





The Law School

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1936-37







1936-37

THE  
PUBLIC GENERAL ACTS

Passed in  
The First Year of the Reign of His Majesty

*King Edward the Eighth*

And the First Year of the Reign of His Majesty

*King George the Sixth*

Being the Second Session of the Thirty-seventh  
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 an Index



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# TABLE I.

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A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL  
ACTS

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

(NOVEMBER 3, 1936—OCTOBER 22, 1937.)

1 EDWARD 8. & 1 GEORGE 6.—A.D. 1936—37.

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ROYAL ASSENT, 3RD DECEMBER, 1936.

1. An Act to prohibit the discharge in or transhipment for Spanish territory of weapons and munitions of war and other articles from certain ships, to prohibit the carriage in such ships of such articles consigned to or destined for Spanish territory, and for purposes connected therewith. (*Merchant Shipping (Carriage of Munitions to Spain).*)

ROYAL ASSENT, 11TH DECEMBER, 1936.

2. An Act to amend the Eleventh Schedule to the Local Government Act, 1929, and to make provision for meeting certain liabilities of the Railway Freight Rebates Fund in respect of the period beginning with the first day of April, nineteen hundred and thirty-one, and ending with the thirty-first day of December, nineteen hundred and thirty-six. (*Railway Freight Rebates.*)
3. An Act to give effect to His Majesty's declaration of abdication; and for purposes connected therewith. (*His Majesty's Declaration of Abdication.*)

## ROYAL ASSENT, 18TH DECEMBER, 1936.

4. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)
5. An Act to provide that the Minister of Transport shall be the highway authority for the principal roads in Great Britain which constitute the national system of routes for through traffic; to make consequential amendments in the law relating to highways; and for purposes connected with the matters aforesaid. (*Trunk Roads.*)
6. An Act to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military or similar character; and to make further provision for the preservation of public order on the occasion of public processions and meetings and in public places. (*Public Order.*)

## ROYAL ASSENT, 18TH FEBRUARY, 1937.

7. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven. (*Consolidated Fund (No. 1.)*)
8. An act to provide for charging duties of customs on beef and veal and on extracts and essences of beef or veal, and for purposes connected with the matter aforesaid. (*Beef and Veal Customs Duties.*)
9. An Act to explain and amend sections two hundred and ninety-two and two hundred and ninety-three of the Government of India Act, 1935, and sections one hundred and forty-eight and one hundred and forty-nine of the Government of Burma Act, 1935. (*India and Burma (Existing Laws.)*)
10. An Act to extend, until the thirty-first day of March nineteen hundred and thirty-seven, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935; to provide for the adjustments of such grants between local authorities; and to amend section forty-five of the Unemployment Assistance Act, 1934. (*Unemployment Assistance (Temporary Provisions) (Amendment).*)
11. An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. (*Public Works Loans.*)
12. An Act to consolidate the provisions of the Firearms Acts, 1920 to 1936, relating to firearms, imitation firearms and other weapons and to ammunition. (*Firearms.*)

## ROYAL ASSENT, 19TH MARCH, 1937.

13. An Act to provide money for the defence services, and for purposes connected therewith. (*Defence Loans.*)
14. An Act to authorise the Secretary of State to borrow in sterling on behalf of the Governor-General of India in Council during the period with respect to which Part XIII of the Government of India Act, 1935, applies; to repeal and reproduce with modifications and adaptations enactments relating to certain financial obligations of the Secretary of State in Council of India, and otherwise to amend the law in relation to certain of those obligations; and for purposes connected with the matters aforesaid. (*East India Loans.*)
15. An Act to enable effect to be given to Article twenty-eight of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith. (*Geneva Convention.*)
16. An Act to make provision for a Regency in the event of the Sovereign being on His Accession under the age of eighteen years, and in the event of the incapacity of the Sovereign through illness, and for the performance of certain of the royal functions in the name and on behalf of the Sovereign in certain other events; to repeal the Lords Justices Act, 1837; and for purposes connected with the matters aforesaid. (*Regency.*)
17. An Act to amend section one of the Reserve Forces and Militia Act, 1898, by extending the period of liability to be called out on permanent service thereunder. (*Reserve Forces.*)
18. An Act to amend the Empire Settlement Act, 1922. (*Empire Settlement.*)
19. An Act to amend the law relating to merchant shipping for the purpose of enabling effect to be given to an international agreement for establishing a system of observation of the Spanish frontiers. (*Merchant Shipping (Spanish Frontiers Observation).*)

