected by her, being a language or dialect in common use in some part of Burma or India.

15. The foregoing provisions of this Schedule shall have effect in relation to the European and Anglo-Burman constituencies as they have effect in relation to urban general constituencies :

Provided that any reference in sub-paragraph (a) or sub-paragraph (c) of paragraph eleven of this Schedule to the constituency shall, in relation to the European and the Anglo-Burman constituencies, be construed as a reference to the area comprised in all the urban constituencies in Burma and the municipalities of Toungoo, Kyaukpyu and Thayetmyo.

16. For the purposes of the foregoing provisions of this Schedule any property owned or occupied or payment made by, and any assessment made on, a person as a trustee, administrator, receiver or guardian or in any other fiduciary capacity shall be left out of account.

#### *Labour Constituencies.*

17. No Indian shall be entitled to vote at any election of representatives of non-Indian labour and no person who is not an Indian shall be entitled to vote at any election of representatives of Indian labour.

18. Subject as aforesaid, the qualifications entitling persons to vote at elections in labour constituencies shall be such as may be prescribed.

#### *Interpretation, &c.*

19.—(1) In this Schedule the following expressions have the meanings assigned to them, that is to say—

“a European,” “an Anglo-Burman,” “a Karen,” “an Indian”  
and, except in the phrase “the prescribed date,”

“prescribed,” have the same meanings as in the Twelfth Schedule to this Act;

13TH SCH.  
—cont.

“previous financial year” and “previous agricultural year” mean respectively the financial year and the agricultural year immediately preceding that in which the prescribed date falls;

“urban constituencies” and “rural constituencies” mean such general constituencies as may be classified as urban or rural constituencies respectively by an Order in Council delimiting territorial constituencies;

“agricultural year” means a year ending on the thirtieth day of June;

“His Majesty’s regular military forces” includes such military police forces, if any, as may be prescribed.

(2) Any reference in this Schedule to persons ordinarily resident in any area includes a reference to any person who maintains a dwelling in the area ready for occupation, in which he occasionally resides.

(3) Any reference in this Schedule to immovable property of a specified value shall be construed as including a reference to a share of that value in immovable property.

(4) Any reference in this Schedule to persons assessed to income tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income tax in that year if his share of the firm’s income on which income tax was so assessed is certified in the prescribed manner to have been not less than the minimum on which the tax is leviable.

(5) For the purposes of this Schedule—

(a) a person shall be deemed to be the owner of property notwithstanding that he has mortgaged it, unless possession thereof has been taken by or on behalf of the mortgagee;

(b) a financial year shall not be deemed to be earlier than an agricultural year unless it ended before that agricultural year began.

(6) Any reference in this Schedule to any Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted, with or without modification, to the provisions so re-enacted.

(7) If the boundaries of any municipality mentioned in this Schedule are altered, any reference in this Schedule to that municipality shall thereafter be taken as a reference to the municipality as altered.

Sections 341,  
399.

## FOURTEENTH SCHEDULE.

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### FORMS OF OATHS OR AFFIRMATIONS.

#### 1.

“ I, A.B., having been chosen a member of the Senate [*or* House of Representatives] of Burma, do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance to His Majesty the King, His Heirs and Successors, and that I will faithfully discharge the duty upon which I am about to enter.”

#### 2.

“ I, A.B., having been appointed Chief Justice [*or* a judge] of the High Court at Rangoon, do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance to His Majesty the King, His Heirs and Successors, and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment.”

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Section 388.

## FIFTEENTH SCHEDULE.

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### THE BURMA RAILWAY BOARD.

1. The Burma Railway Board shall be a body corporate by, and may sue, and be sued in, that name.

2. The Burma Chamber of Commerce, the Burma Indian Chamber of Commerce, the Burmese Chamber of Commerce, and the Chinese Chamber of Commerce shall each nominate one of the non-official members, and two non-official members shall be appointed by the Governor exercising his individual judgment.

The non-official members shall be appointed for five years and shall be eligible for re-appointment, but any non-official member may at any time be removed from office by the Governor exercising his individual judgment, if he is satisfied that the member is for any reason unable or unfit to continue to perform the duties of his office.



3. A person shall not be qualified to be appointed or to be a non-official member of the Board—

15TH SCH.  
—cont.

- (a) unless he has had experience in commerce, industry, agriculture, finance, or administration; or
- (b) if he is, or within the twelve months last preceding has been—
  - (i) a member of the Legislature; or
  - (ii) in the service of the Crown in Burma; or
  - (iii) a railway official in Burma.

4. The Governor, exercising his individual judgment, may make rules providing for the appointment of temporary members to act in place of any members temporarily unable to perform the duties of their office.

5. The President and members of the Board shall be entitled to receive such salary and allowances as the Governor, exercising his individual judgment, may from time to time determine :

Provided that the emoluments of a member shall not be reduced during his term of office.

6. If a member of the Board is or becomes the holder of or tenders for any contract for the supply of materials to, or the execution of works for, any railway in Burma, or is or becomes concerned in the management of any company holding or tendering for such a contract as aforesaid, he shall forthwith make full disclosure of the facts to the Board and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract.

7. All acts of the Board and all questions before it shall be done and decided by a majority of the members present and voting at a meeting of the Board.

In the case of an equality of votes at any meeting, the person presiding thereat shall have a second or casting vote.

8. Subject to the provisions of this Act, the Board may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such order.

9. The proceedings of the Board shall not be invalidated by any vacancy among its number, or by any defect in the appointment or qualification of any member.

10. The Board shall not be liable to pay Burma income tax or supertax on any of its income, profits or gains.

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Section 478.

## SIXTEENTH SCHEDULE.

## ENACTMENTS REPEALED.

| Session and Chapter of Act. | Title.                                                                            | Extent of Repeal.                                                            |
|-----------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 21 Geo. 3. c. 70            | The East India Company Act, 1780.                                                 | Section eighteen.                                                            |
| 37 Geo. 3. c. 142           | The East India Act, 1797 -                                                        | Section twelve.                                                              |
| 16 & 17 Vict.<br>c. 107.    | The Customs Consolidation Act, 1853.                                              | Section three hundred and twenty-nine.                                       |
| 23 & 24 Vict.<br>c. 89.     | An Act to extend in certain cases the provisions of the Superannuation Act, 1859. | The whole Act.                                                               |
| 47 & 48 Vict.<br>c. 38.     | The Indian Marine Service Act, 1884.                                              | The whole Act.                                                               |
| 56 & 57 Vict.<br>c. 62.     | The Madras and Bombay Armies Act, 1893.                                           | The whole Act.                                                               |
| 5 & 6 Geo. 5.<br>c. 61.     | The Government of India Act, 1915.                                                | The whole Act.                                                               |
| 6 & 7 Geo. 5.<br>c. 37.     | The Government of India (Amendment) Act, 1916.                                    | The whole Act, except sections six and eight.                                |
| 9 & 10 Geo. 5.<br>c. 101.   | The Government of India Act, 1919.                                                | The whole Act except the Preamble and subsection (1) of section forty-seven. |
| 12 & 13 Geo. 5.<br>c. 20.   | The Indian High Courts Act, 1922.                                                 | The whole Act.                                                               |
| 14 & 15 Geo. 5.<br>c. 28.   | The Government of India (Leave of Absence) Act, 1924.                             | The whole Act.                                                               |
| 15 & 16 Geo. 5.<br>c. 83.   | The Government of India (Civil Services) Act, 1925.                               | The whole Act.                                                               |
| 17 & 18 Geo. 5.<br>c. 8.    | The Government of India (Indian Navy) Act, 1927.                                  | The whole Act, except section two and subsection (1) of section four.        |

16TH SCH.  
—cont.

| Session and Chapter of Act. | Title.                                                                    | Extent of Repeal.                                                                                                                                     |
|-----------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 & 18 Geo. 5.<br>c. 24.   | The Government of India<br>(Statutory Commission)<br>Act, 1927.           | The whole Act.                                                                                                                                        |
| 20 & 21 Geo. 5.<br>c. 2.    | The Government of India<br>(Aden) Act, 1929.                              | The whole Act.                                                                                                                                        |
| 23 & 24 Geo. 5.<br>c. 23.   | The Government of India<br>(Amendment) Act, 1933.                         | The whole Act.                                                                                                                                        |
| 23 & 24 Geo. 5.<br>c. 36.   | The Administration of<br>Justice (Miscellaneous<br>Provisions) Act, 1933. | In the First Schedule<br>the words "5 & 6<br>" Geo. 5. c. 61; The<br>" Government of<br>" India Act; section<br>" one hundred and<br>" twenty-seven." |

### CHAPTER 43.

An Act to amend sections thirty-seven and thirty-eight of the Salmon and Freshwater Fisheries Act, 1923, and for purposes incidental thereto.

[2nd August 1935.]

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

1. The power of the Minister of Agriculture and Fisheries under section thirty-seven of the Salmon and Freshwater Fisheries Act, 1923, to make orders for the regulation of fisheries shall extend to eel fisheries and elver fisheries, and accordingly the said section shall have effect as if for the words "or freshwater fisheries" there were therein substituted the words "freshwater fisheries, eel fisheries, or elver fisheries."

Amendment  
of s. 37 of  
13 & 14  
Geo. 5. c. 16.

Amendment  
of s. 38 of  
13 & 14  
Geo. 5. c. 16.

2. The following amendments shall be made in section thirty-eight of the Salmon and Freshwater Fisheries Act, 1923 (which section specifies the matters which may be provided for by an order made under section thirty-seven of that Act) :—

(a) in subsection (1), after paragraph (k), there shall be inserted the following paragraph :—

“(l) Applying to eels or elvers with such modifications or exceptions as may be specified in the order all or any of the provisions of this Act relating to freshwater fish, including provisions regarding licences and modifying or repealing all or any of the provisions of this Act relating to eels or elvers :”

(b) at the end of subsection (1) there shall be inserted the following proviso :—

“ Provided that nothing contained in any such order by virtue of paragraph (l) of this subsection shall prevent the owner or occupier of any several fishery where salmon or trout are specially preserved from removing from that fishery any eels or elvers.”

(c) at the end of the section there shall be added the following subsection :—

“(4) An order under this Part of this Act for the regulation of eel fisheries or elver fisheries in any particular area shall not be made unless that order, or a previous order under this Part of this Act which is for the time being in force, contains provisions for securing that the members of any Fishery Board established within that area under this Act or under any Act repealed by this Act include one or more persons appointed by the Minister as representing the interests of persons who carry on in that area the business of fishing for eels and elvers otherwise than with rod and line.”

Repeal of s. 87  
of 13 & 14  
Geo. 5. c. 16.

3. Section eighty-seven of the Salmon and Freshwater Fisheries Act, 1923, is repealed.

4. This Act may be cited as the Salmon and Freshwater Fisheries Act, 1935, and the Salmon and Freshwater Fisheries Act, 1923, the Salmon and Freshwater Fisheries (Amendment) Act, 1929, and this Act may be cited together as the Salmon and Freshwater Fisheries Acts, 1923 to 1935.

Short title  
and citation.

19 & 20  
Geo. 5. c.39.

## CHAPTER 44.

An Act to amend the enactments relating to National Health Insurance; to amend the enactments relating to Widows', Orphans' and Old Age Contributory Pensions, with respect to the allowances or pensions payable in respect of children under full-time instruction, to the date on which pensions cease to be payable, to reciprocal arrangements with other parts of His Majesty's dominions, to the incidence of the increase of contributions during the decennial period commencing the first day of January, nineteen hundred and thirty-six, and subsequent decennial periods, and to the payment of pensions in respect of the insurance of persons ceasing to be insured within twelve months before death or before attaining the age of sixty-five; and for purposes connected therewith.

[2nd August 1935.]

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

### *Amendment of National Health Insurance Act, 1924.*

1.—(1) For subsections (1), (1A), (2), (3), (4), (5), (5A) and (6) of section three of the National Health Insurance Act, 1924, hereinafter called "the Insurance Act with

Amendment  
of s. 3 of  
Insurance  
Act with

respect to  
free insur-  
ance period  
and ex-  
tended  
insurance  
period.  
14 & 15  
Geo. 5. c. 38.

Act," the following subsections shall be substituted, that is to say:—

“(1) Subject as hereinafter provided, where an insured person, being a member of an approved society, ceases to be employed within the meaning of this Act or to pay contributions as a voluntary contributor, as the case may be, he shall, during a period ending on the thirtieth day of June, or the thirty-first day of December, whichever next precedes the expiration of two years from the end of the contribution week in which he ceased to be so employed or in respect of which the last contribution paid by him as a voluntary contributor was paid (which period is hereinafter called a “free insurance period”) be treated for all purposes as if he were an employed contributor or a voluntary contributor, as the case may be, insured under this Act :

Provided that, if it is proved to the satisfaction of his approved society or in the case of a dispute it is decided in manner provided by this Act that when he ceased to be so employed or at the end of the contribution week in respect of which the last contribution paid by him as a voluntary contributor was paid he was incapable of work by reason of some specific disease or bodily or mental disablement of which notice is given within the prescribed time, the said two years shall be reckoned from the end of the contribution week in which he ceased to be so incapable of work.

(2) Notwithstanding anything in the preceding subsection but subject to the provisions of subsection (5) of this section, a person who becomes employed within the meaning of this Act during a free insurance period shall not, on ceasing to be so employed, become entitled by reason thereof to a new free insurance period, unless since the beginning of the contribution half-year following that in which the first-mentioned period began he has been employed within the meaning of this Act during at least eight contribution weeks, whether continuous or not, in a period comprising two consecutive contribution half-years.

(3) Where immediately before the beginning of a free insurance period an insured person is an employed contributor and has been continuously insured for at least ten years, then, if within the prescribed time after the expiration of the free insurance period it is proved to the satisfaction of his approved society, or in the case of a dispute it is decided in manner provided by this Act, that throughout the period, except when he was employed within the meaning of this Act, he was either incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time, or was available for but unable to obtain employment within the meaning of this Act, he shall from the expiration of the free insurance period, continue to be treated as insured for a further period of a year (hereinafter called an "extended insurance period") and thereafter, if within the prescribed time after the expiration of each extended insurance period the like proof or decision is given with respect to that period, he shall continue to be treated as insured for a further extended insurance period :

Provided that, in respect of not more than twelve weeks of a free insurance period or in respect of not more than seven weeks of an extended insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

(4) A person shall not be entitled to sickness or disablement benefit during an extended insurance period, unless and until, since the end of his free insurance period, he has been employed within the meaning of this Act during at least twenty-six contribution weeks, whether continuous or not, in a period comprising not more than four consecutive contribution half-years, and twenty-six contributions have been paid by or in respect of him :

Provided that this subsection shall not apply to a person who is employed within the meaning of this Act at the beginning of an extended

insurance period and would, if he had ceased to be so employed immediately before that date, have then been entitled to a new free insurance period.

(5) Notwithstanding anything in subsection (2) of this section—

(a) a person who has been continuously employed within the meaning of this Act since before the beginning of an extended insurance period shall, on ceasing to be so employed, become entitled to a new free insurance period if he would have become so entitled had he ceased to be so employed immediately before the beginning of that extended insurance period;

(b) in any other case a person who is so employed during an extended insurance period shall not, on ceasing to be so employed, become entitled by reason thereof to a new free insurance period unless and until the provisions of the last preceding subsection disentitling him to sickness and disablement benefit have ceased to be applicable to him.

(6) A person who during an extended insurance period becomes a voluntary contributor shall for the purpose of determining his title to sickness and disablement benefit be treated as if he had not been previously insured, but if he was employed within the meaning of this Act immediately before the first week in respect of which a contribution was paid by him as a voluntary contributor he shall, for the purpose of determining his title to those benefits, be treated as though he had become a voluntary contributor on the date when that employment began:

Provided that this subsection shall not apply to a person who becomes a voluntary contributor immediately on ceasing to be so employed if he would have been entitled to a new free insurance period had he not become a voluntary contributor.

(7) If it is proved to the satisfaction of his approved society or in the case of a dispute it is



decided in manner provided by this Act that at the expiration of a free insurance or extended insurance period a person was incapable of work by reason of some specific disease or bodily or mental disablement of which notice within the prescribed time is or has been given, the free insurance or extended insurance period, as the case may be, shall continue until the thirtieth day of June, or the thirty-first day of December, whichever next follows the day on which he ceased to be so incapable of work, and this section shall apply accordingly, but nothing in this subsection shall be construed as depriving a person of any rights to which he would have been entitled but for the provisions thereof."

(2) Where an insured person on the expiration of a free insurance period enters upon an extended insurance period, and becomes disentitled to sickness and disablement benefit, his transfer value shall be carried to the Reserve Suspense Fund, and if during an extended insurance period he ceases to be so disentitled, or becomes a voluntary contributor, a reserve value shall be credited in respect of him to the society of which he is a member.

(3) In subsection (2) of section sixty-eight of the Insurance Act, for the words "and as to the residue thereof shall be applied in such manner as may be prescribed" there shall be substituted the words "and as to the residue thereof shall be applied in the repayment to approved societies of so much of the sums expended by them in paying maternity benefit in respect of the insurance of persons for the time being disentitled under subsection (4) of section three of this Act to sickness and disablement benefit as is not defrayed, in pursuance of section four of this Act, out of moneys provided by Parliament, and, so far as not so applied, shall be applied in such manner as may be prescribed.

"In this subsection the expression 'maternity benefit' does not include any increase of maternity benefit by way of additional benefit."

(4) The subsections of section three of the Insurance Act numbered (6A), (6B), (7), (8) and (9) shall be numbered (8), (9), (10), (11) and (12) respectively.

(5) This section shall come into force on the first day of January, nineteen hundred and thirty-six.

Amendment  
of s. 13 of  
Insurance  
Act as to  
evidence of  
disease or  
disablement.

2.—(1) The following subsection shall be inserted after subsection (4) of section thirteen of the Insurance Act (which relates to sickness and disablement benefit), that is to say :—

“(4A) Notwithstanding anything in the preceding subsection, an insured person shall not be entitled to sickness or disablement benefit in respect of any week unless satisfactory evidence of his incapacity during that week is submitted within three months of the end of the week to his approved society or to the committee administering the benefit :

Provided that in calculating the said period of three months no account shall be taken of any period during which the society or committee are satisfied, or in the case of a dispute it is decided in manner provided by this Act, that in the circumstances of the case the insured person had a reasonable excuse for not submitting evidence.

For the purposes of this subsection, evidence submitted by post shall be deemed to have been submitted on the day on which the letter containing the evidence was posted.”

(2) The provisions of the said subsection (4A) shall apply in relation to benefit in respect of any week before the commencement of this Act, but with the substitution for the reference to the end of the week of a reference to the commencement of this Act.

Amendment  
of s. 17 of  
Insurance  
Act as to  
inmate of  
institutions.

3.—(1) In paragraph (b) of subsection (2) of section seventeen of the Insurance Act (which relates to payments in respect of inmates of institutions) the words “ unless that institution is a workhouse, poor law infirmary, asylum or other similar institution, maintained out of public funds ” shall be omitted.

(2) The following proviso shall be inserted after proviso (ii) to subsection (2) of the said section seventeen, that is to say :—

“(iii) Where on the thirty-first day of December in any year an insured person is an inmate of an institution, any sum which but for the

provisions of this section would have been payable to him shall, in so far as it exceeds fifty pounds, or in the case of a person who was an inmate of an institution on the seventh day of January, nineteen hundred and twenty-nine, such sum as may be prescribed, be paid to the Central Fund."

(3) Subsection (4) of the said section seventeen shall have effect as though the following words were added at the end thereof, that is to say:—

"and where under this section any payment is made to the Central Fund so much thereof as is derived from moneys provided by Parliament shall be repaid to the Exchequer."

(4) Any moneys payable as aforesaid to the Central Fund shall be paid in accordance with regulations made under the Insurance Act.

4. Notwithstanding anything in section fifty-four of the Insurance Act (which relates to deposit contributors), provision may be made by regulations under that Act for the purpose of enabling deposit contributors who, on attaining the age of sixty-five years, fulfil the prescribed conditions to become entitled to medical benefit for the remainder of their lives, and such regulations may provide for the transfer of such deposit contributors to the Deposit Contributors Insurance Section.

Amendment of s. 54 of Insurance Act as to medical benefit for deposit contributors.

5.—(1) The provisions of subsection (3) of section sixty-one, and of subsection (2) of section one hundred and eight, of the Insurance Act (which relate to the application of the Act to men belonging to the reserve forces) shall, subject to such adaptations, modifications or conditions as may be prescribed, apply to officers of the reserve forces as they apply to the men therein mentioned.

Application of ss. 61 and 108 of Insurance Act to officers of reserve forces.

(2) In this section "officer of the reserve forces" means an officer on the retired or emergency lists of the Royal Navy or the Royal Marines, a retired officer of the Regular Army, an officer on the retired list of the Royal Air Force, or an officer of the naval reserves, the regular army reserve of officers, the supplementary reserve of officers, the air force reserve, the air force special reserve, the territorial army, the territorial army reserve of officers, the auxiliary air force, or the auxiliary air force reserve,

or an officer holding a temporary commission in the naval, marine, land or air forces, or an officer holding a temporary warrant in the Royal Navy, the Royal Marines, or the naval reserves.

Amendment  
of s. 89 of  
Insurance  
Act as to  
determina-  
tion of  
questions.

6. The following subsections shall be inserted after subsection (1) of section eighty-nine of the Insurance Act (which relates to the determination of questions), that is to say:—

“(1A) Any person appointed in accordance with any regulations made under this section for the purpose of holding an inquiry and reporting to the Minister, may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his custody or under his control which relate to the question to be determined, and may take evidence on oath, and for that purpose administer oaths:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

“(1B) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who refuses to produce any book or document which he may be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding five pounds.”

Special  
provisions  
with respect  
to persons  
declared by  
High Court  
not to be  
employed  
within the  
meaning of  
Insurance  
Act.

7.—(1) Where under section eighty-nine of the Insurance Act the High Court decide that any employment or any class of employment is not or was not employment within the meaning of the Act or that a person is not or was not a person employed within the meaning of the Act, and that decision is inconsistent with some previous determination of the Minister under that section, then, if the Minister is satisfied that contributions have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, he may, if it appears to him that it would be in the interests of any person by or in respect of whom contributions have been so paid

so to do, direct that that person shall be treated as though he had been in insurable employment during any week in respect of which contributions were so paid before the date on which the decision of the High Court was given, and, if such a direction is given, that person shall be deemed to have been in such employment accordingly.

(2) The provisions of the preceding subsection shall apply with the necessary modifications in any case where the Minister, on new facts being brought to his notice, has revised a determination previously given by him under the said section eighty-nine as they apply where the High Court have given a decision inconsistent with a determination previously so given by the Minister.

8.—(1) Subsection (2) of section ninety-seven of the Insurance Act (which provides for the recovery of contributions where an employer has been convicted of the offence of failing or neglecting to pay any contributions), shall apply in a case where an employer has been charged with such an offence and an order has been made under subsection (1) of section one of the Probation of Offenders Act, 1907, in the same manner as it applies where an employer has been convicted of such an offence.