## ROYAL ASSENT, 25TH MARCH, 1937.

20. 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-six, one thousand nine hundred and thirty-seven, and one thousand nine hundred and thirty-eight. (*Consolidated Fund (No. 2).*)

21. An Act to extend by twelve months the period in respect of which subsidies are payable under Part I of the British Shipping (Assistance) Act, 1935, as amended by the British Shipping (Continuance of Subsidy) Act, 1936, and to provide for the payment of such subsidies and of the expenses of the Board of Trade under the said Part I, in respect of the year nineteen hundred and thirty-seven, out of moneys provided by Parliament. (*British Shipping (Continuance of Subsidy).*)
22. An Act to amend Part VI of the Local Government Act, 1929; and to repeal section forty-five of the Unemployment Assistance Act, 1934, and the proviso to paragraph (c) of subsection (2) of section nine of the Rating and Valuation Act, 1925. (*Local Government (Financial Provisions).*)
23. An Act to make further provision as to the submergence of load lines and as to the life-saving appliances of fishing boats. (*Merchant Shipping.*)
24. An Act to amend the description of the persons with whom arrangements may be made under the National Health Insurance Act, 1936, for the dispensing of medicines. (*National Health Insurance Act (Amendment).*)

## ROYAL ASSENT, 29TH APRIL, 1937.

25. An Act to lower the age at which the period of compulsory education begins in the case of deaf children. (*Education (Deaf Children).*)
26. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force (Annual).*)

## ROYAL ASSENT, 6TH MAY, 1937.

27. An Act to authorise an increase in the amount of certain payments by County Councils to the County Councils Association. (*County Councils Association Expenses (Amendment).*)
28. An Act to make provision for the acquisition and construction by local authorities of harbours, piers, ferries and boatslips in Scotland, for the construction of new works connected therewith, and for the fixing and revision of dues thereat, and at certain inland navigation undertakings, and for other purposes relating to the matters aforesaid. (*Harbours, Piers and Ferries (Scotland).*)
29. An Act to amend Part III of the Local Government (Scotland) Act, 1929, and to repeal, so far as relating to Scotland, section forty-five of the Unemployment Assistance Act, 1934. (*Local Government (Financial Provisions) (Scotland).*)

- 30.** An Act to make further provision with respect to maternity services in Scotland, to amend the Midwives (Scotland) Act, 1915, and to provide for the combination of local authorities for certain purposes under the Notification of Births (Extension) Act, 1915. (*Maternity Services (Scotland).*)
- 31.** An Act to continue until the thirty-first day of March, nineteen hundred and thirty-nine, the Special Areas (Development and Improvement) Act, 1934, and to enable further assistance to be given to the areas specified in the First Schedule to that Act, and to certain other areas. (*Special Areas (Amendment).*)

## ROYAL ASSENT, 10TH JUNE, 1937.

- 32.** An Act to make provision for the honour and dignity of the Crown and the Royal Family, and for the payment of certain allowances and pensions; to enable His Majesty to assent to arrangements on behalf of any son of His Majesty being Duke of Cornwall for the payment of certain sums out of the revenues of the Duchy during the minority of the said Duke; and for purposes connected with the matters aforesaid. (*Civil List.*)
- 33.** An Act to prevent the spreading of disease among salmon and freshwater fish in Great Britain. (*Diseases of Fish.*)
- 34.** An Act to amend the law with respect to valuations of sheep stock in Scotland. (*Sheep Stocks Valuation (Scotland).*)

## ROYAL ASSENT, 1ST JULY, 1937.

- 35.** An Act to make further provision as to the amount of the salaries payable in respect of certain offices; and to make consequential amendments in the enactments relating thereto. (*Statutory Salaries.*)
- 36.** An Act to make provision for the payment of the travelling expenses incurred by persons in discharging their duties in connection with assessment and other committees. (*Local Government (Members' Travelling Expenses).*)
- 37.** An Act to consolidate in their application to Scotland certain enactments relating to persons under the age of eighteen years. (*Children and Young Persons (Scotland).*) .