Amendment  
of s. 97 of  
Insurance  
Act as to  
summary  
proceedings.

7 Edw. 7.  
c. 17.

(2) In any case where—

- (a) an employer is convicted of any offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by regulations made under subsection (2) of section eight of the Insurance Act, or of the offence under subsection (2) of section ninety-six of the Insurance Act of contravening or not complying with the requirements of the regulations made under the last-named Act or is charged with any such offence and an order is made under subsection (1) of section one of the Probation of Offenders Act, 1907; and
- (b) the evidence on which he is convicted or on which the order is made shows that the employer, for the purpose of paying any contribution which he was liable to pay, has affixed to an insurance card any stamp which had been previously affixed to any material or

54 & 55 Vict.  
c. 38.

which had been cancelled or defaced in any way whatever, whether it had actually been used for the purpose of payment of a contribution or not,

the employer shall be liable to pay to the Minister a sum equal to the amount of the contribution in respect of which the stamp was affixed, and on such a conviction or on the making of such an order, if notice of intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer to pay other contributions in respect of the same person during the two years preceding the date of the offence, and on proof of such failure or neglect the employer shall be liable to pay to the Minister a sum equal to the total of the contributions which he is so proved to have failed or neglected to pay.

The said sum when paid shall be treated as payment in satisfaction of the unpaid contributions, and the employed person's portion of those contributions shall not be recoverable by the employer from the employed person.

(3) The following provisions shall have effect with respect to sums ordered to be paid to the Minister under the preceding subsection—

- (a) any sum so ordered to be paid by a court in England shall be recoverable as a penalty and not otherwise;
- (b) if the employer, being a company, fails to pay to the Minister any sum which the company has been ordered to pay under the preceding subsection, that sum or such part thereof as remains unpaid shall be a debt due to the Minister jointly and severally from any directors of the company who knew, or could reasonably have been expected to know, of the failure or neglect to pay the contribution or contributions in question, and proceedings for the recovery of the said sum summarily as a civil debt may be commenced at any time within twelve months from the date of the order for payment made on the company.

(4) Where an employer has been convicted under the Insurance Act of the offence of failing or neglecting to pay any contribution in respect of any person or has been charged thereunder with such an offence

and an order has been made under subsection (1) of section one of the Probation of Offenders Act, 1907, then, if notice of the intention so to do is served with the summons or warrant, evidence may be given of failure or neglect on the part of that employer to pay contributions in respect of other persons employed by him, and accordingly subsection (2) of section ninety-seven of the Insurance Act shall have effect as though after the words "in respect of that person" there were inserted the words "or any other person employed by him."

9.—(1) Paragraph (e) of Part I of the First Schedule to the Insurance Act shall have effect as though the words "from the owner thereof" were omitted, and as though for the word "owner" in the second place where it occurs there were substituted the words "person from whom the use of the vehicle or vessel is so obtained." Amendment  
of First  
Schedule to  
Insurance  
Act.

(2) Paragraph (k) of Part II of the said Schedule shall have effect as though at the end of that paragraph the following words were added, that is to say:—

"or, in cases where the remuneration is in whole or in part a varying amount and the rate of remuneration is accordingly not immediately ascertainable, at a rate of remuneration which, as estimated by the Minister by reference to the remuneration earned by the employee in the same employment during the last preceding year, or earned during that year by persons in the same grade in the same employment for the same employer, or in similar employments for other employers, or, if information with regard to those matters is not available, then to any other circumstances which appear to the Minister to be relevant, exceeds in value two hundred and fifty pounds a year."

(3) The following paragraph shall be inserted after paragraph (n) of Part II of the said Schedule, that is to say:—

"(nn) Employment in the United Kingdom as master or a member of the crew of any British ship registered outside the United Kingdom, not being a ship engaged in regular trade with ports outside the British Isles."

Certain employed persons not to be deemed insured persons.

**10.**—(1) A person shall, notwithstanding anything in section one of the Insurance Act, not be deemed to be an insured person within the meaning of the Act by reason only that he is employed for the purposes of any business of which, within a period of two years immediately before the date when the employment began, he was the owner or part owner, if he is so employed—

(a) by a relative; or

(b) by a company where the majority of the voting power or shares is in the hands of the employed person or his relatives or of the nominees of the employed person or his relatives.

(2) In this section “relative” means the husband or wife, son or daughter, or son-in-law or daughter-in-law of the employed person, or any of them, and “nominee” means a person who may be required to exercise his voting power on the directions of, or holds shares directly or indirectly on behalf of, the employed person or any of his relatives.

Arrears of contributions due to unemployment and Unemployment Arrears Fund.

**11.**—(1) The following subsection shall be substituted for subsection (4) of section fifteen of the Insurance Act, that is to say:—

“(4) Regulations under this section shall provide that, subject to such conditions as may be prescribed, arrears of contributions accruing while a person was insured as an employed contributor during any period in respect of which he proves that he was available for but unable to obtain employment within the meaning of this Act shall be left out of account.”

(2) Out of every weekly contribution paid by or in respect of an insured person who is a member of an approved society there shall be retained by the Minister such sum as may with the consent of the Treasury be prescribed in the case of men and women respectively, and the sums so retained shall be carried to a fund under the control of the Joint Committee to be called “the Unemployment Arrears Fund.”

(3) There shall be paid as soon as may be after the end of each contribution year into the Unemployment Arrears Fund out of moneys provided by Parliament a



sum equal to the total sum retained by the Minister and paid into the Fund in respect of that year under the last preceding subsection :

Provided that if as a result of any valuation of the Navy, Army and Air Force Insurance Fund, made after the first day of January, nineteen hundred and thirty-two, for the purposes of section fifty-nine of the Insurance Act, the Government Actuary certifies that there is a disposable surplus in the Fund after providing for the cost of maintaining the prescribed additional benefits, that surplus with any interest accrued thereon shall be paid into the Unemployment Arrears Fund in such amounts and at such times as the Treasury may direct, and the sums payable into the Fund out of moneys provided by Parliament shall be correspondingly reduced.

(4) There shall be credited to every approved society out of the Unemployment Arrears Fund a sum calculated at the rate of threepence halfpenny in respect of each of the total number of arrears of contributions of members of the society which are left out of account in accordance with any regulations made by virtue of subsection (4) of section fifteen of the Insurance Act :

Provided that no sums shall be credited in respect of the arrears of contributions of any member of a society which accrued while he was treated as insured by virtue of the provisions of subsection (5A) of section three of the Insurance Act and that in the case of arrears of contributions of masters and seamen serving on foreign-going ships such sum shall be credited to the approved society of which the master or seaman is a member as may with the consent of the Treasury be prescribed.

(5) All sums credited to societies out of the Unemployment Arrears Fund under this section shall, for the purposes of section four of the Insurance Act, be deemed to have been derived from contributions made in respect of contributors notwithstanding that they are derived in part from moneys provided by Parliament.

(6) The Government Actuary shall, for the purposes of the certificate mentioned in subsection (1) of section three of the National Health Insurance Act, 1926, and subsection (1) of section seven of the National Health Insurance and Contributory Pensions Act, 1932, (which relate to deficiencies disclosed on the valuation of an approved society or branch so far as they are attributable

16 & 17  
Geo. 5. c. 9.  
22 & 23  
Geo. 5. c. 52.

to loss of contributions due to unemployment), take into account the effect upon the finances of the society or branch of the payments made by virtue of this section to or from the Unemployment Arrears Fund in respect of members of the society or branch and accordingly in subsection (1) of the said section seven for the words from "the provision made in the valuation basis," to "the said section fifteen," there shall be substituted the words "the financial position of the society or branch " has been made worse owing to the amount of " unemployment in the period exceeding that for which " provision is made in the valuation basis (regard being " had to the operation of section fifteen of the principal " Act and the regulations made thereunder and of " the provisions relating to the Unemployment Arrears " Fund)."

(7) The provisions of this section shall have effect with respect to the contribution year beginning on the second day of July, nineteen hundred and thirty-four, and with respect to succeeding contribution years.

Special provisions as to voluntary contributors.

**12.** If any person, while insured as a voluntary contributor, becomes insured as an employed contributor for any period, he may, if he ceases to be employed within the meaning of the Insurance Act and gives notice within the prescribed time and in the prescribed manner, again become a voluntary contributor.

Accounts to be audited by Comptroller and Auditor General, &c.

**13.**—(1) The accounts of the National Health Insurance Fund, and of the Central Fund, the Unemployment Arrears Fund, and any other fund under the control of the Joint Committee, shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

(2) Subsection (3) of section sixty-five of the Insurance Act is hereby repealed.

Transitional regulations.

**14.**—(1) The provisions of this section shall have effect in relation to the transition from the provisions of the Insurance Act as in force before the commencement of this Act to the provisions of that Act as amended by this Act.

(2) Regulations may be made under the Insurance Act in relation to any of the following persons, that is to say—

- (a) persons who are treated as insured on the thirty-first day of December, nineteen hundred and thirty-five, by virtue of any of the provisions of section three of the Insurance Act;
- (b) persons who are voluntary contributors on that date but became voluntary contributors after the end of the year nineteen hundred and thirty-two :

providing that, subject to the prescribed conditions, any of the provisions of the Insurance Act or this Act shall apply to them with any prescribed modifications and adaptations.

15.—(1) The amendments specified in the second column of the First Schedule to this Act (which relates to minor or consequential amendments) shall be made in the sections of the Insurance Act specified in the first column of that Schedule.

Minor amend-  
ments of  
Insurance  
Act.

(2) Any reference in the Insurance Act to the Arbitration Act, 1889, shall be construed as a reference to the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment.

52 & 53  
Vict. c. 49.

*Amendment of Widows', Orphans' and Old Age  
Contributory Pensions Acts, 1925 and 1929.*

16.—(1) Subsection (1) of section one of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, hereinafter called "the Pensions Act" (which relates, among other matters, to the additional allowance or orphan's pension payable in respect of children under a specified age) shall have effect as though in paragraphs (a) and (b) thereof for the words "while under the age hereinafter specified" there were substituted the words "while under the age of fourteen and for the further period hereinafter specified".

Amendment  
of Pensions  
Act as to  
children  
under full  
time  
instruction.  
15 & 16  
Geo. 5. c. 70.

(2) For subsection (2) of the said section, there shall be substituted the following subsection, that is to say:—

"(2) The specified further period shall be any period between the day before the date on which the child attains the age of fourteen and the end of

July next following the date on which he attains the age of sixteen during which he is or is deemed, in accordance with regulations made under this Act, to be under full time instruction in a day school.”

(3) The following shall be substituted for paragraph (*d*) of section eighteen, and for proviso (*b*) to subsection (1) of section nineteen, of the Pensions Act:—

“a widow’s pension shall cease to be payable on the date on which the youngest child, or the only child, as the case may be, attains the age of sixteen:

Provided that—

(*a*) where on the date when the child attains the age of sixteen or at any time thereafter up to the thirty-first day of July next following that date the child is or is deemed, in accordance with regulations made under this Act, to be under full time instruction in a day school, the pension shall be payable in respect of any period up to the thirty-first day of July next following the date on which the child attains the age of sixteen during which he is or is deemed to be under such instruction; and

(*b*) if the child dies before attaining the age of sixteen, the pension shall be payable until the date on which the child would have attained the age of sixteen, or until the expiration of six months from the date of the child’s death, whichever period is the shorter, without prejudice, however, in a case where the deceased child was not the only child, to any further continuance of the pension to which the widow may be entitled in right of any older surviving child.”

(4) The provisions of the preceding subsection shall be deemed to have had effect as from the commencement of the Pensions Act, and where by virtue of the provisions contained in the said paragraph (*d*) or the said proviso (*b*) as originally enacted, or as amended by section ten of the Widows’, Orphans’ and Old Age Contributory Pensions Act, 1929, a widow’s pension has

ceased before the commencement of this Act, the widow shall not be entitled to any payment on account of the pension in respect of the period between the date on which the pension so ceased and the commencement of this Act.

17. Subsection (4) of section twenty-eight of the Pensions Act (which relates to the date on which pensions cease to be payable) shall have effect as though the following proviso were added thereto :—

Amendment  
of s. 28  
of Pensions  
Act as to  
date on  
which  
pensions  
cease to be  
payable.

“ Provided that, where a pension would cease to be payable by reason only of the person entitled thereto attaining the age of seventy, the pension shall continue to be payable in respect of any days intervening between the day prior to the day on which that person attains the age of seventy and the day in the week on which pensions under the Old Age Pensions Acts, 1908 to 1924, are payable.”

18. Subsection (1) of section thirty-three of the Pensions Act (which provides for the making of reciprocal arrangements with other parts of His Majesty's dominions) shall have effect as though the following proviso were added thereto, that is to say :—

Amendment  
of s. 33 of  
Pensions  
Act as to  
reciprocal  
arrange-  
ments  
with other  
parts of His  
Majesty's  
dominions.

“ Provided that, where reciprocal arrangements have been made with any part of His Majesty's dominions outside Great Britain for the purposes of the Insurance Act, but have not been made for the purposes of this Act, any insurance which by virtue of those reciprocal arrangements is deemed to be insurance for the purposes of the former Act shall not be deemed to be insurance for the purposes of this Act, and the expressions “ insured ” and “ insurance ” in this Act shall be construed accordingly.”

19.—(1) Subsection (2) of section forty-three of the Pensions Act (which provides for an increase in the rates of contributions during the decennial period commencing the first day of January, nineteen hundred and thirty-six, and subsequent decennial periods) shall have effect as though for the words “ (of which in the case of “ employed persons one halfpenny shall be payable by “ the employer and one halfpenny by the employed “ person) ” there were substituted the words “ (which

Amendment  
of s. 43 of  
Pensions  
Act as to  
increased  
contribu-  
tions.

shall be payable by the employed person)", and as if at the end of the subsection the following words were added, that is to say—"so, however, that in the case of women the additional increase to be made in the decennial period commencing the first day of January, nineteen hundred and forty-six, shall in the case of employed persons be payable by the employer, and the additional increase to be made in the decennial period commencing the first day of January, nineteen hundred and fifty-six, shall in the case of employed persons be payable by the employed person."

(2) Subsection (3) of the said section forty-three (which provides for an increase in the rates of contributions payable in respect of persons over the age of sixty-five) shall have effect as though for the words "shall at the beginning of each such decennial period be increased in the case of men by one penny and in the case of women by one halfpenny a week (the whole of which shall be payable by the employer)" there were substituted the words "shall in the case of men be increased by one penny a week at the beginning of each such decennial period and in the case of women by one penny a week at the beginning of the decennial period commencing the first day of January, nineteen hundred and forty-six (the whole of which shall in either case be payable by the employer)".

(3) The increase in the rates of contribution to be made in the decennial period commencing on the first day of January, nineteen hundred and thirty-six, and subsequent decennial periods, shall not have effect in respect of any part of a week before the first Monday in each decennial period.

Payment of pensions in certain cases in respect of the insurance of persons ceasing to be insured.

20.—(1) Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by the Pensions Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of

work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he attains the age of sixty-five, an old age pension, and, if within that period he dies, a widow's pension and an orphan's pension, shall, whether he has or has not during the period again become insured, be payable in respect of his insurance in accordance with the provisions of the Pensions Act relating respectively to such pensions, if such a pension would have been so payable if he had attained the age of sixty-five or had died, as the case may be, on the last day of the free insurance period :

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

Where a person has become entitled to an old age pension by virtue of the provisions of this subsection, he shall, for the purposes of the Pensions Act, but not for any other purpose, be deemed to have been insured continuously from the end of the free insurance period aforesaid until his death.

(2) For the purposes of the preceding subsection, any person who was on the thirty-first day of December, nineteen hundred and thirty-five, treated as insured by virtue of the provisions of subsections (1), (3) or (5A) of section three of the Insurance Act shall be deemed to have entered upon a free insurance period on the date when he last began to be treated as insured by virtue of the provisions of subsection (1) of that section, and that period shall be deemed to be still subsisting on the said thirty-first day of December, but nothing in the foregoing provisions of this subsection shall be construed as giving to any person a right to a pension which would not have been payable, if this Act had not been passed.

(3) Section nine of the National Health Insurance and Contributory Pensions Act, 1932, is hereby repealed.

(4) This section shall come into force on the first day of January, nineteen hundred and thirty-six.

Minor  
amend-  
ments of  
Pensions  
Acts, 1925  
and 1929.

21.—(1) The amendments specified in the second column of the Second Schedule to this Act (which relates to minor and consequential amendments) shall be made in the sections of the Acts specified in the first column of that Schedule.

(2) Any reference in the Pensions Act to the Arbitration Act, 1889, shall be construed as a reference to the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment.

*General.*

Application  
to Scotland.

22. In the application of this Act to Scotland—

- (a) for the expression “ summons or warrant ” the expression “ complaint ” shall be substituted;
- (b) any provision with regard to the recovery of a sum or amount summarily as a civil debt shall have effect as if the word “ summarily ” were omitted therefrom;
- (c) the subsections directed by section six of this Act to be inserted in section eighty-nine of the Insurance Act shall have effect as if for the expression “ summons ” the expression “ notice ” were substituted.

Application  
to Northern  
Ireland.

23.—(1) This Act, so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall not extend to Northern Ireland unless and until provision to that effect is made either—

- (a) by an Act of the Parliament of Northern Ireland;
- or
- (b) by an Order of the Governor of Northern Ireland in Council made in pursuance of such an Act,

and if and when such provision is made, this Act shall extend to Northern Ireland subject to such exceptions and adaptations as may be specified in such Act or Order as aforesaid.

(2) If provision appearing to His Majesty substantially to correspond to the provisions of this Act relating to contributions to the Unemployment Arrears Fund is made by the Parliament of Northern Ireland, His Majesty by Order in Council may direct that the provisions of this Act relating to the crediting to the approved societies out



of that fund of sums in respect of arrears of contribution due to unemployment shall, with or without adaptations and modifications, extend to Northern Ireland, but save as aforesaid the last mentioned provisions shall not extend to Northern Ireland.

(3) So much of any payments made under section seventeen of the Insurance Act to the Central Fund as are derived from moneys provided by the Parliament of Northern Ireland shall be repaid to the Exchequer of Northern Ireland.

(4) For the purposes of section six of the Govern-<sup>10 & 11</sup>ment of Ireland Act, 1920, this Act shall be deemed to <sup>Geo. 5. c. 67.</sup>be an Act passed before the appointed day.

24.—(1) This Act may be cited as the National Health Insurance and Contributory Pensions Act, 1935, and shall be read as one with the National Health Insurance Acts, 1924 to 1932 and the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932, respectively, and this Act and those Acts may be respectively cited together as the National Health Insurance Acts, 1924 to 1935, and the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1935. Short title and interpretation.

(2) References in this Act to the Insurance Act or to the Pensions Act shall, unless the context otherwise requires, be construed as references to those Acts as amended by any subsequent enactment, including this Act.

## SCHEDULES.

### FIRST SCHEDULE.

Section 15.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF NATIONAL HEALTH INSURANCE ACT, 1924.

Section 14 - - - In paragraph (a) of subsection (5) for the words "by reason of an insufficient number of contributions having been paid by or in respect of him or on

1st Sch.  
—cont.

Section 14—*cont.*

“ account of arrears ” and in paragraph (b) of the said subsection (5) for the words “ by reason of an insufficient number of contributions having been paid by or in respect of him or of the insufficiency of the sum standing to his credit in the Deposit Contributors’ Fund ” there shall be substituted the words “ for any reason other than delay in making a claim ”.

Section 16 -

- - In paragraph (a) of subsection (1) “ payable ” shall be substituted for “ paid ” in the first and third places where that word occurs.

In subsection (2), “ payable ” shall be substituted for “ to be paid ”.

Section 20 -

- - The following paragraph shall be substituted for paragraph (d) of subsection (1), that is to say :—“ (d) in the case of a ship registered in one country the owner of which resides or has his principal place of business in the other, for determining in what cases contributions payable in respect of persons employed on the ship are to be payable under the enactments relating to national health insurance in force in one country, and in what cases they are to be payable under those enactments in force in the other ”.

Section 41 -

- - In subsection (3) after the word “ notification ” there shall be inserted the words “ in writing ”.

Section 56 -

- - In subsection (1) after the words “ being an insured person ” there shall be inserted the words “ under the age of sixty-five ”.

In the proviso to subsection (2) after the words “ but unable to obtain employment ” there shall be inserted the words “ or of any period after s' e attains the age of sixty-five ”.

- Section 62 - - - In the proviso to subsection (1) after the words "sickness benefit" there shall be inserted the words "or disablement benefit".
- Section 65 - - - In subsection (2) after the words "National Health Insurance Fund" there shall be inserted the words "or to the Unemployment Arrears Fund".
- Section 70.- - - In subsection (2) for the words "the prescribed rate per annum" there shall be substituted the words "such rate or rates per annum as may be prescribed".
- Section 71 - - - In paragraph (a) of subsection (1) there shall be inserted at the end thereof the words "and the Unemployment Arrears Fund," and the following paragraph shall be inserted after the said paragraph (a), that is to say:—  
 "(aa) provide for crediting to each society the sums due to the society out of the Unemployment Arrears Fund in respect of arrears of contributions of members of the society".  
 In paragraph (c) of subsection (1) for the words "the prescribed rate per annum" there shall be substituted the words "such rate or rates per annum as may be prescribed".
- Section 71 - - - In paragraph (d) of subsection (1) after the words "in such manner" there shall be inserted the words "and at such times".
- Section 75 - - - In subsection (1A) for the word "extended" in both places where that word occurs there shall be substituted the word "varied".
- Section 89 - - - In paragraph (a) of subsection (1) for the words "is entitled to become a voluntary contributor" there shall be substituted the words "is or was entitled to be a voluntary contributor".

1st Sch.  
—cont.

- 1ST SCH. Section 96 - - - In subsection (2) after the words "in  
 -cont. - satisfaction of such contributions"  
 there shall be inserted the words "and  
 " the employed person's portion of  
 " those contributions shall not be  
 " recoverable by the employer from  
 " the employed person".
- Section 112 - - Subsection (1) shall cease to have  
 effect.
- First Schedule, Part II In paragraph (e) for the words " Educa-  
 " tion (Scotland) (Superannuation)  
 " Act, 1919 " there shall be substituted  
 the words " Education (Scotland)  
 " (Superannuation) Acts, 1919 to  
 " 1925 ".

Section 21

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SECOND SCHEDULE.

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MINOR AND CONSEQUENTIAL AMENDMENTS OF WIDOWS',  
 ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS  
 ACTS, 1925 AND 1929.

*Widows', Orphans' and Old Age Contributory Pensions  
 Act, 1925.*

- Section 35 - - - In subsection (2) for the words " entitled  
 thereto " in both cases where those  
 words occur there shall be substi-  
 tuted the words " entitled to payment  
 thereof ".

*Widows', Orphans' and Old Age Contributory Pensions  
 Act, 1929.*

- Section 26 - - - After " the principal Act " there shall be  
 inserted the words " or of subsection (2)  
 of section eighteen of this Act ".
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## CHAPTER 45.

An Act to amend the Assurance Companies  
(Winding up) Act, 1933. [2nd August 1935.]