38. An Act to regulate the salaries payable in respect of certain Administrative Offices of State; to provide for the payment of additional salaries to members of the Cabinet holding offices at salaries less than five thousand pounds a year, of a salary to any person being Prime Minister, of pensions to persons who have been Prime Minister, and of a salary to any person being Leader of the Opposition; to simplify the law as to the capacity of persons holding offices of profit to sit and vote in Parliament; and for purposes connected with the matters aforesaid. (*Ministers of the Crown.*)
39. An Act to extend the classes of persons who can become insured as voluntary contributors for the purposes of widows', orphans' and old age contributory pensions, and otherwise to amend, in relation to voluntary contributors and women engaged in certain excepted employments, the enactments relating to such pensions and to health insurance, to amend section thirty of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, and section four of the Northern Ireland (Miscellaneous Provisions) Act, 1932, and for purposes connected with the matters aforesaid. (*Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors).*)
40. An Act to amend the law with respect to the discharge of trade effluents into public sewers of local authorities. (*Public Health (Drainage of Trade Premises).*)

## ROYAL ASSENT, 6TH JULY, 1937.

41. An Act to increase to five hundred and fifty million pounds the aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund. (*Exchange Equalisation Account.*)
42. An Act to amend the law with respect to the exportation of horses; and for purposes connected therewith. (*Exportation of Horses.*)
43. An Act to make better provision for the preservation, care and custody of the Public Records of Scotland, and for the discharge of the duties of Principal Extractor of the Court of Session. (*Public Records (Scotland).*)
44. An Act to provide that motor vehicles used under certain conditions are not to be deemed to be stage or express carriages or vehicles carrying passengers for hire or reward at separate fares, and to amend section three of the Road and Rail Traffic Act, 1933. (*Road Traffic.*)

45. An Act to regulate the fumigation of premises and articles with hydrogen cyanide; and for purposes connected with the matters aforesaid. (*Hydrogen Cyanide (Fumigation).*)

## ROYAL ASSENT, 13TH JULY, 1937.

46. An Act to provide for the development of facilities for, and the encouragement of, physical training and recreation, and to facilitate the establishment of centres for social activities. (*Physical Training and Recreation.*)
47. An Act to amend the Teachers (Superannuation) Acts, 1918 to 1935, and to provide for amendment of the Superannuation Scheme framed under the Education (Scotland) (Superannuation) Acts, 1919 to 1935, so as to permit allocation of part of a teacher's or educational organiser's superannuation benefits to a spouse or dependant, and to make further and better provision for the payment of contributions when service is discontinued; to extend paragraphs (b) and (c) of subsection (1) of section twenty-one of the Teachers (Superannuation) Act, 1925, to educational organisers; and for purposes connected with the matters aforesaid. (*Teachers (Superannuation).*)
48. An Act to control the sale in Scotland of methylated spirits or surgical spirit and of methylated spirits in admixture; and for other purposes connected therewith. (*Methylated Spirits (Sale by Retail) (Scotland).*)
49. An Act to amend the law relating to trade marks. (*Trade Marks (Amendment).*)

## ROYAL ASSENT, 20TH JULY, 1937.

50. An Act to make provision for the development and better organisation of the livestock industry and industries connected therewith; for paying a subsidy to producers of fat cattle; for regulating the importation of livestock and meat, the holding of livestock markets and the slaughtering of livestock; and for purposes connected with the matters aforesaid. (*Livestock Industry.*)
51. An Act to provide for raising further money for the development of the postal, telegraphic, and telephonic systems, and for raising money for the purpose of repaying to the Post Office Fund moneys applied thereout for such development. (*Post Office and Telegraph (Money).*)

52. An Act to make provision with respect to the term of office of persons holding the office of chairman of traffic commissioners, of traffic commissioner for the metropolitan traffic area, of chairman of the appeal tribunal established by section fifteen of the Road and Rail Traffic Act, 1933, or of President of the Railway Rates Tribunal, and with respect to the application to such persons of the Superannuation Acts. (*Chairman of Traffic Commissioners, &c., (Tenure of Office).*)
53. An Act to provide for the Regulation of Wages of Workers in Agriculture in Scotland, and for purposes incidental thereto. (*Agricultural Wages (Regulation) (Scotland).*)

## ROYAL ASSENT, 30TH JULY, 1937.

54. 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.*)
55. 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-eight, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)
56. An Act to make provision for the ascertainment and registration of particulars as to proprietary interests in unworked coal and mines of coal and in certain associated minerals, property and rights in land, and for purposes connected therewith. (*Coal (Registration of Ownership).*)
57. An Act to amend the law relating to marriage and divorce. (*Matrimonial Causes.*)
58. An Act to amend the law with respect to the determination by justices of disputes in matters of matrimony, bastardy and the guardianship of infants and other similar matters; to extend the duties of probation officers; and for purposes connected therewith. (*Summary Procedure (Domestic Proceedings).*)
59. An Act to prohibit the exhibition or distribution of cinematograph films in connection with the production of which suffering may have been caused to animals; and for purposes connected therewith. (*Cinematograph Films (Animals).*)
60. An Act to extend further the duration of certain temporary provisions contained in the Rating and Valuation Act, 1928. (*Rating and Valuation.*)



61. An Act to amend and consolidate the Overseas Trade Acts, 1920 to 1934. (*Export Guarantees.*)
62. An Act to amend the law relating to the employment of boys underground in coal mines. (*Coal Mines (Employment of Boys).*)
63. An Act to remit any sums which have become or may become payable to the Exchequer under section three of the Royal Niger Company Act, 1899, and to extinguish the liability for the payment of such sums. (*Nigeria (Remission of Payments).*)
64. An Act to amend the law with respect to customs in the Isle of Man. (*Isle of Man (Customs).*)
65. An Act to enable effect to be given to a Treaty signed in London on behalf of His Majesty and certain other Powers. (*London Naval Treaty.*)
66. An Act to extend, with amendments, certain temporary provisions of the Milk Acts, 1934 and 1936, and otherwise to amend the said Acts. (*Milk (Amendment).*)
67. An Act to consolidate, with amendments, the Factory and Workshop Acts, 1901 to 1929, and other enactments relating to factories; and for purposes connected with the purposes aforesaid. (*Factories.*)
68. An Act to make further and better provision with respect to the payment of superannuation allowances and gratuities by local authorities and certain statutory undertakers, and with respect to the persons entitled to participate in the benefits of a local authority's superannuation fund or scheme, and for purposes connected with the matters aforesaid. (*Local Government Superannuation.*)
69. An Act to make further and better provision with respect to the payment of superannuation allowances and gratuities by local authorities and certain statutory undertakers in Scotland, and with respect to the persons entitled to participate in the benefits of a local authority's superannuation fund or scheme, and for purposes connected with the matters aforesaid. (*Local Government Superannuation (Scotland).*)
70. An Act to assist farmers to increase the fertility of their land; to provide for securing farmers against any substantial fall in the price of oats and barley, and to raise the limit of the quantity of wheat in respect of which deficiency payments under the Wheat Act, 1932, may be made at the full rate; to make further grants for land drainage; to promote the eradication of diseases of animals and poultry, and with that object to establish a national service of veterinary inspectors; and for purposes connected with the matters aforesaid. (*Agriculture.*)



THE  
PUBLIC GENERAL STATUTES.