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

1. The following section shall be substituted for section two of the Assurance Companies (Winding up) Act, 1933—

Amend-  
ment of  
23 & 24  
Geo. 5. c. 9.

“2.—(1) The Board of Trade may, by notice in writing served upon an assurance company, require it to furnish to the Board within such time as may be specified in the notice such explanations, information, accounts, balance sheets, abstracts, and statements, as they consider to be necessary for the purpose of determining whether the company is insolvent, or was insolvent at any date (not earlier than the close of the period to which the last deposited accounts and balance sheet of the company relate) specified in the notice, and may, by the notice, require any such explanations, information, accounts, balance sheets, abstracts, or statements to be signed by such number of the directors and by such officers of the company, and to be accompanied by such copies of documents, as may be specified in the notice, and to be certified as correct by an auditor approved by the Board, or by an actuary so approved, or by both such an auditor and such an actuary.

“ (2) If after such a notice as aforesaid has been served upon an assurance company, either—

“ (a) the company does not, before the expiration of the time limited by the notice, comply with all the requirements of the notice, other than such requirements, if any, as may have been withdrawn by the Board ; or

“ (b) the Board, after considering the material furnished pursuant to the said requirements, consider it to be expedient for the purpose aforesaid so to do;

the Board may serve upon the company a notice in writing stating that they propose to appoint one or more inspectors to investigate the affairs of the company and to report thereon in such manner as the Board may require, and unless the company within a period of seven days from the date of the service of the notice upon it gives notice in writing to the Board that it objects to such an appointment being made, the Board may after the expiration of that period make such an appointment.

“(3) If the company within the said period gives notice in writing to the Board that it objects to such an appointment being made, the Board may apply to the court for leave to make such an appointment, and the court shall grant leave unless it is satisfied by the company that such an appointment cannot reasonably be required for the purpose aforesaid, and on leave being granted the Board may make such an appointment.

“(4) Where an appointment is made under this section, the provisions of subsections (3), (4) and (5) of section one hundred and thirty-five of the Companies Act, 1929, shall apply with respect to an inspector appointed under this section in like manner as they apply to an inspector appointed under that section, and any such refusal as is, or might be, made the ground of the punishment of an officer or agent of the company under the said subsection (5) shall also be a ground upon which the company may, on the petition of the Board presented by leave of the court, be wound up by the court in accordance with the provisions of the Companies Act, 1929.

19 & 20  
Geo. 5. c. 23.

“(5) The expenses of and incidental to an investigation carried out by an inspector appointed under this section shall be defrayed by the Board :

“Provided that—

“(a) where the court grants leave to make an appointment, the court may, if it thinks fit, direct the company to repay to the Board the whole or any part of the said expenses; and

“(b) if an order for the winding up of the company by the court is made at any time within twelve months from the date on which the report of the inspector is made to the Board,

or, if more than one report is so made, from the date when the first report is so made, the said expenses shall be deemed, for the purposes of the Companies Act, 1929, to be expenses properly incurred in the winding up and the amount thereof, after deducting any sum repaid to the Board pursuant to a direction given by the court under the foregoing paragraph, shall be paid out of the assets of the company *pari passu* with the taxed costs of the petition.

“(6) The expenses incurred by the Board under this section shall be defrayed out of moneys provided by Parliament, but any sums paid to the Board under the proviso to the last foregoing subsection shall be appropriated in aid of the moneys voted by Parliament for the salaries and expenses of the Board, and subsection (3) of section thirteen of the Economy (Miscellaneous Provisions) Act, 1926 (which empowers the Treasury to issue out of the Bankruptcy and Companies Winding-up (Fees) Account, in aid of the moneys voted by Parliament for the salaries and expenses of the Board, sums towards meeting the charges estimated by the Board in respect of salaries and expenses under the Companies Act, 1929, in relation to the winding up of companies in England) shall have effect as if the expenses incurred by the Board under this section were expenses incurred by the Board under the Companies Act, 1929, in relation to the winding up of companies in England.”

16 & 17  
Geo. 5. c. 9.

2. In section three of the Assurance Companies (Winding up) Act, 1933, subsection (2) shall cease to have effect, and in subsection (3) for the words “under the last foregoing section” there shall be substituted the words “under subsection (1) of the last foregoing section.”

Consequen-  
tial  
amend-  
ments.

3.—(1) This Act may be cited as the Assurance Companies (Winding up) Act, 1935, and the Assurance Companies (Winding up) Act, 1933, and this Act may be cited together as the Assurance Companies (Winding up) Acts, 1933 and 1935.

Short title  
and extent.

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

## CHAPTER 46.

An] Act to amend the law with respect to the enforcement by justices of the peace of the payment of money due by virtue of convictions of courts of summary jurisdiction or of orders in matters of bastardy or enforceable as affiliation orders, or due in respect of rates; and to make provision with respect to the mode of proof in certain proceedings before justices of the payment of wages. [2nd August 1935.]

**B**E it enacted by the King'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 :—

### *Fines.*

Fines, inquiry as to means of defaulter.

1.—(1) Where a court of summary jurisdiction adjudges a person to pay a sum by a conviction and allows time for payment, the court shall not on that occasion impose on the defendant a period of imprisonment in default of payment of that sum :

Provided that this subsection shall not have effect where the court on that occasion and in the presence of the defendant determines that for special reason, whether having regard to the gravity of the offence, to the character of the defendant or to other special circumstances, it is expedient that he should be imprisoned without further inquiry in default of payment.

(2) Where a period of imprisonment is imposed under the power reserved by the proviso to the foregoing subsection, the court shall state the reason for its determination and the reason stated shall be entered in the register kept under section twenty-two of the Summary Jurisdiction Act, 1879.

42 & 43 Vict.  
c. 49.

(3) A warrant of commitment to prison in respect of the non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued in the case of a defendant who has been allowed time for payment, unless on an occasion subsequent to



his conviction the competent court has made inquiry as to his means in his presence :

Provided that this subsection shall not have effect—

(a) where a period of imprisonment in default of payment was imposed on the defendant on the occasion of his conviction under the power reserved by the proviso to subsection (1) of this section ; or

(b) in the case of a defendant who is in prison.

2.—(1) Where a court of summary jurisdiction for any petty sessional division or place has adjudged a person to pay a sum by a conviction and it appears to a justice of the peace having jurisdiction in that division or place that the defendant is residing in any other division or place, and that it is in the circumstances expedient so to do, he may make with respect to that sum an order for the purposes of this section. Transfer of jurisdiction as to fines.

An order made for the purposes of this section shall be termed a “ transfer of fine order ” and shall specify that other division or place.

(2) As from the date on which a transfer of fine order is made with respect to any sum, all functions in relation to that sum which, if such an order had not been made, would have been exercisable under any enactment (including this Act) by a court of summary jurisdiction for the division or place for which the convicting court acted, or by the clerk thereof, or by a justice of the peace having jurisdiction therein, shall be exercisable by a court of summary jurisdiction for the division or place specified in the order, or by the clerk thereof, or by a justice of the peace having jurisdiction therein, as the case may be, and not otherwise :

Provided that any payment received by virtue of a transfer of fine order by the clerk of a court other than the convicting court shall be forthwith transmitted by him to, and shall be accounted for by, the clerk of the convicting court.

(3) Where it appears to a justice of the peace having jurisdiction in the division or place in which functions in relation to any sum are for the time being exercisable by virtue of a transfer of fine order that the defendant is residing in another division or place, he may make a

further transfer of fine order with respect to that sum, and shall cause a copy thereof to be sent to the clerk of the convicting court.

Notice of  
fines to  
persons  
liable.

**3.** Where a court of summary jurisdiction adjudges a person to pay a sum by a conviction and either—

(a) the court allows time for payment; or

(b) the defendant is not present on the occasion of the conviction;

the clerk of the court shall as soon as may be thereafter deliver to that person, or send by post addressed to him at his last or usual place of abode, a notice in writing stating the amount of that sum, the date on or before which payment thereof is required, and the place or places and times at which payment may be made, and, if payment by instalments is directed, particulars of the instalments.

Fines, de-  
tention in  
police  
station in  
lieu of im-  
prisonment.

**4.** A court of summary jurisdiction or a justice of the peace may, in any circumstances in which the court or justice has, or if this Act had not passed would have had, power to issue a warrant of commitment to prison in respect of the non-payment of a sum adjudged to be paid by a conviction of such a court, in lieu of issuing such a warrant, issue a warrant of detention in a police station, and, unless that sum is sooner paid to the police officer holding the warrant, the warrant shall authorise any police constable to convey the person named therein to any convenient police station and for that purpose to arrest him, and shall authorise the officer in charge of any police station to detain him there till the hour of eight in the morning on the day following that on which he is arrested under the warrant or, if he is so arrested between midnight and eight in the morning on any day, on that day:

Provided that the officer in charge of the police station in which a person is detained under this section may discharge him at any time within two hours before the hour of eight in the morning if the officer thinks it expedient so to do in order to enable him to go to his employment or for any other reason appearing to the officer to be sufficient.

Fines,  
supervision.

**5.—(1)** Where a person has been adjudged to pay a sum by a conviction of a court of summary jurisdiction

and has been allowed time for payment, the competent court may, either on the occasion of his conviction or on a subsequent occasion, order him to be placed under the supervision of such person as the court making the order may from time to time appoint.

(2) An order placing a person under supervision in respect of any sum may be discharged by the competent court and shall cease to have effect on the making of a transfer of fine order with respect to that sum (without prejudice however, in either case, to the power of the competent court to make a further order), but subject as aforesaid a person placed under supervision in respect of any sum shall so remain so long as he is under any liability in respect of that sum.

(3) A warrant of commitment to prison in respect of the non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued in the case of a defendant who is under supervision unless before issuing the warrant the court or justice, as the case may be, has taken such steps as may be reasonably practicable to obtain from the person appointed for the supervision of the defendant an oral or written report as to his conduct and means and has considered any report so obtained, in addition, in a case where inquiry is required by subsection (3) of section one of this Act to be made, to that inquiry.

(4) Subsection (3) of section one of the Criminal Justice Administration Act, 1914, shall cease to have effect. 4 & 5 Geo. 5.  
c. 58.

**6.**—(1) A person who has not attained the age of twenty-one years shall not be committed to prison in respect of the non-payment of a sum which he has been adjudged to pay by a conviction of a court of summary jurisdiction and for the payment of which he has been allowed time unless he has been placed under supervision in respect of that sum : Fines,  
supervision  
of defaulters  
under  
twenty-one  
obligatory.

Provided that this subsection shall not have effect where the court or justice having power to issue a warrant of commitment is satisfied that it is undesirable or impracticable to place him under supervision.

(2) Where a warrant is issued under the power reserved by the proviso to the foregoing subsection, the

grounds on which the court or justice is so satisfied as aforesaid shall be stated therein.

(3) For the purposes of this section a person shall be deemed not to have attained the age of twenty-one years if he appears to the court or justice not to have attained that age.

Fines,  
allowance  
of time to  
persons out  
of jurisdic-  
tion of  
court.

7. In subsection (1) of section one of the Criminal Justice Administration Act, 1914 (which relates to the obligation to allow time for payment of fines except in certain cases, including the case of a defendant who fails to satisfy the court that he has a fixed abode within its jurisdiction), the words "within its jurisdiction" shall cease to have effect.

*Orders enforceable as affiliation orders.*

Orders  
enforceable  
as affiliation  
orders, in-  
quiry as to  
conduct and  
remission.  
35 & 36 Vict.  
c. 65.

8.—(1) Section four of the Bastardy Laws Amendment Act, 1872 (which confers on justices of the peace discretionary powers for the enforcement of the payment of a sum due under an order in any matter of bastardy or under an order enforceable as an affiliation order, including a power to issue a warrant of commitment to prison), shall have effect subject to and in accordance with the following provisions, that is to say:—

- (a) on an application for the enforcement thereunder of the payment of any such sum as aforesaid, the justices shall make inquiry in the defendant's presence as to whether his failure to pay that sum was due either to his wilful refusal or to his culpable neglect;
- (b) if the justices are of opinion that the failure of the defendant to pay that sum was not due either to his wilful refusal or to his culpable neglect, a warrant of commitment to prison shall not be issued;
- (c) subject as aforesaid the said powers shall be exercisable as if this subsection had not passed.

(2) On an application for the enforcement, variation, revocation, discharge or revival of such an order as aforesaid, the justices may remit the payment of any sum due thereunder or of any part of any such sum.

(3) Where on an application for the enforcement of the payment of a sum due under such an order as aforesaid no warrant of commitment to prison is issued, the application may be renewed, except so far as regards any part of that sum remitted under the last foregoing subsection, on the ground that the circumstances of the person to whom the application relates have changed.

9. In subsection (3) of section thirty of the Criminal Justice Administration Act, 1914 (which relates to the revocation, revival or variation by a court of summary jurisdiction of an order for the periodical payment of money) the words "upon fresh evidence" shall cease to have effect, and fresh evidence shall not be required as a condition of the exercise of the power conferred on a court of summary jurisdiction by section seven of the Summary Jurisdiction (Married Women) Act, 1895, to increase or diminish the amount of a weekly payment.

Amendment  
as to varia-  
tion of  
orders for  
periodical  
payments.

58 & 59 Vict.  
c. 39.

#### *Rates.*

10.—(1) Section two of the Distress for Rates Act, 1849 (which confers on justices of the peace discretionary power to issue a warrant of commitment to prison of a person in relation to whom such return of insufficiency of distress as is therein mentioned has been made), shall have effect subject to and in accordance with the following provisions, that is to say,—

Rates, in-  
quiry as to  
conduct,  
and remis-  
sion.  
12 & 13 Vict.  
c. 14.

- (a) on an application for the issue of such a warrant, the justices shall make inquiry in that person's presence as to whether his failure to pay the sum or sums to which he was rated or assessed and in respect of which the warrant of distress was issued was due either to his wilful refusal or to his culpable neglect;
- (b) if the justices are of opinion that the failure of the defendant to pay the said sum or sums was not due either to his wilful refusal or to his culpable neglect, they shall not issue the warrant;
- (c) subject as aforesaid the said power shall be exercisable as if this subsection had not passed.

(2) Where on such an application as aforesaid no warrant is issued, the justices may remit the payment of any sum or sums to which the application relates, or of any part of that sum or of any of those sums.

(3) Where on such an application as aforesaid no warrant is issued, the application may be renewed, except so far as regards any sum or sums remitted under the last foregoing subsection, on the ground that the circumstances of the person to whom the application relates have changed.

54 Geo. 3.  
c. 170.  
15 & 16  
Geo. 5. c. 90.

(4) Section eleven of the Poor Relief Act, 1814 (so far as not already repealed), and proviso (b) to subsection (3) of section two of the Rating and Valuation Act, 1925, shall cease to have effect.

*Miscellaneous and General.*

Attendance  
of defaulters  
for purposes  
of inquiry.

**11.**—(1) For the purpose of enabling inquiry to be made in his presence—

- (a) as to the means of a person to whom time has been allowed for payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction and who has made default in the payment of that sum; or
- (b) as to the conduct and means of a person in relation to whom a return of insufficiency of distress has been made as mentioned in section two of the Distress for Rates Act, 1849, in respect of a sum or sums rated or assessed upon him;

a justice of the peace having jurisdiction in the petty sessional division or place for which the competent court acts, or in which the return is made, as the case may be, may at any time issue a summons to that person to appear before that court, or before the justices of the peace having jurisdiction under that Act, as the case may be, and, if he does not appear in obedience to the summons, may issue a warrant for his arrest or, without issuing a summons issue in the first instance a warrant for his arrest.

(2) Where a warrant is issued under this section, then, unless the sum or sums in respect of which the warrant is issued is or are sooner paid to the police officer holding the warrant, the warrant may be executed in the like manner, and the like proceedings may be taken with a view to the execution thereof, in any part

of the United Kingdom, as if it had been a warrant of arrest issued under section two of the Summary Jurisdiction Act, 1848.

11 & 12 Vict.  
c. 43.

**12.** A statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of his employer, shall be prima facie evidence of the facts therein stated in any proceedings taken before justices of the peace—

Statements  
as to wages  
to be evi-  
dence.

- (a) for the enforcement of the payment by the person to whom the wages are stated to have been paid of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction;
- (b) on any application made by or against that person for the making of an order in any matter of bastardy or an order enforceable as an affiliation order, or for the enforcement, variation, revocation, discharge or revival of any such order; or
- (c) for the enforcement of the payment by that person of any sum or sums to which he has been rated or assessed.

**13.** No fee shall be chargeable by a clerk to justices in respect of any summons, warrant, notice or order authorised or required to be issued, given or made under this Act or under the rules made under this Act.

Prohibition  
of charge  
of fees.

**14.—(1)** The Minister of Health may issue such new or altered forms of proceedings in matters of bastardy as he may deem necessary or expedient for giving effect to the enactments relating to such proceedings as amended by this Act.

Rules and  
forms.

(2) The Lord Chancellor may make rules for carrying this Act into effect with respect to any matter other than a matter which the Minister of Health has power to regulate by virtue of the foregoing subsection, and for prescribing forms to be used in connection with proceedings under this Act, the persons to whom payments of such sums as are mentioned in this Act may be made, the manner of accounting for such payments, and the records to be kept in relation thereto.

Interpreta-  
tion.

**15. In this Act—**

- (a) references to allowance of time for payment include a reference to a direction for payment by instalments;
- (b) references to commitment to prison or to imprisonment or to prison shall not be deemed to include any reference to detention within the precincts of a court or at a police station under section twelve of the Criminal Justice Administration Act, 1914, or to detention in a certified place under section thirteen of that Act, or to detention at a police station under section four of this Act;
- (c) references to imprisonment in respect of non-payment of a sum adjudged to be paid by a conviction include references to imprisonment in respect of default of a sufficient distress to satisfy that sum;
- (d) the expression "the competent court" means in relation to any sum, the court by which payment of that sum was adjudged, or any other court of summary jurisdiction for the same petty sessional division or place, or, where by virtue of a transfer of fine order functions in relation to that sum are exercisable by another court, that other court;
- (e) the expressions "sum adjudged to be paid by a conviction" and "sum adjudged to be paid by an order" have the same meanings respectively as in the Summary Jurisdiction Act, 1879.

Short title,  
repeal,  
commence-  
ment and  
extent.

**16.—(1)** This Act may be cited as the Money Payments (Justices Procedure) Act, 1935.

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

(3) This Act shall come into operation on the first day of January nineteen hundred and thirty-six.

(4) This Act (except subsection (2) of section eleven thereof) shall not extend to Scotland or Northern Ireland.



SCHEDULE.

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Section 16.

ENACTMENTS REPEALED.

| Session and Chapter.   | Short Title.                                   | Extent of Repeal.                                                                                                                                                     |
|------------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 54 Geo. 3. c. 170.     | The Poor Relief Act, 1814.                     | Section eleven, so far as not already repealed.                                                                                                                       |
| 4 & 5 Geo. 5. c. 58.   | The Criminal Justice Administration Act, 1914. | In section one, in subsection (1), the words "within its jurisdiction"; and subsection (3).<br>In section thirty, in subsection (3), the words "upon fresh evidence". |
| 15 & 16 Geo. 5. c. 90. | The Rating and Valuation Act, 1925.            | In section two, in subsection (3), proviso (b).                                                                                                                       |

CHAPTER 47.

An Act to provide for the imposition of restrictions upon development along the frontages of roads; to enable highway authorities to acquire land for the construction or improvement of roads or for preserving amenities or controlling development in the neighbourhood of roads; to extend the powers of local authorities as to the provision of accommodation for the parking of vehicles and as to the prevention of interference with traffic; and for purposes connected with the matters aforesaid. [2nd August 1935.]

**B**E it enacted by the King'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 :—

*Restriction of Ribbon Development.*

Power to adopt standard widths for roads.

1.—(1) The highway authority may by resolution adopt as respects any road any of the standard widths specified in the First Schedule to this Act, and if the resolution is approved by the Minister the provisions of the Second Schedule to this Act shall be complied with, and on and after the date upon which notice of the Minister's approval is first advertised in accordance with those provisions, the following restrictions shall, subject to the provisions of this Act as to exemptions, be in force, that is to say, it shall not be lawful without the consent of the highway authority—

- (a) to construct, form or lay out any means of access to or from the road; or
- (b) to erect or make any building or permanent excavation, or to construct, form, or lay out, any works upon land nearer to the middle of the road than a distance equal to one-half of the standard width adopted :

Provided that, before any resolution is submitted for the approval of the Minister under this section, the highway authority shall cause to be advertised in two or more newspapers circulating in the locality in which the road is situated and to be sent to any person whose name and address are for the time being entered in the register kept by the highway authority for the purpose in accordance with the provisions of this Act, notice, in a form approved by the Minister, of the passing of the resolution specifying the places and times at which plans may be inspected, showing the standard width proposed to be adopted thereby and the time within which and the manner in which objection can be made to the approval of the resolution; and before approving the resolution, the Minister shall consider any objections duly made within the time aforesaid and shall, unless he considers it unnecessary so to do, hold a local inquiry.

(2) The Minister may by regulations prescribe other standard widths which may be adopted under this section and upon the coming into force of any such regulations the

First Schedule to this Act shall have effect as if the standard widths prescribed by the regulations were specified therein :

Provided that—

- (a) the Minister may by any such regulations direct that any standard width thereby prescribed may be adopted only in any specified areas or class of areas, and the power to adopt any such standard width shall be subject to any such directions ; and
- (b) if any such regulations prescribe a standard width exceeding one hundred and sixty feet, the regulations shall direct that such standard width may be adopted only so far as may be necessary for making provision for any embankment or cutting required for the road as respects which it is adopted.

(3) Where a standard width has been adopted as respects any road by a resolution passed and approved under this section, the resolution may be amended by a subsequent resolution passed and approved in like manner and after compliance with the like conditions as the former resolution, adopting as respects that road any other standard width specified in the First Schedule to this Act (either as originally enacted or as amended by regulations made under the last foregoing subsection).

(4) If, after holding a local inquiry, the Minister is satisfied that the power conferred by this section to adopt a standard width, or to alter a standard width previously adopted, ought to be exercised by the highway authority as respects any road, he may by notice in writing require the authority to exercise that power, and if the authority fail to do so within such time as may be specified in the notice, the Minister may make an order adopting a standard width or altering a standard width previously adopted as respects the road, and the order shall be deemed to be a resolution passed by the authority and approved by him.

(5) In determining the standard width to be adopted as respects any road, a highway authority and the Minister shall take into account the requirements of all classes of traffic, including foot passengers and cyclists likely to use the road, and shall consider the provision

of margins for the accommodation of ridden horses and driven livestock.

Restriction of building development along frontages of certain roads.

2.—(1) As respects all roads which on the seventeenth day of May, nineteen hundred and thirty-five, were classified roads, the following restrictions shall, subject to the provisions of this Act as to exemptions, be in force on and after the date of the passing of this Act, that is to say, it shall not be lawful without the consent of the highway authority—

- (a) to construct, form or lay out, any means of access to or from the road; or
- (b) to erect or make any building upon land within two hundred and twenty feet from the middle of the road.