[1 EDW. 8. & 1 GEO. 6.]

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**CHAPTER 1.**

An Act to prohibit the discharge in or transshipment for Spanish territory of weapons and munitions of war and other articles from certain ships, to prohibit the carriage in such ships of such articles consigned to or destined for Spanish territory, and for purposes connected therewith.  
[3rd December 1936.]

**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.—(1) No article to which this Act applies shall be discharged at any port or place in Spanish territory or within the territorial waters adjacent thereto from a ship to which this Act applies, and no such article shall be transhipped on the high seas from any such ship into any vessel bound for any such port or place, and no such article consigned to or destined for any such port or place shall be taken on board or carried in any such ship.

Prohibition of the discharge in and transshipment for Spanish territory of munitions of war from certain ships.

(2) The articles to which this Act applies are—

(a) all articles which were on the twenty-third day of November, nineteen hundred and thirty-six, prohibited to be exported from the United Kingdom by an Order in Council made by virtue of section eight of the Customs and Inland Revenue Act, 1879, and section seventeen of the Finance Act, 1921 (which relate to weapons and munitions of war and other articles); and

42 & 43 Vict. c. 21.  
11 & 12 Geo. 5. c. 32.

A

- (b) all articles which may after the passing of this Act be prohibited to be so exported by any such Order in Council and to which this Act is declared by that Order to apply.
- (3) The ships to which this Act applies are—
- (a) all British ships, except ships registered—
- (i) in any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State; or
- (ii) in any territory administered by His Majesty's Government in any of the Dominions aforesaid; and
- (b) all other ships registered in, or licensed under the law of, any colony or British protectorate or any 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.
- (4) If any article is discharged or transhipped from, or taken on board or carried in, any ship in contravention of this Act, any person being the owner, charterer or master of the ship shall, if he is privy to the contravention, be guilty of a misdemeanour.
- (5) Section four hundred and forty-nine of the principal Act (which provides for the forfeiture of dangerous goods carried under a false description and in certain other cases) shall apply in relation to any ship to which this Act applies as if any articles carried in contravention of this Act were dangerous goods carried under a false description.
- (6) Any officer mentioned in section seven hundred and twenty-three of the principal Act who has reason to suspect that a ship is contravening or has contravened the provisions of this Act shall, without prejudice to the powers conferred by that section, have the following powers, that is to say:—
- (a) he may go on board the ship and for that purpose may detain the ship or require it to stop or to proceed to some convenient place;

- (b) he may require the master to produce any documents relating to any cargo which is being carried or has been carried on the ship;
- (c) he may search the ship and examine the cargo and require the master or any member of the crew to open any package or parcel which he suspects to contain any articles to which this Act applies;
- (d) he may make any other examination or inquiry which he deems necessary to ascertain whether this Act is being or has been contravened;
- (e) if it appears to him that this Act is being or has been contravened, he may, without summons, warrant or other process, take the ship and her cargo and her master and crew to the nearest or most convenient port in a country to which this Act extends, in order that the alleged contravention may be adjudicated upon by a competent court.

(7) If any ship duly required under the last foregoing subsection to stop or to proceed to some convenient place fails to comply with that requirement, the master of the ship shall be guilty of a misdemeanour, and if a master or any other person fails to do any other thing duly required of him under that subsection or obstructs any officer in the exercise of his powers under that subsection, he shall be liable to a fine not exceeding one hundred pounds.

(8) Anything which has been done before the commencement of this Act in purported exercise of any such power as is mentioned in subsection (6) of this section, and which would have been lawfully done if this Act had come into operation on the twenty-third day of November, nineteen hundred and thirty-six, shall be deemed to have been lawfully done.

(9) For the purposes of this Act the expression "Spanish territory" shall include the Spanish zone of Morocco.

2.—(1) This Act may be cited as the Merchant Shipping (Carriage of Munitions to Spain) Act, 1936.

(2) This Act and the Merchant Shipping Acts, 1894 to 1932, shall be construed as one, and those Acts and

Short title, construction, interpretation, extent and duration.

this Act may be cited together as the Merchant Shipping Acts, 1894 to 1936.

57 & 58 Vict.  
c. 60. (3) In this Act the expression "the principal Act" means the Merchant Shipping Act, 1894.

(4) This Act shall extend, not only to the United Kingdom, but also to—

(a) the Isle of Man, the Channel Islands, British India, Newfoundland and every colony; and

(b) every country to which Part XIII of the principal Act for the time being extends by virtue of an Order in Council made under section five of the Foreign Jurisdiction Act, 1890.

53 & 54 Vict.  
c. 37.

(5) This Act shall continue in force until His Majesty by Order in Council is pleased to declare that it is no longer necessary or expedient that it should continue in force:

52 & 53 Vict.  
c. 63. Provided that on the expiration of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889, (which relates to the effect of repeals) shall apply as if this Act had been repealed by another Act.

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## CHAPTER 2.

An Act to amend the Eleventh Schedule to the Local Government Act, 1929, and to make provision for meeting certain liabilities of the Railway Freight Rebates Fund in respect of the period beginning with the first day of April, nineteen hundred and thirty-one, and ending with the thirty-first day of December, nineteen hundred and thirty-six. [11th December 1936.]

**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:—

Amend-  
ment of

1.—(1) The Eleventh Schedule to the Local Government Act, 1929, (which contains provisions for securing

the allowance of freight rebates to selected traffics corresponding to the rate relief of the railway companies to which the said Schedule applies) shall have effect subject to the amendments specified in the Schedule to this Act.

Eleventh  
Schedule  
to 19 & 20  
Geo. 5. c. 17  
relating to  
freight  
rebates.

(2) Until the first day of January, nineteen hundred and thirty-seven, the scheme in force under the said Eleventh Schedule shall continue to have effect as if this Act had not been passed, and the monthly instalments payable to the Railway Freight Rebates Fund (hereinafter referred to as "the fund") under paragraph two of Part I of that Schedule by each of the said companies in respect of the period beginning with the first day of October, nineteen hundred and thirty-six, and ending with the thirty-first day of December next following, shall be of sums equal in the aggregate to one-quarter of the estimated rate relief of the company in the year beginning with the said first day of October, as estimated before the passing of this Act.

(3) Before the said first day of January the Railway Rates Tribunal shall make in the said scheme such amendments as they consider necessary by reason of the passing of this Act, and shall, in accordance with the provisions of the said Eleventh Schedule as amended by this Act, estimate the rate relief of the several companies in the period beginning with the said first day of January and ending with the thirtieth day of September, nineteen hundred and thirty-seven, and the monthly instalments payable to the fund under the said paragraph two by each of the said companies in respect of that period shall be of sums equal in the aggregate to the estimated rate relief of the company in that period, as estimated under this subsection.

(4) Any adjustment to be made under the said paragraph two in respect of any difference between the actual rate relief of a company in the year beginning with the said first day of October and the estimated rate relief of the company in that year shall be computed separately as respects the first three months of that year and as respects the remaining nine months thereof, and that paragraph shall, in relation to that year, have effect accordingly.

(5) The amendments of paragraph six of Part I and of Parts II, III and IV of the said Eleventh Schedule shall cease to have effect on the thirty-first day of December, nineteen hundred and fifty-two, and shall not continue in force after the thirty-first day of December, nineteen hundred and forty-three, unless continued in force by orders made by the Minister of Transport.

Provisions  
for meeting  
liabilities of  
Railway  
Freight  
Rebates  
Fund.