(2) The highway authority may by resolution adopt the provisions of this section as respects any road to which the restrictions aforesaid do not apply under the last foregoing subsection, and if the resolution is approved by the Minister, the provisions of the Second Schedule to this Act shall be complied with, and on and after the date upon which notice of the Minister's approval is first advertised in accordance with those provisions, the said restrictions shall, subject to the provisions of this Act as to exemptions, apply as respects the road.

(3) No restrictions in force under this section as to the erection or making of buildings shall apply in relation to any building which is, or is to be, used mainly or exclusively for the purposes of agriculture otherwise than as a dwelling-house, and (except in the case of buildings used or to be used mainly or exclusively for the purposes of horticulture carried on by way of trade or business) occupied together with land used mainly or exclusively for the purposes of agriculture.

(4) As respects any road as respects which the restrictions specified in paragraph (a) of subsection (1) of section one of this Act are for the time being in force under that section, the restrictions specified in paragraph (a) of subsection (1) of this section shall be of no effect.

Exemptions for works in progress, &c.

3.—(1) No restrictions in force under either of the last two foregoing sections shall apply to the erection or making of any building or permanent excavation or to

the construction, formation, or laying out, of any means of access or works—

- (a) begun before the date on which the restrictions were first published; or
- (b) carried out in execution of a contract made before that date otherwise than in contemplation of such restrictions; or
- (c) carried out in accordance with any permission granted before that date by a planning authority.

For the purposes of this subsection, restrictions shall be deemed to have been first published—

- (i) in the case of restrictions in force under section one of this Act, on the date on which notice of the passing of the resolution adopting a standard width was first advertised in accordance with the provisions of this Act;
- (ii) in the case of restrictions in force under subsection (1) of section two of this Act, on the date of the passing of this Act; and
- (iii) in the case of restrictions in force under subsection (2) of the said section two, on the date on which notice of the Minister's approval of the resolution adopting the provisions of the said section was first advertised in accordance with the provisions of this Act.

(2) No restrictions in force under section one or section two of this Act, except restrictions as to the construction, formation or laying out, of means of access, shall apply to any land forming part of a burial ground, being land which has, before the passing of this Act, been used for the purpose of interment.

(3) No restrictions in force under section one of this Act shall apply to any permanent excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes, or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct or other apparatus, constructed in or upon the land before the date on which the restrictions came into force, or with the consent of the highway authority on or after that date.

(4) No restrictions specified in paragraph (b) of subsection (1) of section two of this Act and in force under subsection (1) or subsection (2) of that section shall apply to the erection of advertisements as defined by the Advertisements Regulations Acts, 1907 and 1925.

Power to  
fence roads  
subject to  
restrictions.

4. Where restrictions are in force under the foregoing provisions of this Act as respects any road, the highway authority may erect and maintain fences or posts for the purpose of preventing access to the road except at such places as may be permitted by them :

Provided that such fences or posts shall not be erected or maintained so as to interfere with any fence or gate required for the purposes of agriculture, or so as to obstruct any public right of way, or any means of access exempt under the provisions of subsection (1) of the last foregoing section from the restrictions, or constructed, formed, or laid out, before the date on which the restrictions came into force, or with the consent of the highway authority on or after that date.

Register for  
purposes of  
notice of  
resolutions.

5.—(1) Any person having any estate or interest in any piece of land within such distance from a road that it may be made subject to restrictions brought into force by means of a resolution passed as respects that road under section one or section two of this Act, shall be entitled, upon making to the highway authority an application containing sufficient particulars of the piece of land and of his estate, or interest therein, to have his name and address, and particulars of the situation of the piece of land, entered in a register in a form approved by the Minister kept by the highway authority for the purpose of giving notice of any such resolution.

(2) If at any time it appears to the highway authority that any person whose name and address are entered in the register kept under this section has ceased to have any estate or interest in the piece of land to which the entry relates, they may serve upon him or upon his personal representative notice of their intention to delete the entry and, unless within twenty-eight days after the service of the notice the highway authority are satisfied that he has not so ceased as aforesaid, they may delete the entry accordingly.

6. It shall be the duty of the highway authority to deposit at their offices and at such other places, if any, as the Minister may direct, sufficient plans showing all roads as respects which they are the highway authority which are subject to restrictions in force under the foregoing provisions of this Act, the nature of the restrictions, and the area of the land to which the restrictions apply; and the plans so deposited shall be available for inspection by the public free of charge at all reasonable times.

Deposit of plans showing roads subject to restrictions.

7.—(1) Subject to the provisions of this Act, any consent which a highway authority have power to give under section one or section two of this Act may be given subject to such conditions as the authority think fit to impose :

General provisions as to consent.

Provided that—

- (a) consent under either of the said sections to the construction, formation, or laying out of means of access reasonably required for any purpose shall neither be unreasonably withheld nor made subject to unreasonable conditions, and in the case of means of access required for agricultural purposes shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only; and
- (b) consent under either of the said sections to the re-erection of or to any alteration or extension to a building erected or made before the date on which restrictions came into force under that section, not being such a re-erection, alteration or extension as is specified in the Third Schedule to this Act, shall neither be withheld nor be made subject to conditions; and
- (c) consent under the said section two to the erection or making of any building shall neither be unreasonably withheld nor be made subject to unreasonable conditions; and
- (d) consent under section one of this Act to the making of any excavation or the construction, formation or laying out of works in land

subject to restrictions in force under that section for the purpose of constructing any underground sewer, drain, electric line, pipe, duct or other apparatus, shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct, or other apparatus shall be laid in such manner and at such levels that the construction or improvement of a road thereover will not be prevented or prejudicially affected thereby.

(2) With a view to securing that the exercise of their powers as to the giving of such consents shall be co-ordinated with the exercise by planning authorities of their powers in relation to planning schemes, the highway authority shall from time to time consult with any planning authorities concerned; and in making a decision upon any application for any such consent, the highway authority shall, whether the land affected is or is not subject to a planning scheme, have regard to the need for preserving the amenities of the locality and for securing well planned development.

(3) Subject as hereinafter provided, any conditions imposed by a highway authority attached to any such consent as aforesaid shall be binding upon, and enforceable by, the authority against every person for the time being having any estate or interest in the land to which they relate :

Provided that, where any such consent is given upon the application of any person having a less estate or interest in the land than that of owner, any condition requiring the execution or maintenance of any works upon the land shall not be binding upon, or enforceable against, any person other than the applicant and his successors in title to that estate or interest.

(4) If any applicant for consent is aggrieved by any decision of the highway authority under this section withholding any consent or imposing any condition, he may appeal to the Minister who, after consultation with the Minister in charge of any other Government department concerned, may make such order as he thinks fit, and the decision of the Minister shall be final :



Provided that, before determining any such appeal, the Minister shall, if required either by the highway authority or by the applicant, cause a local inquiry to be held in public, and in giving his decision upon any such appeal the Minister shall publish a summary of the facts as found by him and of his reasons for the decision.

(5) If at the expiration of a period of two months after an application for any such consent, specifying the name and address of the applicant and sufficient particulars as to the consent required, has been delivered to the highway authority no decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may be otherwise agreed in writing between the highway authority and the applicant) the consent shall be deemed to have been given without the imposition by the authority of any conditions.

(6) The highway authority shall maintain a register with sufficient particulars of all consents given by them under section one and section two of this Act, and the register shall be available to the inspection without charge of all persons interested and such persons shall be entitled to take extracts therefrom.

8.—(1) Upon application being made to a highway authority for any consent which the authority have power to give under section one or section two of this Act, if the application is with respect to land subject to restrictions under both those sections, the authority shall treat the application as an application for consent under both sections unless the applicant has requested that the application shall not be so treated.

Provisions  
as to appli-  
cations for  
consent,  
and appli-  
cations to  
develop  
under  
planning  
schemes.

(2) Where an application is made to a planning authority for permission to develop land affected by restrictions in force under section one or section two of this Act, then—

- (a) if the planning authority are also the highway authority having power to give any consent under the said sections, the application shall be treated as if it had been also an application for consent under both those sections or, if the land is subject to restrictions in force under one only of those sections, under that section, unless the applicant has requested that the application shall not be so treated;

(b) if the planning authority are not the highway authority aforesaid, the planning authority shall send sufficient particulars of the application to the highway authority.

(3) Where application is made to a highway authority for any consent which that authority have power to give under this Act affecting land subject to a planning scheme or to a resolution to prepare or adopt such a scheme in relation to which the highway authority are not the planning authority, the highway authority shall send sufficient particulars of the application to the planning authority.

Compensation for injurious affection under sections 1 and 2.

9 & 10 Geo. 5. c. 57.

9.—(1) Subject to the provisions of this section, if any person having any estate or interest in land, which includes any piece of land subject to restrictions in force under section one or section two of this Act, proves that his estate or interest is injuriously affected by the restrictions, he shall be entitled to recover from the highway authority compensation for the injury to that estate or interest; and any question whether compensation is payable under this section or as to the amount of any compensation so payable shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919 :

Provided that, without prejudice to the power of a highway authority to agree with any claimant as to the payment of compensation, no claim for compensation under this section in respect of injurious affection to any estate or interest shall be entertained by an arbitrator—

(a) unless the claimant satisfies the arbitrator—

(i) that proposals for the development of that land which at the date of the claim to compensation are immediately practicable or would have been so if this Act had not been passed, are prevented or injuriously affected by the restrictions; and

(ii) that there is a demand for such development;

(b) if within two months after the claim to compensation has been delivered to the highway authority, notice is served on the claimant that proceedings are being taken under this or any

other Act for an order authorising the compulsory purchase of the piece of land and notice to treat with respect thereto is, within twelve months after the claim, served by the highway authority in pursuance of such an order, so however that in any case in which notice that such proceedings as aforesaid are being taken is served the claimant shall be entitled to be repaid by the highway authority the amount of any expense which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and any question as to whether such expense has been properly incurred or as to the amount thereof shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(2) No compensation shall be payable under this Act in respect of injurious affection to any estate or interest in any land by reason of a piece of land being subject to restrictions in force under this Act—

- (a) if and in so far as the piece of land is subject to substantially similar restrictions in force under some other Act which were so in force at the date when the restrictions came into force under this Act; or
- (b) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other Act has already been paid to any predecessor in title to that estate or interest.

(3) Where any land acquired by a highway authority after the passing of this Act is utilised for the widening of a road or the construction of a new road, no compensation shall be payable under this section in respect of adjacent land by reason of restrictions as to means of access in force under this Act relating to the road as so widened or constructed :

Provided that, where the road as so widened or constructed incorporates land which before the widening or construction was a road or was before the passing of this Act a proposed road, compensation shall be payable under

this section in respect of any adjacent land not acquired by the highway authority as if the restrictions as to means of access had related to the road or proposed road so incorporated, and as if the widening thereof or the construction of the new road, as the case may be, had not taken place.

(4) In awarding compensation under this section in respect of any estate or interest in land, the compensation shall, subject to the provisions of this section, be a sum equal to the difference between the market value of the estate or interest when the piece of land is subject to the restrictions and what would have been the market value of that estate or interest if the piece of land had not been so subject :

Provided that—

- (a) in assessing the market value of the estate or interest when the piece of land is subject to the restrictions, there shall be taken into account any modification of those restrictions by reason of any consent given by the highway authority and any conditions attached to such consent, or by reason of any undertaking given or proposed to be given by the highway authority and any such consent, conditions, or undertaking, shall be embodied in the award ;
- (b) there shall be taken into account any benefit which may accrue to any land in which the claimant has an estate or interest by reason of the construction or improvement, by any other person at any time after the coming into force of restrictions under this Act, upon land adjacent to the land in respect of which compensation is claimed, of any road or of any carriageway or other way subsidiary to such a road, or by reason of the coming into force of the restrictions ;
- (c) if the piece of land has, since the date on which the restrictions came into force, become, or ceased to be, separate from other land, the amount of compensation shall not be enhanced by reason of its having so become or ceased. For the purposes of this paragraph a piece of

land shall be deemed to be separate from other land when the person having the estate or interest therein in respect of which compensation is claimed has not the like estate or interest in the other land.

(5) Where any compensation is payable under the provisions of this section in respect of injurious affection to any estate or interest in any piece of land, being glebe land or other land belonging to an ecclesiastical benefice, the sums agreed upon or ordered to be paid by way of compensation for that injurious affection shall be paid to the Ecclesiastical 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.

**10.**—(1) For the purpose of co-operating with any highway authority in giving effect to the purposes of section one or section two of this Act, any public department may, subject to the approval of the Treasury, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by any such agreement, be subject to the like restrictions as are specified in the said sections; and any agreement so made may contain such consequential and incidental provisions including provisions of a financial character as appear to be necessary or desirable :

Power of public departments to make agreements as to restrictions.

Provided that the department concerned in making an agreement under this section, and the Treasury in considering whether their approval shall or shall not be given to the agreement, shall have regard to the purposes for which the land in question was acquired or is held by the department.

(2) Where any agreement made under the last foregoing subsection provides for the making of payments by a highway authority to a public department, any sum paid in pursuance of such a provision shall, except in so far as may be otherwise provided by the agreement, be deemed for the purposes of this Act to be paid as compensation under this Act.

**11.**—(1) If any person erects or makes any building or permanent excavation or constructs, forms or lays out

Contraventions.

any means of access or works in contravention of restrictions in force under section one or section two of this Act, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, whether or not any proceedings are taken either in respect of the offence or otherwise, the highway authority may demolish the building, fill up the excavation, close up the means of access, or remove the works in relation to which the contravention was committed and reinstate the land in the condition in which it was before such building or excavation was erected or made, or means of access or works were constructed, formed or laid out, and the expenses incurred by the highway authority in so doing shall be recoverable summarily as a civil debt from the person by whom the contravention was committed :

Provided that the highway authority shall not demolish any building, fill up any excavation, close up any means of access, or remove any works, which have not been determined in any proceedings to have been erected, made, constructed, or laid out, in contravention of such restrictions as aforesaid until twenty-eight days after notice of their decision to do so has been served on the person entitled to possession of the land on which the contravention is alleged to have been committed, and, if that person is aggrieved by the decision of the highway authority, he may within the said period of twenty-eight days appeal against the decision to a court of summary jurisdiction for the petty sessional division in which the building, excavation, works or means of access is situated, and the appellant or the highway authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(2) If the owner or occupier of any land subject to restrictions in force under section one or section two of this Act commits, or permits any other person to commit, any contravention of a condition attached to any consent given under either of those sections, he shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every day on which the contravention occurs or continues.

12. If upon the application of a highway authority or of the council of any county district the Minister is satisfied that by reason of the provisions of any enactment other than this Act or of any order, scheme, or resolution made or passed under any such enactment, any restrictions in force under section one or section two of this Act will be rendered unnecessary as respects any road, the Minister may by order direct that on and after the date on which the order comes into force the restrictions specified in the order shall not apply as respects that road, and those restrictions shall cease to apply accordingly but without prejudice to the power of the highway authority to bring such restrictions again into force by means of a subsequent resolution made and approved in accordance with the provisions of this Act.

Power of  
Minister  
to remove  
restrictions.

*Acquisition of Land.*

13.—(1) Any highway authority may acquire any land within two hundred and twenty yards from the middle of any road the acquisition of which is, in their opinion, necessary for the purposes of the construction or improvement of the road or of preventing the erection of buildings detrimental to the view from the road and, if they are unable to do so by agreement on terms which are in their opinion reasonable, they may purchase the land compulsorily by means of an order (in this Act referred to as a “compulsory purchase order”) made by them and confirmed by the Minister and the provisions of sections one hundred and sixty-one and one hundred and sixty-two, one hundred and seventy-four and one hundred and seventy-five of the Local Government Act, 1933, and of paragraph (a) of section one hundred and seventy-nine of that Act, shall apply with respect to any such order in like manner as they apply to orders to be confirmed by the Minister of Health under that Act :

Power to  
acquire  
land for  
road pur-  
poses.

23 & 24  
Geo. 5. c. 51.

Provided that the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as incorporated in the order, shall be subject to the following modifications, that is to say, in determining the amount of any compensation—

- (a) the arbitrator shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land is authorised to be

acquired, and in particular (without prejudice to the generality of the foregoing provisions of this paragraph) shall, in the case of land authorised to be acquired for the widening of any road, set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which will accrue by reason of the creation of a frontage to the road as widened; and

- (b) the arbitrator shall take into account and embody in his award any undertaking given by the highway authority as to the use to which the land, or any part thereof, will be put.

(2) Any highway authority may acquire by agreement any land in the neighbourhood of any road being land which they consider it desirable to acquire for the purposes of preserving the amenities of the locality in which it is situated (including the purpose of preventing the erection of buildings detrimental to the view from the road).

(3) The following provisions shall have effect with respect to the acquisition of land under the powers conferred by this section, and with respect to land acquired under those powers—

- (a) except for the purposes of the construction or improvement of a road, a highway authority shall not, under the said powers, acquire compulsorily any land which is required to be retained as part of a park, garden, pleasure ground, or home farm attached to and usually occupied with a mansion house, or is otherwise required for the amenity or convenience of any dwelling-house existing when the compulsory purchase order is made, or which is for the time being subject to conditions restricting the planning, development or use thereof imposed by any agreement enforceable under section thirty-four of the Town and Country Planning Act, 1932;

- (b) whenever land is acquired by a highway authority under the said powers, the authority shall furnish to the Minister, in a form approved by him, sufficient particulars of the purposes for which the land is acquired and of the manner in which it is intended to be used for those purposes and



the said particulars shall be so furnished in the case of land to be acquired by means of a compulsory purchase order by specifying them in the order submitted to the Minister, and in any other case in such manner as the Minister may direct;

- (c) a highway authority shall not have power to use in any manner other than that specified in the particulars furnished under the last foregoing paragraph or to let, sell, or exchange any land which has been acquired by them under the said powers for the purposes of preventing the erection of buildings detrimental to the view from a road or for any of the purposes specified in subsection (2) of this section unless they are authorised to do so by an order made by the Minister of Health and, except in the case of an order authorising the letting of such land for a term not exceeding seven years for purposes specified in the order, being purposes which, in the opinion of the Minister of Health, are consistent with the preservation of the amenities of the locality, any such order shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(4) The powers conferred upon highway authorities by section one of the Roads Improvement Act, 1925, 15 & 16 Geo. 5. c. 68. (which relates to the planting of trees and shrubs and the laying out of grass margins), may be exercised upon any land acquired by a highway authority under this section notwithstanding that the land does not form part of a highway.

(5) Where any highway authority are authorised by an order confirmed under this section to purchase land compulsorily, then, at any time after notice to treat has been served, the authority may, after giving to the owner and to the occupier of the land not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, 8 & 9 Vict. c. 18.

and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

(6) Save as is provided in the section of this Act next following, nothing in this section shall authorise the compulsory acquisition of any land which is the property of any local authority (including any drainage board) or has been acquired by any statutory undertakers for the purposes of their undertaking.

Power to acquire compulsorily for certain road purposes rights in connection with land belonging to local authorities and statutory undertakers.

**14.**—(1) Subject to the provisions of this section, a compulsory purchase order under the last foregoing section may authorise a highway authority to acquire compulsorily, subject to such conditions (including conditions as to the persons by whom any works are to be constructed or maintained) as may be imposed by the order, a right upon, under, or over any land which is the property of any local authority (including any drainage board), or has been acquired by statutory undertakers for the purpose of their undertaking, if the acquisition is—

- (a) for the purposes of the construction of any bridge (not including the reconstruction or alteration of an existing bridge) upon, under, or over such land or of the approaches to any such bridge; or
- (b) for the purposes of any system of road drainage.

(2) A compulsory purchase order for the acquisition of any right for the purposes specified in the last foregoing subsection shall be made subject to such conditions as the Minister, after consultation with the local authority or statutory undertakers from whom the right is to be acquired, considers necessary for securing that the bridge and approaches or the drainage system, as the case may be, to be constructed will be so designed, constructed and placed as to avoid unreasonable interference with the functions and future development of the local authority or statutory undertakers and shall provide for the bridge and approaches or the drainage system, as the case may be, being constructed and maintained, except so far as may be otherwise agreed, at the expense of the highway authority:

Provided that, in the case of any such order authorising a highway authority to acquire a right for the purpose of substituting a bridge for any level crossing over a railway, the provisions of sections six and seven of the Bridges Act, 1929, shall, as set out with modifications in

the Fourth Schedule to this Act, apply with respect to the apportionment of the expenses of the construction and maintenance thereof.

(3) Where by means of a compulsory purchase order a highway authority has acquired from any local authority or statutory undertakers a right for any of the purposes specified in subsection (1) of this section, any additional expense which is thereafter, in consequence of the construction of the bridge or approaches or of the drainage system, as the case may be, incurred by the local authority or statutory undertakers in connection with the widening or alteration upon land which was vested in them before the confirmation of the order of any railway, canal, inland navigation, dock, harbour, works or apparatus belonging to them, shall be defrayed by the highway authority, and any question whether such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

(4) A compulsory purchase order for the acquisition of any right for the purposes specified in paragraph (b) of subsection (1) of this section shall be made, subject to such conditions as the Minister considers necessary for securing that no road shall be drained into any watercourse under the control of a drainage board without the consent of that board or into any reservoir, river, canal, dock, harbour, basin or other work which belongs to or is under the jurisdiction of any local authority or statutory undertakers without their consent.

(5) Nothing in this section shall authorise the compulsory acquisition of any right in, under, or over any land for the purposes of the construction of a bridge under or over the Manchester Ship Canal.

**15.** Where land subject to restrictions in force under section one or section two of this Act is acquired by a highway authority by means of an order made under this or any other Act authorising compulsory purchase of the land, any compensation payable in respect of any estate or interest in the land shall be assessed as if the restrictions were not in force if compensation in respect of injury to that estate or interest occasioned by the restrictions has been paid under this Act neither to the person having that estate or interest nor to any of his predecessors in title.

Effect of  
restrictions  
where land  
is acquired  
com-  
pulsorily.

*Parking Places and Means of Access.*

Extension  
of powers  
of local  
authorities  
as to park-  
ing places.  
15 & 16  
Geo. 5. c. 71.

**16.**—(1) The powers of a local authority under section sixty-eight of the Public Health Act, 1925 (which relates to the provision of parking places for the purpose of relieving or preventing congestion of traffic) shall include power to provide and maintain buildings for use as parking places, and to provide and maintain underground parking places for the like purpose, and also to provide and maintain cloakrooms and other conveniences for use in connection with parking places, and in that section the expression “ parking place ” shall be construed accordingly as including such buildings, underground parking places, cloak rooms and other conveniences, so, however, that for the purposes of that section an underground parking place shall not be deemed to be part of a street by reason only of its being situated under a street.

(2) The powers of a local authority under the said section sixty-eight to acquire, utilise, and adapt land shall include powers to acquire, utilise, and adapt land (including any right in, over or under land) for the purpose of providing means of entrance to and egress from any parking place and, notwithstanding anything in subsection (4) of the said section, the said power to adapt land shall include power to adapt land being part of a street for the purpose aforesaid with the consent of the authority or person responsible for the maintenance of the street.

(3) The powers of a local authority under the said section sixty-eight shall include powers to let for use as a parking place any parking place provided by them not being part of a street.