2.—(1) For the purpose of paying any sums which are or may become payable to any of the said companies by way of adjustment under paragraph two of Part I of the said Eleventh Schedule in respect of the period beginning with the first day of April, nineteen hundred and thirty-one, and ending with the thirty-first day of December, nineteen hundred and thirty-six, the Railway Clearing House may, with the consent of the Minister of Transport and subject to such conditions as he thinks fit, borrow money on the security of the fund whether by the issue of stock or otherwise; and any sums required to be paid out of the fund in respect of the principal of the moneys so borrowed (including any sums required for the redemption or cancellation of stock) and any interest payable on such moneys or stock shall be paid in priority to the sums required to be paid under subparagraph (1) (c) of paragraph five of Part I of the said Schedule and in priority to any sums required to be paid out of the fund by way of adjustment under the said paragraph two in respect of any period subsequent to the period aforesaid.

(2) If the Minister of Transport is satisfied that a sum will become payable to any of the said companies by way of adjustment under the said paragraph two in respect of the period aforesaid, he may, notwithstanding that the amount of that sum has not been ascertained in accordance with the said paragraph, authorise the payment on account thereof to the company of such sums as in his opinion will not exceed the amount of the said sum when so ascertained.

(3) The Minister of Transport may authorise the payment out of the fund as part of the administrative expenses of the Railway Clearing House of any expenses incurred in connection with any stock issued under this section.

(4) In calculating for the purposes of the said Eleventh Schedule the net revenue of the fund for any



year, the balance brought forward in the fund shall be determined as if the only debit in respect of the payments by way of adjustment for the payment of which the Railway Clearing House are empowered by this section to borrow money were the amount of any sums required to be paid in that year in repayment of the principal of the moneys borrowed under this section (including any sums required for the redemption or cancellation of stock).

3.—(1) This Act may be cited as the Railway Freight Rebates Act, 1936. Short title  
and extent.

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

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## SCHEDULE.

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### AMENDMENTS OF ELEVENTH SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1929.

#### 1. In Part I—

- (a) Paragraph four shall be omitted.
- (b) In subparagraph (1) of paragraph five the words “the general moneys of” shall be omitted.
- (c) In subparagraph (1) (b) of paragraph six for the words “seven-tenths” there shall be substituted the words “four-fifths”, and subparagraph (1) (c) of the said paragraph shall be omitted.
- (d) In subparagraph (1) of paragraph ten for the words “two months” there shall be substituted the words “three months”.
- (e) For paragraph eleven the following paragraph shall be substituted :—

“11. If it appears to the Minister of Transport that the net revenue of the fund for any year is or will be substantially greater or less than the amount which, upon the basis of the rebates for the time being in force, will be required to pay the sums payable thereout under paragraph five of this Part of this Schedule to the companies in respect of that year, or that, for the purpose of securing the stability of the rates of the rebates, the tribunal should have power so to calculate the rebates that they will amount in the aggregate to

a sum greater or less than the total net revenue for that year, he shall issue to the tribunal a certificate that in his opinion the rates of the rebates ought to be reviewed, and upon receipt of such a certificate the tribunal shall, notwithstanding anything in this Part of this Schedule, have power to fix the rebates at such amounts as they may consider desirable for stabilising, so far as practicable, the rates of the rebates, and, if they think fit, for securing that any excess or deficiency shall be expended or made good, as the case may be, over such period of years as they think proper."

- (f) Subparagraphs (g) and (h) of paragraph thirteen shall be omitted; and in subparagraph (i) of that paragraph for the words "of the general account" there shall be substituted the words "or debit."
- (g) Paragraph fourteen shall be omitted.
- (h) In paragraph seventeen the definition of "General moneys of the fund" shall be omitted; in the definition of "Net revenue of the fund" the words from "but excluding" to "Part of this Schedule" (where those words first occur) shall be omitted; and at the end of the said paragraph there shall be inserted the following subparagraph :

"(2) If it appears to the tribunal, in estimating the rate relief of any company in any year, that a railway valuation roll or any part of such a roll will come into force or be revised under the Railways (Valuation for Rating) Act, 1930, so as to affect the rate relief of the company in that year, and that by reason thereof the sums levied in accordance with the valuation lists then in force ought not to be taken as the basis for estimating the rate relief of the company in that year, the tribunal shall not be bound to estimate the rate relief upon that basis.