(4) Subsection (6) of the said section sixty-eight (which relates to the power of a local authority to make regulations as to the matters therein specified) shall have effect as if for the word “ regulations ” there were therein substituted, in all places where that word occurs, the word “ byelaws,” and in relation to any byelaws made under the said subsection references in section two hundred and fifty of the Local Government Act, 1933; to “ the confirming authority ” shall be construed as references to the Minister of Health :

Provided that any regulations which were in force under the said subsection immediately before the passing of this Act shall, during the period of twelve months after the passing thereof, have effect as if they had been byelaws made under the said subsection as amended by this Act.

17.—(1) Whenever, in pursuance of any enactment or byelaw requiring plans to be submitted to a local authority, application is made to such an authority for the approval of plans for the erection of a new building which, if erected in accordance with the plans, will be a building to which this section applies, then, unless the local authority are satisfied that either—

*Power to require the provision of means of entrance and egress, &c. as a condition of approval of building plans.*

(a) the character of the new building is such as not to be likely to cause increased vehicular traffic along any road adjacent thereto; or

(b) satisfactory arrangements have been, or will be, made for limiting interference with traffic along the roads adjacent thereto,

the local authority, after consultation with the chief officer of police for the district, may, as a condition of their approval, require the provision and maintenance of such means of entrance and egress, and of such accommodation for the loading or unloading of vehicles, or picking up and setting down of passengers, or the fuelling of vehicles, as may be specified by the local authority for the purpose of limiting such interference as aforesaid :

Provided that, where the local authority to whom such plans are submitted are not the highway authority as respects any road affected, the local authority shall, as soon as may be after such plans as aforesaid are submitted to them, consult the highway authority or such officer of the highway authority as may be nominated by them for the purpose and the powers conferred by this subsection shall not be exercised except after such consultation as aforesaid.

(2) Any condition imposed by a local authority under this section shall be in force as from the date on which notice thereof is served on the applicant and on the occupier of the land upon which the building is or will be situated, and shall remain in force unless and until

it is withdrawn by the local authority, so, however, that any such condition may at any time be modified by agreement between the local authority and the occupier of the building to which the condition relates :

Provided that the local authority, if they are not the highway authority as respects any road affected, shall, before withdrawing or modifying any condition imposed by them under this section, consult the highway authority or such officer of the highway authority as may be nominated by the highway authority for the purpose.

(3) Any condition imposed by a local authority under this section shall while in force be binding upon, and enforceable by the authority against, every person who is for the time being the occupier of the building to which the condition relates.

(4) Any person aggrieved by any decision of the local authority in any matter as to which they are required to be satisfied under the provisions of subsection (1) of this section or by the imposition of any condition under this section may, within twenty-eight days after the date on which notice of the condition is served upon him, appeal to a court of summary jurisdiction for the petty sessional division in which the building with respect to which the plans were submitted is, or will be, situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(5) If the occupier of a building to which any condition imposed under this section relates, who has incurred or is about to incur any expense for the purpose of securing that the condition is complied with, alleges that the whole or any part of the expense ought to be borne by any other person having any estate or interest in the building, he may apply to the county court for the district in which the building is situated, and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

(6) In the event of the erection of a new building (being a building to which this section applies) without compliance with any condition in force under this section, or in the event of any means of entrance or egress or accommodation provided in compliance with such a condition ceasing to be maintained in accordance with the requirements thereof, the occupier of the building shall be guilty of an offence for which he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, where any person is convicted of such an offence, the court may in lieu of or in addition to imposing a fine, order that the building in respect of which the offence was committed shall not be occupied or used until the conditions in force under this section are complied with.

(7) Where the occupier of any building is charged with an offence under this section, he shall be entitled, upon information laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that he had used due diligence to comply with the conditions in force under this section, and that the said other person had committed the offence in question without his consent or connivance, the said other person shall be summarily convicted of the offence and the occupier shall be exempt from any fine.

(8) This section applies to any building whereof the external or containing walls contain a space of not less than two hundred and fifty thousand cubic feet measured in accordance with directions given by the Minister of Health, and to any place of public resort, refreshment house, station for public service vehicles, petrol filling station, or garage used or to be used in connection with any trade or business.

(9) In this section the expression "local authority" means a local authority for the purposes of the Public Health Acts, 1875 to 1932, and the expression "the erection of a new building" shall include the operations which are deemed to be the erection of a new building for the purposes of those Acts by virtue of the provisions of section twenty-three of the Public Health Acts Amendment Act, 1907.

7 Edw. 7.  
c. 53.

*Supplementary.*

Exercise of  
functions as  
respects  
roads main-  
tained by  
councils of  
county  
districts.  
19 & 20  
Geo. 5. c. 17.

**18.**—(1) In relation to any road as respects which the functions of maintenance and repair are under section thirty-two of the Local Government Act, 1929, for the time being exercisable by the council of a borough or urban district, the functions conferred by this Act on highway authorities shall be exercised by that council and not by the county council, and accordingly references in this Act to a highway authority shall be construed as including references to the council of the borough or urban district :

Provided that, before adopting any standard width in the exercise of the functions aforesaid, a borough or urban district council shall consult the council of the county in which the borough or urban district is situated.

(2) If an order is made by the Minister under subsection (4) of section one of this Act as respects any county road as respects which the council of a borough or of an urban district have powers under that section and the order is made after consultation with the council of the county in which the borough or urban district is situated, the Minister may by the order direct the county council to exercise for such period, and subject to such conditions, as may be specified in the order the powers conferred by the said section one as respects that road and the order may empower the county council to exercise those powers on behalf, and at the expense, of the council of the borough or urban district.

Expenses.

**19.**—(1) Such part of the expenses incurred by or in connection with the roads department of the Ministry of Transport as the Minister may from time to time, with the consent of the Treasury, determine to be expenses incurred in the carrying into effect of this Act shall be paid out of the Road Fund, and there shall be included in the expenses to be so paid such charges in respect of superannuation and other allowances and gratuities payable on death or retirement as the Minister with the like consent may determine.

(2) The power of the Minister to make advances under section eight of the Development and Road Improvement Funds Act, 1909, shall include power to



make such advances for the purpose of meeting expenditure incurred by reason of the coming into force of restrictions under section one of this Act, and Part II of that Act shall have effect accordingly.

(3) Any expenses incurred by the council of a borough or of an urban district in the exercise of functions as respects county roads exercisable by them under section one of this Act, or in respect of the exercise of such functions on their behalf by a county council, shall be deemed for the purposes of section thirty-three of the Local Government Act, 1929, to be expenses of an improvement of a road, not being expenses in connection with the maintenance and repair thereof, but no expenses incurred by any such council under section two of this Act shall be deemed for the purposes of that section to be part of the cost of the maintenance and repair or of an improvement of a road.

(4) Where an order is made by the Minister under the last foregoing section, empowering a county council to act on behalf, and at the expense, of the council of a borough or of an urban district, the order may apply any of the provisions of section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear expedient. 58 & 57 Vict.  
c. 73.

(5) The council of any county may contribute towards any expenses incurred by the council of a county district under this Act or under section sixty-eight of the Public Health Act, 1925, and the council of any county district may contribute towards any expenses incurred by the council of another county district or by a county council under this Act.

20.—(1) Save in so far as any provisions of this Act may be applied by orders made under this section, this Act shall not extend to the Administrative County of London. Application  
to London.

(2) The Minister of Health may by order confer upon the Common Council of the City of London and upon councils of the metropolitan boroughs and (except in the City of London) upon the London County Council the like powers as are conferred by section sixty-eight of the Public Health Act, 1925, upon authorities who are local authorities for the purposes of the Public Health Acts,

1875 to 1932; and any such order may incorporate with adaptations such of the provisions of this Act, of those Acts, and of the Local Government Act, 1933 (including provisions as to the compulsory acquisition of land) as may be necessary for the purpose of the application of the said section to London :

Provided that—

- (a) any such order shall provide that the powers thereby conferred shall not be exercised except after consultation with the Minister; and
- (b) no such order shall empower any such council as aforesaid to authorise the use as a parking place of any part of a street except as is provided by subsection (2) of section sixteen of this Act :

Provided also that the powers conferred upon the London County Council shall not extend to any area on or under any street repairable by the inhabitants at large except with the consent of the highway authority concerned.

(3) The Minister of Health may by order confer upon the London County Council the like powers as are conferred by section seventeen of this Act upon authorities who are local authorities for the purposes of the Public Health Acts, 1875 to 1932; and any such order may make such provision for requiring the submission to the London County Council of plans of buildings to which the said section applies as may be necessary for enabling the council to exercise those powers and may incorporate with adaptations such of the provisions of this Act and of the provisions of the London Building Act, 1930, relating to appeals as may be necessary for the purpose of the application of the said section to London :

Provided that any such order shall provide—

- (a) that the powers thereby conferred shall not be exercised except after consultation with the Minister and after consultation, in the case of powers affecting the City of London, with the Common Council, and in the case of powers affecting any metropolitan borough, with the council of that metropolitan borough; and

(b) that any appeal by a person aggrieved by the imposition of any condition shall be to the appeal tribunal under the London Building Act, 1930.

(4) Any order made under this section may be varied or revoked by any subsequent order made in like manner.

**21.** The Minister may hold an inquiry in connection with any matter as to which he is authorised to act under this Act and the provisions of subsections (2) (3) (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any such inquiry as they apply to local inquiries held under that section but as if for references to a department there were substituted therein references to the Minister.

Provisions  
as to local  
inquiries.

**22.** A notice which is required by this Act to be given or sent to any person may be given or sent either—

Service of  
notices.

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last-known place of abode of that person; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last-known place of abode; 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 addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of premises on whom it should be served, or if the premises are unoccupied or the name of the occupier is not known, by addressing it to him by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

Savings.

**23.**—(1) Subject to the provisions of this section, nothing in this Act shall, save as otherwise expressly provided in section fourteen thereof, affect—

- (a) any right of a local authority including any drainage board to make any excavation for the purpose of laying, making, altering, repairing, or renewing any sewer, drain, watercourse, or other work or, in the case of a drainage board, to make, alter or repair any bank in connection with any watercourse; or
- (b) any right of statutory undertakers for gas or water, electricity, railways, tramways, trolley vehicles, or light railways, to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus; or
- (c) any land belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour where the land is held by them for the purposes of their railway, canal, inland navigation, dock or harbour, except in so far as they may consent thereto; or
- (d) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture, storage or distribution of gas, the generation, transformation or distribution of electricity, or as a pumping station or reservoir for water, or for the purposes of waterworks, except in so far as the undertakers may consent thereto :

Provided that—

- (i) any restrictions in force under section one or section two of this Act as to the construction, formation or laying out of means of access to or from any road shall, without any such consent as aforesaid, extend to any such land as is specified in paragraph (c) or paragraph (d) of this section in so far as the restrictions relate to means of access over or under such land to or from land other than land so specified; and

- (ii) any consent required for the purposes of this section shall not be unreasonably withheld, and any question whether or not consent so required is unreasonably withheld shall be determined by the Minister after consultation with any other Government Department concerned; and the decision of the Minister shall be final.

(2) Nothing in this Act shall affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1926, and for the purposes of those Acts any underground parking place situate under a street which is provided and maintained under section sixty-eight of the Public Health Act, 1925, shall be deemed to be a subway within the meaning of section six of the Telegraph Act, 1878.

41 & 42 Vict  
c. 78.

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

Interpreta-  
tion.

“Agriculture” includes horticulture when carried on as a trade or business, and the use of land for any purpose of husbandry, whether as arable, meadow, pasture-ground or orchard, or for the keeping or breeding of livestock or poultry, or for the purpose of a plantation or a wood, or for the growth of saleable underwood; and “agricultural” has a corresponding meaning:

“Building” includes neither fences, gates, posts, masts, ornaments, or other similar structures or erections required for the purposes of agriculture or of any dwelling-house or garden occupied with a dwelling-house, nor greenhouses or summer-houses required in connection with any such garden, nor temporary tents or scaffolding required for any purpose, but save as aforesaid includes any structure or erection of whatsoever material and in whatsoever manner constructed, and any part of a building:

“Burial ground” means any churchyard, cemetery, or other ground, whether consecrated or not, set apart for the purpose of interment:

“Chief officer of police” has the same meaning as in the Police Pensions Act, 1921:

11 & 12  
Geo. 5. c. 31.

9 & 10  
Geo. 5. c. 50.

- “Classified road” means a road classified by the Minister under the Ministry of Transport Act, 1919, in Class I or Class II or any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929 :
- “Contravention”, in relation to any restriction or condition, includes any failure to comply with that restriction or condition :
- “Excavation”, in relation to any piece of land, does not include any workings which do not pierce the surface of that piece of land :
- “Land” includes land covered with water and any right in, over, or under land :
- “Means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes any street :
- “Middle of the road” means, in relation to any road for the improvement of which plans have been prepared by the highway authority with the approval of the Minister, the middle of the road as proposed to be improved in accordance with the plans, and in cases where no such plans have been prepared, the point half-way between the boundaries of the road :
- “Minister” means the Minister of Transport :
- “Owner” in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land :
- “Place of public resort” has the meaning assigned to it by subsection (6) of section thirty-six of the Public Health Acts Amendment Act, 1890 :
- “Planning authority” means, in relation to any land subject to a planning scheme or a resolution to prepare or adopt such a scheme, the authority having power to control the development or interim development of that land, and in paragraph (c) of subsection (1) of section three of this Act includes any tribunal or authority to whom an appeal lies from any

decision given by an authority having such power as aforesaid :

“ Planning scheme ” means a scheme under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or under any enactment repealed by either of those Acts : 15 & 16  
Geo. 5. c. 16.

“ Proposed road ” means land upon which in accordance with plans approved by the Minister a highway authority are for the time being constructing or intending to construct a highway or part of a highway shown in the plans which will be repairable by the inhabitants at large :

“ Railway company ” has the same meaning as in the Regulation of Railways Act, 1873 :

36 & 37 Vict.  
c. 48.

“ Road ” means a highway repairable by the inhabitants at large and includes any part of such a highway and any proposed road and any bridge over which such a highway passes or a proposed road is intended to pass :

“ Statutory undertakers ” means any persons authorised by any public, general, or local Act or order having the force of an Act to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, trolley vehicle, light railway, gas, electricity, water, or other public undertaking.

(2) For the purposes of this Act a person shall not be deemed to have constructed, formed, or laid out any means of access to or from a road by reason only of his having taken away, or omitted to maintain, any fence or gate.

(3) Except where the context otherwise requires, references in this Act to any enactment or to any provision of any enactment, shall be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

**25.** This Act shall apply to Scotland subject to the following modifications :— Application  
to Scotland.

- (1) the Secretary of State shall be substituted for the Minister of Health ;
- (2) for references to the Local Government Act, 1929, the Town Planning Act, 1925, and the Town

19 & 20  
Geo. 5. c. 25.  
15 & 16  
Geo. 5. c. 17.  
22 & 23  
Geo. 5. c. 49.

8 & 9 Vict.  
c. 19.

20 & 21  
Geo. 5. c. 43.

and Country Planning Act, 1932, and section thirty-four thereof, there shall be substituted respectively references to the Local Government (Scotland) Act, 1929, the Town Planning (Scotland) Act, 1925, and the Town and Country Planning (Scotland) Act, 1932, and section thirty-three thereof; for any reference to sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845; for any reference to section sixty-eight of the Public Health Act, 1925, there shall be substituted a reference to section one hundred and twenty of the Road Traffic Act, 1930; and for any reference to the county court there shall be substituted a reference to the sheriff;

- (3) the expression "highway authority" means in relation to any road the county or town council responsible for the maintenance and management thereof and any reference to a highway repairable by the inhabitants at large shall be construed as a reference to a road for the maintenance and management of which any such council is responsible; the expression "mortgagee" means heritable creditor; the expression "place of public resort" means a building used or proposed to be used as a place of public amusement or entertainment or for holding large numbers of people for any purpose whatsoever;
- (4) subsection (5) of section nine shall not apply;
- (5) subsection (1) of section eleven and subsection (4) of section seventeen shall have effect as if for the words "a court of summary jurisdiction for the petty sessional division in which" there were substituted the words "the sheriff within whose jurisdiction," and the references in the said subsections to appeals to quarter sessions shall be omitted therefrom;
- (6) section eleven and paragraph 2 of the Second Schedule shall have effect as if the word "summarily" were omitted;



- (7) section thirteen shall apply as if the reference to the provisions of the Local Government Act, 1933, therein mentioned, were omitted and the following provisions of the Town and Country Planning (Scotland) Act, 1932, viz.: Part III of the First Schedule, Part I of the Third Schedule (except paragraph 2 and sub-paragraph (iii) of paragraph 3), and paragraph 4 (except head (b) of sub-paragraph (i)) of Part II of that Schedule shall apply to a compulsory purchase order under the said section thirteen subject, however, to the following and any other necessary modifications :—

(i) for references to the Department of Health for Scotland and to the responsible authority there shall be substituted respectively references to the Minister and to the highway authority; and

(ii) anything which has to be prescribed shall be prescribed by the Minister;

- (8) nothing in section thirteen shall authorise the compulsory acquisition of any land which is the site of an ancient monument or other object of archaeological interest, and where any land proposed to be acquired by means of a compulsory purchase order under the said section is situate within such distance as may be prescribed by the Minister after consultation with the Commissioners of Works from any of the royal palaces or parks, the highway authority shall communicate with the Commissioners of Works and the Minister shall, before confirming the order, take into consideration any recommendation received from the Commissioners of Works with reference to the order;

- (9) Section sixteen shall have effect as if subsection (4) were omitted and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897, shall apply, in like manner as they apply to byelaws made under that Act, to regulations made under subsection (6) of section one hundred and twenty of the Road Traffic Act, 1930, with the substitution of the Secretary of State for the Board, and

60 & 61 Vict.  
c. 38.

any penalty under any such regulation shall be recoverable on conviction by a court of summary jurisdiction;

(10) Section seventeen shall have effect as if—

(a) the proviso to subsection (1) were omitted;

(b) in subsections (2), (3), and (5) the expression “owner” were substituted for the expression “occupier”;

(c) for subsection (6) the following subsection were substituted:—

“(6) In the event of the erection of a new building (being a building to which this section applies) without compliance with any condition in force under this section or in the event of any means of entrance or egress or accommodation provided in compliance with such a condition ceasing to be maintained by the owner or occupier in accordance with the requirements thereof, the owner or occupier, as the case may be, shall be guilty of an offence for which he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, where any person is convicted of such an offence, the court may, in lieu of or in addition to imposing a fine, order that the building in respect of which the offence was committed shall not be occupied or used until the conditions in force under this section are complied with”;

(d) subsection (7) were omitted;

(e) subsection (9) were omitted and the following subsections were inserted after subsection (8):—

“(9) In this section the expression ‘local authority’ means a county council, and the expression ‘the erection of a new building’ includes the operations specified in section twenty-three of the Public Health Acts Amendment Act, 1907, notwithstanding that that Act does not apply to Scotland.

(10) A dean of guild court and any body performing the functions of a dean of guild court may, except as provided in paragraph (a) or paragraph (b) of subsection (1) of this section, require, as a condition of their approval of the plans for the erection of a new building, which, if erected in accordance with the plans, would be a building to which this section applies, the provision and maintenance of such means of entrance and egress, and of such accommodation for the loading or unloading of vehicles, or picking up and setting down of passengers or the fuelling of vehicles, as may seem necessary to such court or body for preventing or limiting interference with traffic: Provided that any such court or body shall, as soon as may be after such plans as aforesaid are submitted to them, consult the highway authority or such officer of the highway authority as may be nominated by them for the purpose, and the chief officer of police for the district, and the power conferred by this subsection shall not be exercised except after such consultation as aforesaid ”;

- (11) section eighteen and section nineteen (except subsections (1) and (2) thereof) shall not apply ;  
 (12) for section twenty-one the following section shall be substituted :—

“ 21. The Minister may hold an inquiry in connection with any matter as to which he is authorised to act under this Act, and the provisions of subsections (1) and (3) of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any such inquiry as they apply to local inquiries held under that section, subject, however, to the following and any other necessary modifications :

52 & 53 Vict.  
c. 50.

(a) references to the Minister, and to a person appointed by the Minister shall be respectively substituted for references to

the Secretary for Scotland and to a person nominated by a writing under his hand;

(b) references to authorities concerned in the inquiry shall include references to parties to the inquiry;

(c) ' five guineas ' shall be substituted for ' three guineas ';

(d) the Minister may make orders as to the costs of the parties to the inquiry and to the parties by whom such costs shall be paid."

- (13) in the Second Schedule there shall be substituted for sub-paragraph (c) of paragraph 1, the following sub-paragraph :—

" (c) in the case of a resolution passed by a county council as respects a road in a small burgh, to be sent to the town council of the burgh; and in the case of a resolution passed by the town council of a small burgh, to be sent to the county council of the county in which the burgh is situated ";

- (14) the following paragraph shall be added after paragraph 2 of the Second Schedule :—

" 3. In this Schedule the expression ' small burgh ' has the like meaning as in the Local Government (Scotland) Act, 1929, and the expressions ' county council ' and ' county ' mean, respectively, in any case where two counties are combined for the purposes mentioned in subsection (7) of section ten of the said Act, the joint county council and the combined county ";

- (15) any question which, in pursuance of the Fourth Schedule is to be referred to arbitration shall be referred to a single arbiter to be mutually chosen or, failing agreement, appointed by any sheriff having jurisdiction, and the arbiter may, and if so required by any of the parties shall, state in the form of a special case for the opinion of the Court of Session any question of law arising in the course of the arbitration.

26.—(1) This Act may be cited as the Restriction of Ribbon Development Act, 1935. Short title  
and extent.

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

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## SCHEDULES.

### FIRST SCHEDULE.

Section 1.

#### STANDARD WIDTHS.

|           |           |
|-----------|-----------|
| 60 feet.  | 120 feet. |
| 80 feet.  | 140 feet. |
| 100 feet. | 160 feet. |

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### SECOND SCHEDULE.

Sections 1, 2,  
25.

#### ADVERTISEMENT AND NOTICE OF RESOLUTIONS.

1. As soon as practicable after the approval of the Minister has been given to any resolution passed by a highway authority for the purposes of section one or section two of this Act, the authority by whom the resolution was passed shall publish the approval by causing notice thereof—

- (a) to be advertised in two or more newspapers circulating in the locality in which the road to which the resolution relates is situated;
- (b) to be sent to any person whose name and address are for the time being entered in the register kept by the highway authority for the purpose in accordance with the provisions of this Act.
- (c) to be sent to the council of any county, county borough, or county district, (not being the council by whom the resolution was passed) in which is situated any land to which restrictions in force in consequence of the resolution will extend;
- (d) in the case of a resolution in consequence of which restrictions will extend to land subject to a planning scheme or subject to a resolution to prepare or adopt such a scheme, to be sent to the planning authority;

2ND SCH.  
—cont.

and every such notice shall be in a form approved by the Minister and shall describe the road to which the resolution relates and specify the places and times at which the plans deposited in accordance with the provisions of this Act may be inspected and shall set out the restrictions which come into force by reason of the approval of the resolution and specify the date on and from which they are in force.

2. In the case of any order made by the Minister under subsection (4) of section one of this Act which, in accordance with that subsection is deemed to be a resolution passed by a highway authority and approved by the Minister, the notices required by the foregoing provisions of this Schedule to be advertised and sent shall be advertised and sent by the Minister, and the amount of any expenses incurred by him in so doing shall be recoverable from that highway authority summarily as a civil debt.

Section 7.

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### THIRD SCHEDULE.

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#### ALTERATIONS AND EXTENSIONS TO WHICH CONSENT MAY BE WITHHELD OR MADE SUBJECT TO CONDITIONS IN THE CASE OF BUILDINGS ERECTED OR MADE BEFORE THE DATE ON WHICH RESTRICTIONS CAME INTO FORCE.

1. The re-erection, wholly or partially, of any building of which an outer wall is pulled down, otherwise than in consequence of fire or other accident, to such a distance that the part of that wall remaining, if any, is less than half the previous height of the building, the height being measured from the ground level to the highest point of the building.

2. The conversion into a dwelling-house of any building not originally constructed for human habitation.

3. The conversion of any premises into a factory, workshop, shop or place of public resort.

4. Any extension by reason whereof the area occupied by the site of the building will, with any previous extension made since the date on which the restrictions came into force, be increased by an area equal to more than one-eighth, or in the case of a building constructed for agricultural purposes one quarter, of that occupied by the site of the building before that date.

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## FOURTH SCHEDULE.

Sections 14,  
25.PROVISIONS OF THE BRIDGES ACT, 1929, APPLIED WITH  
MODIFICATIONS TO ORDERS FOR THE COMPULSORY  
ACQUISITION OF RIGHTS TO SUBSTITUTE BRIDGES FOR  
LEVEL CROSSINGS OVER RAILWAYS.

6.—(1) The expenses of the construction and maintenance of the bridge and the approaches thereto shall be paid either wholly by the highway authority, or partly by the highway authority and partly by the persons by whom the right is granted (hereinafter referred to as "the grantors"), as in default of agreement may be determined by arbitration :

Apportion-  
ment of  
costs.

Provided that, unless otherwise agreed—

- (a) any additional expense incurred by the grantors by reason of any alteration of the railway due to the provisions of the order, not being provisions applied for by the grantors for the improvement of their undertaking, shall be defrayed by the highway authority ;
- (b) except so far as any additional expense is due to works executed at the instance of the grantors for the improvement of their undertaking, the grantors' share of the expense of the construction or maintenance shall be an amount equivalent to the estimated saving to the grantors by reason of the substitution of the bridge for the level crossing.

7.—(2) Where under the foregoing provisions of this Schedule the grantors are required to contribute to the expenses of a highway authority, the contribution shall, at the option of the grantors, be either—

Arbitration,  
&c.

- (a) a lump sum ; or
- (b) an annual payment of such amount and continuing for such number of years as, in default of agreement, may be determined by arbitration ; or
- (c) an annual payment continuing indefinitely of such amount as, in default of agreement, may be determined by arbitration.

4TH SCH.  
—cont.

(3) Any such lump sum and so much of any such annual payment as represents capital shall be applied by the highway authority for the purposes for which capital money is applicable by them, and any question as to what part of any such annual payment represents capital shall be determined by the Minister of Health, whose decision shall be final.

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# TABLE II.

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A

TABLE

OF

THE TITLES OF THE MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH  
OF ENGLAND WHICH RECEIVED THE ROYAL  
ASSENT DURING THE SESSION.

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[25 & 26 GEORGE 5.]

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ROYAL ASSENT, 2ND AUGUST, 1935.

- No. 1.** A Measure to transfer the Diocese of Southwell from the Province of Canterbury to the Province of York. (*Diocese of Southwell (Transfer).*)
- No. 2.** A Measure to provide for the transfer to the Ecclesiastical Commissioners of so much of Farnham Castle as has been provided for an episcopal house of residence for the Bishopric of Guildford and for purposes connected therewith. (*Farnham Castle.*)



# M E A S U R E S

PASSED BY THE NATIONAL ASSEMBLY OF THE  
CHURCH OF ENGLAND WHICH RECEIVED  
THE ROYAL ASSENT DURING THE  
YEAR 1935.

25 & 26 GEO. 5.

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No. 1.

A MEASURE passed by the National Assembly  
of the Church of England.

To transfer the Diocese of Southwell from the  
Province of Canterbury to the Province of  
York. [2nd August 1935.]

**W**HEREAS it is expedient that the Diocese of  
Southwell shall be transferred from the Province of  
Canterbury to the Province of York and the Archbishops  
of Canterbury and York have consented to such transfer :

1. As from the commencement of this Measure the  
Diocese of Southwell shall cease to be part of the Province  
of Canterbury and shall become part of the Province of  
York, and the Bishopricks Act, 1878, shall take effect as  
if the word "York" were substituted for the word  
"Canterbury" in paragraph 5 of Part III of the  
Schedule thereto.

Diocese of  
Southwell  
to become  
part of  
Province of  
York.  
41 & 42 Vict.  
c. 68.

2.—(1) This Measure shall come into operation on  
the appointed day.

Commence-  
ment.

(2) The appointed day shall be such day within  
six calendar months after the passing of this Measure  
as the Archbishops of Canterbury and York by writing  
under their respective hands and archiepiscopal seals  
shall jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the "London Gazette."\*

Short title.

3. This Measure may be cited as the Diocese of Southwell (Transfer) Measure, 1935.

## No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To provide for the transfer to the Ecclesiastical Commissioners of so much of Farnham Castle as has been provided for an episcopal house of residence for the Bishopric of Guildford and for purposes connected therewith.

[2nd August 1935.]

Power to transfer "episcopal house of residence" to Ecclesiastical Commissioners.

1. Notwithstanding anything contained in the Diocese of Winchester (Division) Measure, 1923, or in the Scheme made thereunder dated the fifteenth day of April, nineteen hundred and twenty-six, and confirmed by His Majesty by Order in Council dated the thirtieth day of April, nineteen hundred and twenty-six, the Diocesan Board of Finance for the diocese of Guildford may convey to the Ecclesiastical Commissioners as part of the endowment of the bishopric of Guildford so much of Farnham Castle and of the garden and grounds thereof as for the purposes of the conveyance may be agreed upon by the Board and the Commissioners as forming a suitable residence for the Bishop of Guildford (in this Measure referred to as "the episcopal house of residence"), together with and subject to such rights and easements (if any) over or in favour of the property retained by the Board under the said Scheme as may be agreed between the Board and the Commissioners.

Effects of transfer.

2. As from the date of the conveyance referred to in the preceding section—

(i) the episcopal house of residence shall become the official house of residence of the bishopric of

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\* The day thus determined was October 25, 1935: see "London Gazette," Sept. 13, 1935, p. 5841.

Guildford, and the Board shall cease to be responsible for the maintenance, upkeep and insurance thereof;

- (ii) Section seven of the Ecclesiastical Commissioners Measure, 1926 (which empowers the Commissioners to contribute to the repair of certain episcopal houses), shall apply to the episcopal house of residence as if the same were included in the Schedule to that Measure;
- (iii) The words " Farnham Castle of the bishopric of Winchester or Guildford " in the Schedule to the Ecclesiastical Commissioners Measure, 1926, shall be repealed.

**3.** This Measure may be cited as the Farnham Castle Short title. Measure, 1935.





# TABLE III.

Showing the EFFECT of the LEGISLATION of the FOURTH  
SESSION of the THIRTY-SIXTH PARLIAMENT of the  
UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND.

(NOVEMBER 20, 1934—OCTOBER 25, 1935.)

## FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 25 & 26 GEO. 5.

| Session and Chapter.    | Short Title.                          | How affected.                                     | Chapter of 25 & 26 Geo. 5.   |
|-------------------------|---------------------------------------|---------------------------------------------------|------------------------------|
| 37 Hen. 8 :<br>c. 14 -  | Scarborough Pier                      | Repealed - - -                                    | lxi, sch. para. 19.          |
| 2 & 3 Anne :<br>c. 20 - | Queen Anne's Bounty.                  | S. 6 in part repealed -                           | 30, s. 5 (2), sch. 2.        |
| 6 Anne :<br>c. 41 -     | Succession to the Crown Act, 1707.    | Parliamentary disqualification modified.          | 38.                          |
| 8 Geo. 3 :<br>c. 37 -   | Droitwich Canals -                    | In part repealed - -                              | xxvi, s. 60 (4).             |
| 21 Geo. 3 :<br>c. 70 -  | East India Company Act, 1780.         | S. 18 repealed as obsolete                        | 42, ss. 301, 477-8, sch. 16. |
| 31 Geo. 3 :<br>c. 59 -  | Worcester Canal -                     | S. 56 repealed - - -                              | xxvi, s. 60 (4).             |
| 37 Geo. 3 :<br>c. 142 - | East India Act, 1797.                 | S. 12 repealed as obsolete                        | 42, ss. 301, 477-8, sch. 16. |
| 43 Geo. 3 :<br>c. 108 - | Gifts for Churches Act, 1803.         | S. 1 in part repealed -                           | 30, s. 5 (2), sch. 2.        |
| 45 Geo. 3 :<br>c. 89 -  | Bank Notes (Forgery) Act, 1805.       | Ss. 2, 6, 7 applied to foreign currency notes.    | 25, s. 5 (a).                |
| 48 Geo. 3 :<br>c. 110 - | Herring Fishery (Scotland) Act, 1808. | Functions transferable to Herring Industry Board. | 9, s. 11.                    |
| 54 Geo. 3 :<br>c. 170 - | Poor Relief Act, 1814.                | S. 11 repealed so far as not already repealed.    | 46, ss. 10 (4), 16, sch.     |

| Session and Chapter.                 | Short Title.                                      | How affected.                                                             | Chapter of 25 & 26 Geo. 5.                  |
|--------------------------------------|---------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------|
| 55 Geo. 3:<br>c. 94 -                | Herring Fishery (Scotland) Act, 1815.             | Functions transferable to Herring Industry Board.                         | 9, s. 11.                                   |
| c. 147 -                             | Glebe Exchange Act, 1815.                         | Ss. 5, 12-3, 17 repealed in part.                                         | 30, s. 5 (2), sch. 2.                       |
| 1 & 2 Geo. 4:<br>c. 79 -             | White Herring Fishery (Scotland) Act, 1821.       | Functions transferable to Herring Industry Board.                         | 9, s. 11.                                   |
| 5 Geo. 4:<br>c. 83 -                 | Vagrancy Act, 1824                                | S. 4 amended (E.) - -                                                     | 20.                                         |
| 11 Geo. 4 &<br>1 Will. 4:<br>c. 54 - | Fisheries (Scotland) Act, 1830.                   | Functions transferable to Herring Industry Board.                         | 9, s. 11.                                   |
| 3 & 4 Will. 4:<br>c. 74 -            | Fines and Recoveries Act, 1833.                   | S. 24 repealed (E.) - -                                                   | 30, ss. 5 (2), 8 (2), sch. 2.               |
| 4 & 5 Will. 4:<br>c. 24 -            | Supernannuation Act, 1834.                        | Ss. 12, 28 excluded, 12 explained.                                        | 23, ss. 4 (2), 13; and <i>see</i> s. 2 (3). |
| 1 & 2 Vict.:<br>c. 74 -              | Small Tenements Recovery Act, 1838.               | Schedule (Form 3) applied                                                 | 40, s. 10 (2).                              |
| 4 & 5 Vict.:<br>c. 20 -              | Excise Management Act, 1841.                      | S. 7 in part repealed (E.)                                                | 30, ss. 5 (2), 8 (2), sch. 2.               |
| c. 38 -                              | School Sites Act, 1841.                           | S. 5 amended (E.) - -                                                     | 30, ss. 5 (2), 8 (2), sch. 2.               |
| 5 & 6 Vict.:<br>c. 94 -              | Defence Act, 1842                                 | S. 19 proviso repealed with saving ( <i>see terms</i> ).                  | 26.                                         |
| 8 & 9 Vict.:<br>c. 18 -              | Lands Clauses Consolidation Act, 1845.            | Applied, ss. 128-32 excluded                                              | 40, ss. 15 (1), 71, sch. 2.                 |
| c. 19 -                              | Lands Clauses Consolidation (Scotland) Act, 1845. | Applied, ss. 120-5 excluded                                               | 41, s. 15 (1), sch. 2.                      |
|                                      |                                                   | Applicable, ss. 83-8 restricted.                                          | 47, ss. 13, 25 (2).                         |
| 10 & 11 Vict.:<br>c. 27 -            | Harbours, Docks and Piers Clauses Act, 1847.      | S. 28 (as incorporated, &c.) amended.                                     | 15, s. 4 (4).                               |
| 11 & 12 Vict.:<br>c. 43 -            | Summary Jurisdiction Act, 1848.                   | S. 2 applied - - -                                                        | 46, ss. 11 (2), 16 (3).                     |
| 12 & 13 Vict.:<br>c. 14 -            | Distress for Rates Act, 1849.                     | S. 2 amended - - -                                                        | 46, ss. 10, 11 (1) (b), 16 (3).             |
| 14 & 15 Vict.:<br>c. 26 -            | Herring Fishery Act, 1851.                        | Functions transferable to Herring Industry Board.                         | 9, s. 11.                                   |
| c. 93 -                              | Petty Sessions (Ireland) Act, 1851.               | S. 42 repealed, Act ( <i>see</i> 52 & 53 Vict. c. 63, s. 13 (9)) applied. | 24, s. 34, sch. 2, Part I.                  |



| Session and Chapter.      | Short Title.                            | How affected.                                                                                                            | Chapter of 25 & 26 Geo. 5.          |
|---------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 16 & 17Vict.:<br>c. 107 - | Customs Consolidation Act, 1853.        | S. 329 repealed (prosp.) -                                                                                               | 42, ss. 477-8, sch. 16.             |
| c. 137 -                  | Charitable Trusts Act, 1853.            | Applied - - -                                                                                                            | 11, s. 2 (3).                       |
| 20 & 21Vict.:<br>c. 71 -  | Lunacy (Scotland) Act, 1857.            | Criminal lunatic asylum not an asylum within Lunacy (S.) Acts.                                                           | 32, s. 1 (2).                       |
| 21 & 22Vict.:<br>c. 69 -  | Herring Fisheries (Scotland) Act, 1858. | Functions transferable to Herring Industry Board.                                                                        | 9, s. 11.                           |
| 22 Vict. :<br>c. 26 -     | Superannuation Act, 1859.               | Ss. 8 repealed, 9 amended, 2, 6, 10-1 modified, 6 explained.                                                             | 23, ss. 4 (2), 5, 7, 13.            |
| 22 & 23Vict.:<br>c. 20 -  | Military Savings Banks Act, 1859.       | Ss. 4, 6 excluded - -                                                                                                    | 11, s. 1 (1).                       |
| 23 & 24Vict.:<br>c. 89    | Superannuation Act, 1860.               | Repealed (prosp.) - -                                                                                                    | 42, ss. 477-8, sch. 16.             |
| c. 92 -                   | Herring Fisheries (Scotland) Act, 1860. | Functions transferable to Herring Industry Board.                                                                        | 9, s. 11.                           |
| 24 & 25Vict.:<br>c. 99 -  | Coinage Offences Act, 1861.             | Ss. 18-23 repealed, Act applied to foreign coin, ss. 1-11, 13-6, 24, 26-7 amended, penalties in ss. 7 and 8 substituted. | 25, ss. 3 (1) (2), 6 (5) (6), sch.  |
| 25 & 26Vict.:<br>c. 54 -  | Lunacy (Scotland) Act, 1862.            | Ss. 19, 22 repealed with saving (prosp.); references to Perth in s. 20 substituted.                                      | 32, s. 4 (4) (5); and see s. 1 (2). |
| 31 & 32Vict.:<br>c. 37 -  | Documentary Evidence Act, 1868.         | Extended to Herring Industry Board.<br>Extension by Post Office Act, 1908, amended.                                      | 9, s. 13 (2).<br>15, s. 12 (3).     |
| c. 100 -                  | Court of Session Act, 1868.             | S. 91 extended - - -                                                                                                     | 8, s. 76 (5).                       |
| 33 & 34Vict.:<br>c. 52 -  | Extradition Act, 1870.                  | Sch. 1 extended (coinage offences), s. 17 saved.                                                                         | 25, ss. 4, 6 (4)-(6).               |
| 35 & 36Vict.:<br>c. 65 -  | Bastardy Laws Amendment Act, 1872.      | S. 4 amended - - -                                                                                                       | 46, ss. 8, 16 (3).                  |
| 36 & 37Vict.:<br>c. 50 -  | Places of Worship Sites Act, 1873.      | Ss. 1, 3 amended - -                                                                                                     | 30, s. 5 (2), sch 2.                |

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| 39 & 40Vict.:<br>c. 36 -             | Customs Consolidation Act, 1876.                 | Ss. 186 (penalty) amended, 257 saved.<br>Ss. 30-1 applied - - -                                         | 24, ss. 15, 34 (1).<br>34, s. 7.            |
| 40 & 41Vict.:<br>c. 2 -              | Treasury Bills Act, 1877.                        | S. 6 excluded - - -                                                                                     | 4, s. 2 (2); 10, s. 3 (2); 28, s. 2 (2).    |
| c. 57 -                              | Supreme Court of Judicature (Ireland) Act, 1877. | Ss. 55 applied, 61, 76 extended.                                                                        | 21, ss. 2 (3) (5), 6 (3); and see s. 8 (2). |
| 41 & 42Vict.:<br>c. 68 -             | Bishoprics Act, 1878.                            | Sch. Part III, para. 5 "York" substituted for "Canterbury" by Measure 25 & 26 Geo. 5. No. 1.            |                                             |
| c. 76 -                              | Telegraph Act, 1878                              | S. 6 extended (subway) -                                                                                | 47, s. 23 (2).                              |
| 42 & 43Vict.:<br>c. 49 -             | Summary Jurisdiction Act, 1879.                  | Amended as to money payments, s. 22 extended (E.).                                                      | 46, s. 1 (2), &c.                           |
| 44 & 45Vict.:<br>c. 58 (as amended). | Army Act - - -                                   | Ss. 64 (3) (3A) and in part (4) substituted, 175 (10A) added, 163 (1) (b) amended.                      | 17, ss. 4-6.                                |
| 45 & 46Vict.:<br>c. 9 -              | Documentary Evidence Act, 1882.                  | Applied to Herring Industry Board.                                                                      | 9, s. 13 (2).                               |
| c. 50 -                              | Municipal Corporations Act, 1882.                | S. 111 and Part III of sch. 8 repealed.                                                                 | 40, ss. 98-9, schs. 6, 7.                   |
| c. 74 -                              | Post Office (Parcels) Act, 1882.                 | Ss. 14-5 extended, 14 (2) amended.                                                                      | 15, s. 3.                                   |
| c. 75 -                              | Married Women's Property Act, 1882.              | Ss. 1-5, 14-5 repealed, 6, 7, 11-3, 23 amended, 12 saved (E.).                                          | 30, ss. 1, 4, 5, 8 (2), schs. 1, 2.         |
| c. 78 -                              | Fishery Board (Scotland) Act, 1882.              | Functions of Board under Acts in sch. 1 transferable to Herring Industry Board.                         | 9, s. 11.                                   |
| 46 & 47Vict.:<br>c. 45 -             | Counterfeit Medal Act, 1883.                     | Applied (foreign medals) ss. 2, 3 amended.                                                              | 25, ss. 3 (3), 6 (5) (6), sch. Part II.     |
| 47 & 48Vict.:<br>c. 38 -             | Indian Marine Service Act, 1884.                 | Repealed (prosp.) - - -                                                                                 | 42, ss. 477-8, sch. 16                      |
| 49 & 50Vict.:<br>c. 22 -             | Metropolitan Police Act, 1886.                   | S. 3 extended - - -                                                                                     | 16, s. 1.                                   |
| 50 & 51Vict.:<br>c. 16 -             | National Debt and Local Loans Act, 1887.         | Ss. 8, new securities issuable, 8 (4) amended, 8 (3) (4) saved, 8 (6), 13 extended, 16, 17 (9) applied. | 24, ss. 28-9, 30 (5) (6).                   |
| c. 67 -                              | Superannuation Act, 1887.                        | Ss. 1 am. and extended, 6 (2) am., 1 (3) substituted, 3 excluded, rules under s. 6 revocable, &c.       | 23, ss. 3 (3), 11, 12 (2), 15               |

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| 51 & 52Vict.:<br>c. 2 -  | National Debt (Conversion) Act, 1888.           | S. 29 (repealed by S.I.R. Act, 1908) extended.                                                                                                       | 24, s. 29 (5).                               |
| 52 & 53Vict.:<br>c. 42 - | Revenue Act, 1889                               | Applied, s. 2 (3) (4) amended                                                                                                                        | 25, ss. 3 (4), 6 (5) (6), sch. Part III.     |
| c. 49 -                  | Arbitration Act, 1889.                          | Excluded save as applied by regulations.                                                                                                             | 8, s. 48 (2).                                |
| c. 50 -                  | Local Government (Scotland) Act, 1889.          | S. 93 (1) (3) applied as modified.                                                                                                                   | 47, s. 25 (12).                              |
| 54 & 55Vict.:<br>c. 38 - | Stamp Duties Management Act, 1891.              | Applied or applicable                                                                                                                                | 8, ss. 16 (2), 18 (2) (a).                   |
| c. 39 -                  | Stamp Act, 1891 -                               | S. 9 applicable                                                                                                                                      | 8, s. 16 (2).                                |
| c. 48 -                  | Purchase of Land (Ireland) Act, 1891.           | S. 28 (4) (5) repealed                                                                                                                               | 21, s. 2 (3).                                |
| c. 45 -                  | Turbary (Ireland) Act, 1891.                    | S. 4, powers transferred                                                                                                                             | 21, s. 3 (n).                                |
| c. 76 -                  | Public Health (London) Act, 1891.               | Ss. 108 extended, 101 applicable.                                                                                                                    | 40, ss. 11, 85 (3).                          |
| 55 & 56Vict.:<br>c. 48 - | Bank Act, 1892 -                                | S. 4 extended                                                                                                                                        | 24, s. 30 (6).                               |
| 56 & 57Vict.:<br>c. 12 - | Day Industrial Schools (Scotland) Act, 1893.    | S. 4 extended                                                                                                                                        | 8, s. 78 (2) (b).                            |
| c. 62 -                  | Madras and Bombay Armies Act, 1893.             | Repealed (prosp.)                                                                                                                                    | 42, ss. 477-8, sch. 16.                      |
| c. 63 -                  | Married Women's Property Act, 1893.             | S. 1 repealed (E.)                                                                                                                                   | 30, ss. 5 (2), 8 (2), sch. 2.                |
| c. 66 -                  | Rules Publication Act, 1893.                    | S. 1 excluded<br>Ss. 3 applied, 1 excluded                                                                                                           | 8, s. 105 (3) (4).<br>9, ss. 13 (1), 14 (2). |
| c. 69 -                  | Savings Bank Act, 1893.                         | S. 1 excluded<br>Sch. 1 ("Government Stock") extended.                                                                                               | 21, s. 12 (3).<br>24, s. 30 (6).             |
| c. 73 -                  | Local Government Act, 1894.                     | S. 63 applicable by order                                                                                                                            | 47, ss. 19 (4), 25 (11).                     |
| 57 & 58Vict.:<br>c. 30 - | Finance Act, 1894                               | S. 15 (1) amended                                                                                                                                    | 24, s. 33.                                   |
| c. 57 -                  | Diseases of Animals Act, 1894.                  | Amended and (except ss. 4, 24-5 and 27-8) applied to poultry, sch. 3, Part II, para. 5 in part repealed, s. 30 extended, sch. 3, Part II applicable. | 31, ss. 1-10, 18-9, sch. 2.                  |
| 58 & 59Vict.:<br>c. 39 - | Summary Jurisdiction (Married Women) Act, 1895. | S. 7 amended                                                                                                                                         | 46, s. 9.                                    |
| 59 & 60Vict.:<br>c. 2 -  | Army (Annual) Act, 1896.                        | S. 4 virtually repealed on repeal of 1893 Act.                                                                                                       | 42, ss. 477-8, sch. 16.                      |
| c. 55 -                  | Quarter Sessions (London) Act, 1896.            | S. 2. amended                                                                                                                                        | xxxiii, s. 66.                               |

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| 60 & 61 Vict.:<br>c. 38 - | Public Health (Scotland) Act, 1897.                             | Ss. 139, 140, 142 amended<br>Ss. 146 (1) extended, 147 amended.<br>Ss. 183-7, applied (parking places).                                                                                                                                                                                                                                                                                                                                                                                                                                          | 36.<br>41, s. 76 (2) (3).<br>47, ss. 16, 25 (9). |
| 62 & 63 Vict.:<br>c. 44 - | Small Dwellings Acquisition Act, 1899.                          | Amended (England)<br>Amended (Scotland)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 40, s. 92.<br>41, s. 83.                         |
| 1 Edw. 7:<br>c. 24 -      | Burgh Sewerage, Drainage and Water Supply (Scotland) Act, 1901. | S. 6 (1) repealed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 41, s. 88, sch. 6.                               |
| 2 Edw. 7:<br>c. 41 -      | Metropolis Water Act, 1902.                                     | Sch. 3 para. 9 (i) substituted<br>S. 24 (4) modified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | lxv.<br>lxxxiv, s. 66.                           |
| 3 Edw. 7:<br>c. 33 -      | Burgh Police (Scotland) Act, 1903.                              | Ss. 67-8 repealed (prosp.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 41, ss. 86 (1), 88, sch. 6, Part III.            |
| c. 37 -                   | Irish Land Act, 1903                                            | Ss. 20-2, 52 (15), powers transferred.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 21, ss. 3 (a) (b), 9 (6).                        |
| 4 Edw. 7:<br>c. 21 -      | Capital Expenditure (Money) Act, 1904.                          | Extended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 14, s. 1 (4).                                    |
| 7 Edw. 7:<br>c. 18 -      | Married Women's Property Act, 1907.                             | S. 3 repealed in part (E.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 30, ss. 5 (2), 8 (2), sch. 2.                    |
| c. 27 -                   | Advertisements Regulation Act, 1907.                            | Saved                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 47, s. 3 (4).                                    |
| c. 53 -                   | Public Health Acts Amendment Act, 1907.                         | S. 23 extended and applied to Scotland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 47, ss. 17 (9), 25 (10) (e).                     |
| 8 Edw. 7:<br>c. 48 -      | Post Office Act, 1908.                                          | S. 65 applicable<br>Ss. 2 (1) (c), 8 (1), 9, 24 (1) provisos (a) (b), 30 (2) (a) (3), 35, 37, 46 (4), 65 (4), 68 (1) (2), sch. 1 repealed;<br>s. 46 (1) substituted; ss. 2 (1) (d), 4, 15-7, 22, 24 (1) and (c), 27-32, 34 (1)-(3) (5) (6), 36 (a), 42, 47 (3), 50 (b), 51, 57, 61 (1), 63 (1), 64 (1), 65, 67 (1), 71 (4), 76, 84-7, 89, 90 (b) amended; 24 (2), 65 (2) (3), 66 (1) (2) applied, 27-32, 34, 51 applied to air mail; 2 (2), 12, 31, 47, 67 (1), 82 extended; 30 (1) restricted; 45-7 "land" and 65 "fictitious stamp" explained. | 8, s. 16 (2).<br>15.                             |
| c. 63 -                   | Education (Scotland) Act, 1908.                                 | S. 4—see                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 8, s. 83 (2) (b).                                |

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| 8 Edw. 7 :<br>c. 65 -               | Summary Jurisdiction (Scotland) Act, 1908.        | S. 44 amended (forged bank notes).                                                      | 25, s. 5 (1).                              |
| 9 Edw. 7 :<br>c. 10 -               | Superannuation Act, 1909.                         | Ss. 1 (2), 2 (2) amended, 1 (2), 2 modified, 1-2 applied to women.                      | 23, ss. 1 (1), 4 (2) (3), 6, 14 (1).       |
| c. 43 -                             | Revenue Act, 1909                                 | S. 1 (1) (2) amended                                                                    | 24, ss. 16, 35 (6) (7), sch. 2, Part II.   |
| c. 47 -                             | Development and Road Improvement Funds Act, 1909. | S. 8 and Part II extended                                                               | 47, ss. 19 (2), 25 (11).                   |
| 10 Edw. 7 &<br>1 Geo. 5 :<br>c. 8 - | Finance (1909-10) Act, 1910.                      | Sch. 1 scale 3 amended, liquor licence duty restricted.                                 | 24, ss. 12-3, 35 (6) (7), sch. 2, Part II. |
| 1 & 2 Geo. 5:<br>c. 11 -            | Poultry Act, 1911                                 | Repealed except as to N.I.                                                              | 31, ss. 5 (4), 19, sch. 2.                 |
| c. 26 -                             | Telephone Transfer Act, 1911.                     | S. 5 (audit) extended                                                                   | 14, s. 1 (5).                              |
| c. 46 -                             | Copyright Act, 1911                               | S. 16 (4) amended (E.)                                                                  | 30, ss. 5 (2), 8 (2), sch. 2.              |
| 3 & 4 Geo. 5:<br>c. 9 -             | Herring Fishery (Branding) Act, 1913.             | Functions transferable to Herring Industry Board.                                       | 9, s. 11.                                  |
| c. 11 -                             | Post Office Act, 1913.                            | S. 1 amended                                                                            | 15, ss. 13, 16 (2), schs. 1, 2.            |
| c. 20 -                             | Bankruptcy (Scotland) Act, 1913.                  | S. 118 (1) (e) amended                                                                  | 8, s. 20 (2).                              |
| c. 27 -                             | Forgery Act, 1913                                 | Extended, s. 16 (2) excluded.                                                           | 25, ss. 1, 2, 5, 6 (5) (6).                |
| c. 28 -                             | Mental Deficiency Act, 1913.                      | Officers' superannuation                                                                | 23, s. 10.                                 |
| 4 & 5 Geo. 5:<br>c. 58 -            | Criminal Justice Administration Act, 1914.        | Ss. 1 (3) repealed, 1 (1), 30 (3) amended, 12-3 saved.                                  | 46, ss. 5 (4), 7, 9, 15 (b), 16, sch.      |
| c. 59 -                             | Bankruptcy Act, 1914.                             | S. 33 (1) (e) amended - Ss. 125 and in part 52 repealed.                                | 8, s. 20 (2).<br>30, s. 5 (2), sch. 2.     |
| c. 86 -                             | Superannuation Act, 1914.                         | Ss. 1, 4 "approved employment" applied, s. 2 applied to women.                          | 23, ss. 1 (1) (3), 8 (4).                  |
| 5 & 6 Geo. 5:<br>c. 61 -            | Government of India Act, 1915.                    | Repealed (prosp.); Act, as amended, in part continued till establishment of Federation. | 42, ss. 317, 477-8, schs. 9, 16.           |
| c. 62 -                             | Finance Act, 1915                                 | S. 3 amended                                                                            | 24, s. 13 (4).                             |
| 6 & 7 Geo. 5:<br>c. 11 -            | Finance (New Duties) Act, 1916.                   | S. 1, new rates of entertainments duty.                                                 | 24, s. 1, sch. 1.                          |
| c. 37 -                             | Government of India (Amtd.) Act, 1916.            | Repealed except ss. 6 and 8 (prosp.)                                                    | 42, ss. 477-8, sch. 16.                    |

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| 6 & 7 Geo. 5:<br>c. 50 - | Larceny Act, 1916                                                     | S. 36 (1) amended (E.) -                                                                                                            | 30, ss. 5, 8 (2),<br>schs. 1, 2.                                                                                                                                                          |
| 7 & 8 Geo. 5:<br>—       | Air Force Act -                                                       | Ss. 64 (3) (3A) and in part<br>(4) substituted, 175 (10A)<br>added, 84 (1), 88 (1) (4),<br>89, 90 (3), 146, 163 (1) (b)<br>amended. | 17, ss. 4-9, sch.<br>2.                                                                                                                                                                   |
| 8 & 9 Geo. 5:<br>c. 40 - | Income Tax Act,<br>1918.                                              | S. 32 (3) (f) added, Sch. D<br>Rule 3 of Rules applicable<br>to Cases I and II excluded.                                            | 24, ss. 23, 25.                                                                                                                                                                           |
| c. 48 -                  | Education (Scot-<br>land) Act, 1918.                                  | S. 15 (8) extended - - -                                                                                                            | 8, s. 78 (2) (b).                                                                                                                                                                         |
| 9 & 10 Geo. 5:<br>c. 2 - | Re-election of Mini-<br>sters Act, 1919.                              | S. 2 extended - - -                                                                                                                 | 38, s. 1 (b).                                                                                                                                                                             |
| c. 17 -                  | Education (Scot-<br>land)<br>(Super-<br>annuation) Act,<br>1919.      | Allowances increased - - -                                                                                                          | 35, ss. 1, 2.                                                                                                                                                                             |
| c. 35 -                  | Housing, Town<br>Planning, &c.<br>Act, 1919.                          | Provisions as to Exchequer<br>contributions, &c. (E.) -                                                                             | 40, ss. 40 (2), 48-<br>50, 95 (2), 97<br>(1), sch. 4.                                                                                                                                     |
| c. 37 -                  | War Loan Act, 1919                                                    | S. 1 (1) extended - - -                                                                                                             | 7, s. 4 (4); 24, ss.<br>27 (2), 30 (2).                                                                                                                                                   |
| c. 57 -                  | Acquisition of Land<br>(Assessment of<br>Compensation)<br>Act, 1919.  | Applied - - - -<br><br>Applied, s. 2 (2)-(6) ex-<br>cluded and (1) modified.                                                        | 15, ss. 5 (2),<br>15 (1) (b) (2)<br>(3).<br>(E.) 40, ss. 15, 60<br>(4), 91 (6) (7),<br>sch. 2; (S.) 41,<br>ss. 15, 17 (3),<br>54 (3), 82 (6)<br>(a) (7), 87 (i),<br>schs. 2, 5 Part<br>I. |
| c. 60 -                  | Housing, Town<br>Planning, &c.<br>(Scotland) Act,<br>1919.            | S. 43 (2) (d)-(g) (j) (k) and<br>in part (h) repealed.                                                                              | 41, s. 88, sch. 6;<br>and see ss. 37<br>(2), 46, 86 (1),<br>sch. 3.                                                                                                                       |
| c. 67 -                  | Superannuation<br>(Prison Officers)<br>Act, 1919.                     | Ss. 1 (1) (b) modified, 1 ex-<br>tended.                                                                                            | 23, ss. 4 (3), 10.                                                                                                                                                                        |
| c. 82 -                  | Irish Land (Provi-<br>sion for Sailors<br>and Soldiers) Act,<br>1919. | S. 2, functions transferred                                                                                                         | 21, s. 3 (f); and<br>see s. 7 (2).                                                                                                                                                        |
| c. 91 -                  | Ministry of Agri-<br>culture and Fish-<br>eries Act, 1919.            | Part I extended to Scotland<br>(retrospectively), s. 11 (2)<br>amended.                                                             | 31, s. 17.                                                                                                                                                                                |
| c. 101 -                 | Government of<br>India Act, 1919.                                     | Repealed except preamble<br>and s. 47 (1) (citation)<br>(prosp.).                                                                   | 42, ss. 477-8,<br>sch. 16.                                                                                                                                                                |

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| 10&11Geo.5:<br>c. 17             | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | S. 12 (1) (g) amended                                                                                                                                                                                   | 13.                                                                            |
|                                  |                                                                  | Excluded, saved, &c.                                                                                                                                                                                    | (E.) 40, ss. 9 (1) (2), 54 (2), 61 (f); (S.) 41, ss. 8, 50 (2), 55 (c).        |
| c. 18                            | Finance Act, 1920                                                | Sch. 2 paras. 3 (c) 5 (c) (iv) (as amended in 1933) repealed, ss. 18 (1) (as amended), 21 (1), sch. 2 paras. 3 (b), 4 (a) (b), amended, paras. 5 (3) (c) amended and extended, 5 extended and excluded. | 24, ss. 3 (1) (2), 4, 20-1, 35, sch. 2.                                        |
| c. 30                            | Unemployment Insurance Act, 1920.                                | Repealed                                                                                                                                                                                                | 8, ss. 115-6, sch. 7; and see ss. 73 (1), 84 (7), 96 (4).                      |
| c. 67                            | Government of Ireland Act, 1920.                                 | Ss. 9 (3) (land purchase) amended, 32(3) extended.<br>S. 55 (2) affected<br>S. 4 (legislative powers) amended.                                                                                          | 21, ss. 1 (3), 11 (4), 15 (3) (4), sch. 2.<br>23, s. 18 (2).<br>31, s. 19 (4). |
| 11&12Geo.5:<br>c. 1              | Unemployment Insurance Act, 1921.                                | Repealed                                                                                                                                                                                                | 8, ss. 115-6, sch. 7; and see s. 60 (1).                                       |
| c. 15                            | Unemployment Insurance (No. 2) Act, 1921.                        | Repealed                                                                                                                                                                                                | 8, ss. 115-6, sch. 7.                                                          |
| c. 19                            | Housing Act, 1921                                                | S. 5 repealed (E.)                                                                                                                                                                                      | 40, s. 99, sch. 7.                                                             |
| c. 51                            | Education Act, 1921                                              | Ss. 107 repealed, 118 modified, 45 applied.                                                                                                                                                             | 8, ss. 78 (2) (a) (i), 81 (5), 116, sch. 7; and see s. 83 (1).                 |
| 12&13Geo.5:<br>c. 7              | Unemployment Insurance Act, 1922.                                | Repealed                                                                                                                                                                                                | 8, ss. 115-6, sch. 7.                                                          |
| c. 20                            | Indian High Courts Act, 1922.                                    | Repealed (prosp.)                                                                                                                                                                                       | 42, ss. 477-8, sch. 16.                                                        |
| 13 Geo. 5.<br>(sess. 2):<br>c. 5 | Importation of Animals Act, 1922 (session 2).                    | Applied to poultry (except s. 2), s. 6 amended as applied, s. 5 repealed (G.B.).                                                                                                                        | 31, ss. 1, 4 (2) (3), 19 (2)-(4), sch. 2.                                      |
| 13&14Geo.5:<br>c. 2              | Unemployment Insurance Act, 1923.                                | Repealed                                                                                                                                                                                                | 8, ss. 81 (6), 116, sch. 7.                                                    |
| c. 14                            | Finance Act, 1923                                                | Ss. 13 (4) repealed, 28 continued.                                                                                                                                                                      | 24, ss. 24, 34 (5) (6), sch. 2.                                                |
| c. 16                            | Salmon and Freshwater Fisheries Act, 1923.                       | Ss. 87 repealed, 37, 38 (1) amended, 38 (1) (f), 38 (4) added, 37 extended.                                                                                                                             | 43.                                                                            |

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| 13&14Geo.5:<br>c. 24 - | Housing, &c., Act, 1923.                           | Ss. 1 (1) in part, 6 (3), 22 (b) repealed, 6 (1) amended (E.).<br>Ss. 1 (1) in part, 6 (1) in part, 22 (b), 23 (18) repealed (S.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 40, s. 99, sch. 7; and <i>see</i> s. 40 (2), sch. 4.<br>41, s. 88, sch. 6, Parts I and II; and <i>see</i> ss. 37 (2), 47 (3), 86 (1), sch. 3. |
| c. 32 -                | Rent and Mortgage Interest Restrictions Act, 1923. | S. 2 excluded - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (E.) 40, s. 9 (2) (and <i>see</i> s. 54 (2)); (S.) 41, s. 8 (4) (and <i>see</i> s. 50 (2)).                                                   |
| 14&15Geo.5:<br>c. 24 - | Isle of Man (Customs) Act, 1924.                   | S. 4 continued - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 34, s. 3.                                                                                                                                     |
| c. 28 -                | Government of India (Leave of Absence) Act, 1924.  | Repealed (prosp.) - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 42, ss. 477-8, sch. 16.                                                                                                                       |
| c. 30 -                | Unemployment Insurance (No. 2) Act, 1924.          | Repealed - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 8, s. 116, sch. 7.                                                                                                                            |
| c. 35 -                | Housing (Financial Provisions) Act, 1924.          | Ss. 3 (1) repealed, 2 (1) (5), 14 (1) repealed in part, 8 amended (E.).<br>Ss. 2 (1) in part and 3 (1) repealed, 8 amended (S.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 40, ss. 52 (1), 97 (1), 98-9, schs. 5-7.<br>41, ss. 48 (1), 86 (1), 87 (ii), 88, schs. 4-6.                                                   |
| c. 38 -                | National Health Insurance Act, 1924.               | Certificates under s. 2 applicable, s. 89 applied.<br>Ss. 65 (3), 112 (1) repealed; 13 (4A), 17 (2) (iii), 71 (1) (aa), 89 (1A) (1B), sch. 1 Part II para. (nn) added; ss. 15 (4), 20 (1) (d) substituted; in s. 3 new subss. (1)-(7) substituted for subss. (1) (1A) (2)-(5) (5A) and (6), and subss. (6A)-(9) renumbered; ss. 14 (5) (a) (b), 16 (1) (a) (2), 17 (2) (b) (4), 24 (7) (b) (c), 41 (3), 56 (1) (2), 62 (1), 65 (2), 68 (2), 70 (2), 71 (1) (a) (c) (d), 75 (1A), 89 (1) (a), 96 (2), 97 (2), 114 (4), sch. 1, Part I paras. (e) (k) and Part II para. (e) amended; ss. 61 (3), 97 (2), 108 (2) applied; 1, 54 excluded; s. 89 extended. | 8, s. 5 (2) (4); <i>see also</i> ss. 13, 30 (1), 68.<br>44, ss. 1-15, 22-3, 24 (2), sch. 1.                                                   |
| 15&16Geo.5:<br>c. 12 - | British Sugar (Subsidy) Act, 1925.                 | Extended, s. 1 (1) amended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 37.                                                                                                                                           |



| Session and Chapter.   | Short Title.                                           | How affected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Chapter of 25 & 26 Geo. 5.                                                                                                                                                                   |
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| 15&16Geo.5:<br>c. 14 - | Housing Act, 1925                                      | Ss. 103-5, 116 applied -<br>Ss. 6 (1) (a) repealed (prosp.); 46 (1) proviso, 58 (2), 78 (1), 95, 110, 113, 121 (2), 126 and in part 135 repealed, ss. 32 (6), 57 (1) (d), 58 (1) (b), 90 (5), 121 (1) (c) (d), sch. 4 para. 1 (b) substituted; in s. 6 subss. (3)-(6) substituted for subs. (3); ss. 6 (1) (k), 6 (1A), 64 (2), 90 (2A), 127 (d) added, 1 (4), 2 (2), 5, 6 (1), 18, 57 (1), 58 (3), 59 (1) (c), 64, 67 (2), 70 (3) (c), 89, 90 (3) (4) (b) (c), 92 (4), 103 (3), 106 (3) and references to public utility societies amended; s. 92 (3) explained; ss. 29, 31, 127 applied; ss. 41, 70, 84, 106 (1) (2), 107 extended; Part III extended and modified; s. 80 excluded. | 1, s. 4 (2), sch. 3, Part I.<br>40, ss. 6 (3), 15 (4), 16 (1) (2), 20, 23, 26, 29, 61 (a) (b), 62 (2), 68-70, 72-3, 74 (1) (2), 75-7, 84 (2), 97 (1), 98-9, schs. 6, 7.                      |
| c. 15 -                | Housing (Scotland) Act, 1925.                          | Ss. 86-8, 96 applied -<br>Ss. 37 (1) proviso, 44 (2), 59 (a)-(c) (e) (f), 77, 91, 94, 108 repealed; 2 (2), 5, 44 (3), 54 (2), 119 repealed in part, 59, 60 prosp. repealed, 44 (1) proviso, 51 (2), 73 (2A), 89 (1A), 109 (d) added, 43 (1) (d), 44 (1) (b), 73 (5), sch. 4, para. 1 (b) substituted; ss. 32 (1) (2), 51, 57 (2) (c), 72 (2) (b), 73 (3) (4) (b) (c), 75 (3) (4), 89 (2), 101 (2), 112 amended; Part III and ss. 57, 68, 96 (2) extended; 23, 25, 32, 89 (1), 109, 112 applied; certain references substituted.                                                                                                                                                       | 1, s. 4 (2), 6 (b), sch. 3, Part I.<br>41, ss. 7 (3), 15 (4), 16 (1) (2), 20-1, 25, 28, 55 (a)-(c), 56 (2), 63-9, 79 (2), 86 (1), 87-8, schs. 5, 6, Parts I and III; and see ss. 46, 61 (1). |
| c. 30 -                | Importation of Pedigree Animals Act, 1925.             | S. 1 (3) repealed - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 31, s. 19, sch. 2.                                                                                                                                                                           |
| c. 34 -                | Northern Ireland Land Act, 1925.                       | Ss. 26-7, 33, powers, &c., transferred.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 21, ss. 2, 3 (a) (d), 4 (b), 5, 7 (5), 14 (1), 15 (2).                                                                                                                                       |
| c. 36 -                | Finance Act, 1925                                      | S. 3 (1) restricted (educational film).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 24, s. 7.                                                                                                                                                                                    |
| c. 49 -                | Supreme Court of Judicature (Consolidation) Act, 1925. | Ss. 16 (2a), 192 (2), 198A added, 4 (1) (ii), 6 (3) (4), 11 (1) (a), 16 (3) amended, 190 (1) (2), 191 (1) explained.<br>Sch. 3 Part IV para. 4 amended.<br>S. 194 (1) substituted -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2.<br>23, s. 14 (2).<br>30, s. 5 (1), sch 1.                                                                                                                                                 |

| Session and Chapter. | Short Title.                                                   | How affected.                                                                                                                                                                              | Chapter of 25 & 26 Geo. 5.                               |
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| 15&16Geo.5:<br>c. 52 | Advertisements Regulation Act, 1925.                           | Saved - - - -                                                                                                                                                                              | 47, s. 3 (4).                                            |
| c. 56                | Isle of Man (Customs) Act, 1925.                               | Ss. 5-7 continued, educational film &c. exempted.                                                                                                                                          | 34, ss. 3, 4.                                            |
| c. 59                | Teachers (Superannuation) Act, 1925.                           | Allowances under s. 3 (3)(a) or scheme under s. 21 (1) (b) (c) increased.                                                                                                                  | 35, s. 1.                                                |
| c. 60                | Therapeutic Substances Act, 1925.                              | As to veterinary therapeutic substances, see                                                                                                                                               | 31, ss. 11 (2), 19 (4).                                  |
| c. 68                | Roads Improvement Act, 1925.                                   | S. 1 amended - - -                                                                                                                                                                         | 47, s. 13 (4).                                           |
| c. 69                | Unemployment Insurance Act, 1925.                              | Repealed - - - -                                                                                                                                                                           | 8, s. 116, sch. 7.                                       |
| c. 70                | Widows', Orphans' and Old Age Contributory Pensions Act, 1925. | Ss. 39 repealed, 10 (1), 15 (7), 37 (1), 44 (1) (8) repealed in part.<br>Ss. 1 (2), 18 (d), 19 (1) (b) substituted, 1 (1) (a) (b), 28 (4), 30 (1) (b), 33 (1), 35 (2), 43 (2) (3) amended. | 8, s. 116, sch. 7.<br>44, ss. 16-21, 23, 24 (2), sch. 2. |
| c. 71                | Public Health Act, 1925.                                       | S. 68 extended, 68 (6) amended.                                                                                                                                                            | 47, ss. 16, 19 (5), 25 (9); and see s. 20 (2).           |
| c. 83                | Government of India (Civil Services) Act, 1925.                | Repealed (prosp.) - -                                                                                                                                                                      | 42, ss. 477-8, sch. 16.                                  |
| c. 86                | Criminal Justice Act, 1925.                                    | S. 34 as to Postmaster-General repealed.                                                                                                                                                   | 15, s. 16, sch. 2.                                       |
| c. 90                | Rating and Valuation Act, 1925.                                | S. 2 (3) (b) repealed -                                                                                                                                                                    | 46, ss. 10 (4), 16, sch.                                 |
| 16&17Geo.5:<br>c. 9  | Economy (Miscellaneous Provisions) Act, 1926.                  | S. 18 repealed - - -<br>S. 13 (3) modified - -                                                                                                                                             | 7, s. 7.<br>45, s. 1.                                    |
| c. 22                | Finance Act, 1926                                              | S. 33 extended - - -                                                                                                                                                                       | 24, s. 25 (6).                                           |
| c. 27                | Isle of Man (Customs) Act, 1926.                               | Ss. 6, 8 (1) continued -                                                                                                                                                                   | 34, s. 3.                                                |
| c. 47                | Rating (Scotland) Act, 1926.                                   | Sch. 2 applied with modifications.                                                                                                                                                         | 41, s. 24 (3).                                           |
| c. 51                | Electricity (Supply) Act, 1926.                                | Powers of Cent. Elect. Bd. extended, ss. 11-2 am., sch. 4 applied.                                                                                                                         | 3.                                                       |
| c. 52                | Small Holdings and Allotments Act, 1926.                       | Ss. 1, 2 (special areas provisions).                                                                                                                                                       | 1, ss. 5 (1), 8 (3).                                     |
| c. 56                | Housing (Rural Workers) Act, 1926.                             | Extended, ss. 4 (2A) added, 2 (2) (c) (5) (a), 3 (1) (b) amended, 3 excluded (England).<br>Extended, ss. 2 (2) (c) (5) (a), 3 (1) (b) amended, 3 excluded (Scotland).                      | 40, ss. 37-9, 52 (2).<br>41, ss. 34-6, 48 (2).           |
| 17&18Geo.5:<br>c. 8  | Government of India (Indian Navy) Act, 1927.                   | Repealed except ss. 2 and 4 (1) (prosp.).                                                                                                                                                  | 42, ss. 477-8, sch. 16.                                  |
| c. 10                | Finance Act, 1927                                              | S. 40 applied and amended                                                                                                                                                                  | 24, ss. 19 (3), 20-2.                                    |

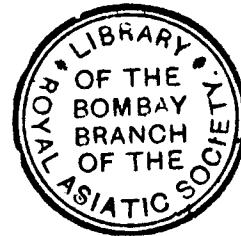
| Session and Chapter. | Short Title.                                                   | How affected.                                                                                          | Chapter of 25 & 26 Geo. 5.                        |
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| 17&18Geo.5:          |                                                                |                                                                                                        |                                                   |
| c. 13 -              | Diseases of Animals Act, 1927.                                 | Applied (except s. 3) to poultry.                                                                      | 31, ss. 1, 4 (2), 19 (4), &c.                     |
| c. 20 -              | Isle of Man (Customs) Act, 1927.                               | Ss. 1, 11-2 continued                                                                                  | 34, s. 3.                                         |
| c. 24 -              | Government of India (Statutory Commission) Act, 1927.          | Repealed (prosp.)                                                                                      | 42, ss. 477-8, sch. 16.                           |
| c. 30 -              | Unemployment Insurance Act, 1927.                              | Repealed                                                                                               | 8, s. 116, sch. 7; and <i>see</i> s. 111 (1) (a). |
| 18&19Geo.5:          |                                                                |                                                                                                        |                                                   |
| c. 14 -              | National Health Insurance Act, 1928.                           | Ss. 1 in part superseded, 12 (2), 16 (1) amended.                                                      | 44, ss. 1, 15 (1), 24 (2), sch. 1.                |
| c. 17 -              | Finance Act, 1928                                              | Ss. 22 repealed, 2 (3) (re-bate) and 23 (4) restricted.                                                | 24, ss. 2, 27 (2), 34 (5) (6), sch. 2.            |
| c. 24 -              | Northern Ireland (Miscellaneous Provisions) Act, 1928.         | S. 4 (3) amended                                                                                       | 21, s. 11 (2).                                    |
| c. 30 -              | Educational Endowments (Scotland) Act, 1928.                   | Prolonged, ss. 4 (1) (a) substituted, 3 (1) (d) added, 20-2, 25, 40 amended, 1 (2) extended, 41 saved. | 5.                                                |
| c. 38 -              | Isle of Man (Customs) Act, 1928.                               | S. 14 continued                                                                                        | 34, s. 3.                                         |
| 19&20Geo.5:          |                                                                |                                                                                                        |                                                   |
| c. 14 -              | Northern Ireland Land Act, 1929.                               | S. 4 (2), powers transferred                                                                           | 21, ss. 3 (a), 14 (1).                            |
| c. 17 -              | Local Government Act, 1929.                                    | Sch. 3 para. 1 (1) extended<br>Ss. 32-3 extended                                                       | 31, s. 10 (2).<br>47, ss. 18, 19 (3).             |
| c. 23 -              | Companies Act, 1929.                                           | Ss. 78, 264, 298 extended<br>Applied, s. 135 (3)-(5) applied.                                          | 8, s. 20 (1).<br>45, s. 1.                        |
| c. 25 -              | Local Government (Scotland) Act, 1929.                         | S. 7 (1) (i) applied, audit provisions applicable.                                                     | 41, ss. 23 (2) (f), 24 (3).                       |
| c. 33 -              | Bridges Act, 1929                                              | Ss. 6, 7 applied as modified                                                                           | 47, s. 14 (2) (5), sch. 4.                        |
| 20&21Geo.5:          |                                                                |                                                                                                        |                                                   |
| c. 1 -               | Isle of Man (Customs) Act, 1929.                               | Ss. 2, 3 continued                                                                                     | 34, s. 3.                                         |
| c. 2 -               | Government of India (Aden) Act, 1929.                          | Repealed (prosp.)                                                                                      | 42, ss. 477-8, sch. 16.                           |
| c. 3 -               | Unemployment Insurance Act, 1929.                              | Repealed                                                                                               | 8, s. 116, sch. 7.                                |
| c. 10 -              | Widows', Orphans' and Old Age Contributory Pensions Act, 1929. | Ss. 26 amended, 7, 10 superseded.                                                                      | 44, ss. 16 (2) -(4), 21 (1), 24 (2), sch. 2.      |
| c. 16 -              | Unemployment Insurance Act, 1930.                              | Repealed                                                                                               | 8, s. 116, sch. 7; and <i>see</i> s. 112.         |
| c. 17 -              | Poor Law Act, 1930                                             | S. 14 (4) amended                                                                                      | 30, s. 5 (2), sch. 2.                             |
| c. 20 -              | Land Drainage (Scotland) Act, 1930.                            | Ss. 5 extended, 11 (2) amended.                                                                        | 19.                                               |
| c. 28 -              | Finance Act, 1930                                              | S. 25 (2) in part repealed                                                                             | 24, s. 34 (5) (6), sch. 2.                        |

| Session and Chapter.       | Short Title.                  | How affected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Chapter of 25 & 26 Geo. 5.                                                                                                                                                                                                                                        |
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| 20 & 21 Geo. 5:<br>c. 39 - | Housing Act, 1930             | <p>Ss. 7 (1), 8 (1) (iii) (3), 16 (2) proviso, 16 (4) proviso, 16 (9), 25 (2), 26 (6), 27-30, 34 (4), 45, 46 (a), 48 (2), 54 (5), 55 repealed; ss. 26 (1) (2) (4), 34 (1) (2), 44 (1) repealed in part; s. 20, sch. 2 Part I para. 3 (b) and para. 5 (ii) (c) substituted; ss. 19 (1A), 22 (1) (f), 41 (2), sch. 2 Part I para. 2 (v), sch. 3 Part II para. 6 added; ss. 2 (3), 4, 5 (1), 16 (3) (5) (ii) (iii), 19 (3), 21 (1) (2), 22 (2), 23 (2) (3), 26 (1) (2) (4), 34 (1) (2), 40-1, 44 (1), 51 (1) (2), 59 (1), 60 (1) (b), 62 (1) (3), 70 (3) (c), sch. 2 Part II, sch. 3 Part II, paras. 1, 3, and refs. to public utility societies and to "this or the principal Act" amended; ss. 2 (4) (5), 21 (3), 22, 39, 40, 59, sch. 3 Part II applied; Parts I and II, ss. 2 (5), 5, 11 (3)-(5), 13-4, 26, 34, 70, sch. 3 Part II excluded.</p> <p>S. 44 (1) as to s. 3 (1) of 1924 Act repealed (S.)<sup>4</sup></p> | <p>40, ss. 1 (3), 16 (3) (4), 17 (1) (3), 19, 26, 27 (6), 29 (1) (2), 35, 36 (7), 49 (2), 52 (1), 54 (1), 55 (4), 56 (1), 60 (1) (3) (4), 61 (c)-(f), 62 (1), 65 (b), 66-7, 79 (2), 80-1, 82 (3), 83 (1) (2), 84 (1) (3), 86-91, 97 (1) (3), 98-9, schs. 5-7.</p> |
| c. 40 -                    | Housing (Scotland) Act, 1930. | <p>Ss. 2 (3), 6 (1), 10 (3), 23 (7), 25-6, 32-3, 38, 39 (5), 40, 43, 50 (4), sch. 3 Part I repealed; ss. 12 (4), 23 (1) (4) (5), 24, 27 (2), 36 (2), 49 (1), sch. 1 para. 3 (b), sch. 2 Part I para. 4 (b) repealed in part; s. 7 (1) (iv) (3) prosp. repealed; s. 20 (1) (iii), sch. 2 Part I para. 2 (iv), sch. 3 Part II para. 6 added; ss. 12 (2) (4) (i) (ii), 13 (2), 37, sch. 1, para. 2, sch. 2, Part I para. 3 and provisos (i) (ii) to para. 5, sch. 3 Part II para. 1 substituted; ss. 4 (1), 12 (3) (4), 14 (1), 16 (1) (3) (4), 19 (2), 23 (3) (ii), 27 (3), 28, 31, 45, 49 (1), sch. 1, sch. 2, Parts I and II, sch. 3 Part II para. 3 and references to public utility societies and to "this or the principal Act" amended; Parts I and II, ss. 11 (3)-(5), 12 (2), 13, 20, 23 (1), 27 (1) (3), 29, sch. 3, Part II applied or extended; ss. 2 (4), 19 (1)</p>                                          | <p>41, ss. 48 (1), 88, schs. 4, 6.</p> <p>41, ss. 16 (3) (4), 17 (1), 19, 25, 32, 33 (9), 48 (1), 50 (1), 54-5, 56 (1), 59 (2), 60, 62 (1), 70 (2), 71-5, 76 (1), 77-8, 82 (7), 86 (1) (2), 87-8, schs. 4-6; and see ss. 33 (1), 46, 61.</p>                      |

| Session and Chapter.                  | Short Title.                                                   | How affected.                                                                                                       | Chapter of 25 & 26 Geo. 5.                                                                |
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| 20&21Geo.5:<br>c. 40—<br><i>cont.</i> | Housing (Scotland) Act, 1930— <i>cont.</i>                     | restricted; Part I excluded; certain references substituted.                                                        |                                                                                           |
| c. 42                                 | Isle of Man (Customs) Act, 1930.                               | S. 2 continued                                                                                                      | 34, s. 3.                                                                                 |
| c. 43                                 | Road Traffic Act, 1930.                                        | S. 120 extended (S.)                                                                                                | 47, ss. 16, 25 (2) (9).                                                                   |
| 21&22Geo.5:<br>c. 22                  | Housing (Rural Workers) Amendment Act, 1931.                   | Superseded on further amdt. of 1926 Act.                                                                            | (E.) 40, s. 37 (1) (2); (S.) 41, s. 34 (1) (2).                                           |
| c. 36                                 | Unemployment Insurance (No. 3) Act, 1931.                      | Repealed                                                                                                            | 8, s. 116, sch. 7                                                                         |
| c. 39                                 | Housing (Rural Authorities) Act, 1931.                         | S. 1 (1) in part and (7) repealed.                                                                                  | (E.) 40, ss. 52 (1), 97 (1), 99, schs. 5, 7; (S.) 41, ss. 48 (1), 86 (1), 88, schs. 4, 6. |
| c. 42                                 | Agricultural Marketing Act, 1931.                              | Ss. 9, 16 applied as modified                                                                                       | 9, ss. 4, 5, sch. 2.                                                                      |
| c. 48                                 | National Economy Act, 1931.                                    | Orders as to teachers' superannuation— <i>see</i>                                                                   | 35.                                                                                       |
| c. 49                                 | Finance (No. 2) Act, 1931.                                     | S. 8, sch. 2 amended                                                                                                | 24, ss. 1 (2), 20-2, 35 (6) (7), sch. 2, Part II.                                         |
| 22&23Geo.5:<br>c. 5                   | Educational Endowments (Scotland) Act, 1931.                   | 1928 Act further prolonged                                                                                          | 5, s. 1 (1).                                                                              |
| c. 8                                  | Import Duties Act, 1932.                                       | S. 15 (1) (2), sch. 1 "Soya beans" repealed, ss. 15 (3) (4), 16, 19 (1) (3)-(5) applied.                            | 24, ss. 9, 10 (6), 11 (3), 35 (6) (7), sch. 2 Part II.                                    |
| c. 16                                 | Isle of Man (Customs) Act, 1932.                               | Ss. 7, 8 and in sch. 1 "Soya beans" repealed, s. 19 continued.                                                      | 34, ss. 2, 3, 9, sch.                                                                     |
| c. 30                                 | Irish Free State (Special Duties) Act, 1932.                   | S. 2 (value of articles) superseded.                                                                                | 24, s. 10.                                                                                |
| c. 41                                 | Isle of Man (Customs) (No. 2) Act, 1932.                       | Ss. 7-9 continued                                                                                                   | 34, s. 3.                                                                                 |
| c. 48                                 | Town and Country Planning Act, 1932.                           | Planning authorities and restriction of ribbon development.                                                         | 47, ss. 7 (2), 8, 24 (1).                                                                 |
| c. 49                                 | Town and Country Planning (Scotland) Act, 1932.                | Planning authorities and restriction of ribbon development; sch. 1 Part III, sch. 3 Parts I in part and II applied. | 47, ss. 7 (2), 8, 24 (1), 25 (2) (7).                                                     |
| c. 52                                 | National Health Insurance and Contributory Pensions Act, 1932. | Ss. 9 repealed, 7 (1) amended, 1 (1) (6) and in part 4 (1) virtually repealed.                                      | 44, ss. 1 (1), 11 (1) (6) (7), 20 (3).                                                    |
| c. 53                                 | Ottawa Agreements Act, 1932.                                   | S.1 extended, 1 (2) excluded<br>Isle of Man provisions                                                              | 24, s. 8.<br>34, s. 1.                                                                    |

| Session and Chapter.  | Short Title.                                                | How affected.                                                                                                                                                                                                                                                                                              | Chapter of 25 & 26 Geo. 5.                                                         |
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| 23&24(Geo.5):<br>c. 9 | Assurance Companies (Winding up) Act, 1933.                 | Ss. 3 (2) repealed, 2 substituted, 3 (3) amended.                                                                                                                                                                                                                                                          | 45.                                                                                |
| c. 14                 | London Passenger Transport Act, 1933.                       | Ss. 39 (1) (b), 80 (16) amended, Act in part applied, &c.                                                                                                                                                                                                                                                  | cx, ss. 10 (2), 11 (2), 51, 68 (2) (b), 77 (14), 80 (2), 81-2, 86 (1) (3), 88, 90. |
| c. 16                 | Housing (Financial Provisions) (Scotland) Act, 1933.        | Excluded, &c. - - -<br>S. 1 (1) in part and (2) repealed.                                                                                                                                                                                                                                                  | cxviii.<br>41, ss. 48 (1), 86 (1), 88, schs. 4, 6.                                 |
| c. 19                 | Finance Act, 1933.                                          | S. 12 and in part Parts I and III of sch. 7 repealed.                                                                                                                                                                                                                                                      | 24, ss. 3, 35 (6) (7), sch. 2 Part II.                                             |
| c. 23                 | Government of India (Amendment) Act, 1933.                  | Repealed (prosp.) - - -                                                                                                                                                                                                                                                                                    | 42, ss. 477-8, sch. 16.                                                            |
| c. 32                 | Rent and Mortgage Interest Restrictions (Amndt.) Act, 1933. | S. 13 amended - - -<br>S. 3 (2) extended (E.) - - -<br>S. 3 (2) extended (S.) - - -                                                                                                                                                                                                                        | 13.<br>40, s. 54 (2).<br>41, s. 50 (2).                                            |
| c. 36                 | Administration of Justice (Misc. Provisions) Act, 1933.     | Sch. 1 in part repealed (India) (prosp.).                                                                                                                                                                                                                                                                  | 42, ss. 477-8, sch. 16.                                                            |
| c. 40                 | Isle of Man (Customs) Act, 1933.                            | S. 18, sch. 5 Part II para. 2 repealed, sch. 3 Part V para. 8 am., ss. 9-10 applied, 1, 3-5, 8, 19 continued.                                                                                                                                                                                              | 34, ss. 1, 3, 5, 9, sch.                                                           |
| c. 41                 | Administration of Justice (Scotland) Act, 1933.             | S. 16 (j) extended - - -                                                                                                                                                                                                                                                                                   | 8, s. 84 (6).                                                                      |
| c. 51                 | Local Government Act, 1933.                                 | Ss. 108, 150, sch. 4 extended, references in sch. 8 substituted.<br>Ss. 161-2, 174-5, 179 (a), 290 (2)-(5) applied, Act applicable to London by order.                                                                                                                                                     | 40, ss. 11, 25 (3), 98, sch. 6.<br>47, ss. 13 (1), 20 (2), 21.                     |
| 24&25Geo.5:<br>c. 14  | Arbitration Act, 1934.                                      | Excluded save as applied by regulations.<br>Applicable by regs. - - -                                                                                                                                                                                                                                      | 8, s. 48 (2).<br>44, ss. 15 (2), 21 (2).                                           |
| c. 29                 | Unemployment Act, 1934.                                     | Supplementary allowances provided, Order under s. 63 as to 2nd appointed day cancelled.<br>Part I with schs. 1-5 ("Unemployment Act, 1934"), and s. 58, repealed, s. 42 (2) saved as modified.<br>S. 45 (2) amended; temporary provisions on postponement of 2nd appointed day.<br>S. 51 rules saved - - - | 6.<br>8, ss. 76 (1), 81 (6), 116, sch. 7; and see s. 111.<br>22.<br>23, s. 9 (2).  |

| Session and Chapter.   | Short Title.                                      | How affected.                                                   | Chapter of 25 & 26 Geo. 5.                             |
|------------------------|---------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------|
| 24&25Geo.5:<br>c. 32 - | Finance Act, 1934                                 | S. 15 repealed . . . .                                          | 24, s. 34 (5) (6),<br>sch. 2.                          |
| c. 46 -                | Isle of Man (Customs) Act, 1934.                  | S. 6, sch. continued -                                          | 34, s. 5.                                              |
| c. 53 -                | County Courts Act, 1934.                          | S. 75 (Crown proceedings) saved.                                | 15, s. 11 (1).                                         |
| c. 54 -                | Cattle Industry (Emergency Provisions) Act, 1934. | Ss. 2 (1), 3 (1) amended -<br>Ss. 2 (1), 3 (1) further amended. | 12, s. 1; and see S.R. & O. 1935 No. 622.<br>39, s. 1. |
| 25&26Geo.5:<br>c. 8 -  | Unemployment Insurance Act, 1935.                 | S. 75 (4) extended - -                                          | 33.                                                    |
| c. 24 -                | Finance Act, 1935                                 | S. 7 extended, power as under s. 11 conferred as in U.K.        | 34, ss. 4, 8.                                          |







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  - Northern Ireland Land Purchase (Winding Up) Act (c. 21, s. 10 (1) ). p. 203.
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**HOUSE OF COMMONS.** *See* below. *See also* PARLIAMENT.

**HOUSE OF COMMONS DISQUALIFICATION (DECLARATION OF LAW) ACT:** to declare that there may be two Parliamentary Under Secretaries to Secy. of State for Foreign Affairs without disqualification and as to Ministers without charge of public department. Ch. 38. p. 380.

**HOUSING ACT:** for the abatement and prevention of overcrowding, the re-development of urban areas in connection with the provision of housing accommodation therein, and the reconditioning of buildings; for establishing a housing advisory committee and commissions for the management of local authorities' houses; to amend the enactments as to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts, to amend the enactments relating to housing, &c. (E.) Ch. 40. p. 382.

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**HOUSING (SCOTLAND) ACT:** for the prevention of overcrowding in Scotland, the re-development of areas in connection with the provision of housing accommodation, and the re-conditioning of buildings; for establishing in Scotland a housing advisory committee and commissions for the management of local authorities' houses; to amend the enactments relating to the housing operations of public utility societies and other bodies; to provide for the consolidation of housing accounts and subsidies, and to amend the enactments relating to housing in Scotland, &c. (S.) Ch. 41. p. 482.

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