In the application of this subparagraph to Scotland for references to the coming into force and to the revision of a railway valuation roll or any part thereof there shall be substituted respectively references to the fixing of the cumulo yearly rent or value of a company's undertaking, and to any alteration in a valuation roll under subsection (6) of section twenty-two of the Railways (Valuation for Rating) Act, 1930; and for any reference to valuation lists there shall be substituted a reference to a valuation roll made up by the Assessor of Public Undertakings (Scotland)."

(i) In paragraph twenty after the words "all payments" there shall be inserted the words "and in determining the priority in which debts of the company are to be paid, all sums paid or payable."

2. In Part II the words from "Manure, street, stable or farmyard, in bulk," to "Potatoes, except new potatoes as defined in the Classification of Merchandise for conveyance by railway" shall be omitted.

3. In Part III the words "Coal, coke or patent fuel delivered to and used in iron and steel works", the words "or delivered to and used in iron or steel works" (in both places where they occur) and the words "(situate elsewhere than at an iron or steel works)" shall be omitted.

4. Part IV shall be omitted.

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### CHAPTER 3.

An Act to give effect to His Majesty's declaration of abdication; and for purposes connected therewith. [11th December 1936.]

**W**HEREAS His Majesty by His Royal Message of the tenth day of December in this present year has been pleased to declare that He is irrevocably determined to renounce the Throne for Himself and His descendants, and has for that purpose executed the Instrument of Abdication set out in the Schedule to this Act, and has signified His desire that effect thereto should be given immediately :

And whereas, following upon the communication to His Dominions of His Majesty's said declaration and desire, the Dominion of Canada pursuant to the provisions of section four of the Statute of Westminster, 1931, has requested and consented to the enactment of this Act, and the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa have assented thereto :

22 & 23  
Geo. 5. c. 4.

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 :—

Effect of  
His  
Majesty's  
declaration  
of abdica-  
tion.

1.—(1) Immediately upon the Royal Assent being signified to this Act the Instrument of Abdication executed by His present Majesty on the tenth day of December, nineteen hundred and thirty-six, set out in the Schedule to this Act, shall have effect, and thereupon His Majesty shall cease to be King and there shall be a demise of the Crown, and accordingly the member of the Royal Family then next in succession to the Throne shall succeed thereto and to all the rights, privileges, and dignities thereunto belonging.

12 & 13  
Will. 3. c. 2.  
12 Geo. 3.  
c. 11.

(2) His Majesty, His issue, if any, and the descendants of that issue, shall not after His Majesty's abdication have any right, title or interest in or to the succession to the Throne, and section one of the Act of Settlement shall be construed accordingly.

(3) The Royal Marriages Act, 1772, shall not apply to His Majesty after His abdication nor to the issue, if any, of His Majesty or the descendants of that issue.

Short title.

2. This Act may be cited as His Majesty's Declaration of Abdication Act, 1936.

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## SCHEDULE.

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I, Edward the Eighth, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare My irrevocable determination to renounce the Throne for Myself and for My descendants, and My desire that effect should be given to this Instrument of Abdication immediately.

In token whereof I have hereunto set My hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

EDWARD R.I.

Signed at Fort Belvedere  
in the presence of

ALBERT.

HENRY.

GEORGE.

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**CHAPTER 4.**

An Act to continue certain expiring laws.

[18th December 1936.]

**W**HEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and thirty-six, and, as respects that mentioned in Part II of that Schedule, on the thirty-first day of March, nineteen hundred and thirty-seven :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

Be it therefore enacted by the 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 Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-seven. Continuance of Acts in Schedule.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of May, nineteen hundred and thirty-seven.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect the enactments continued by the foregoing provisions of this Act, be continued in like manner whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1936. Short title and application to Northern Ireland.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save as hereinbefore provided, shall not apply to Northern Ireland.

## SCHEDULE.

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### PART I.

1. Session and Chapter.	2. Short title.	3. How far continued.	4. Amending Act.
(1) 4 Edw. 7. c. 24	The Wireless Tele- graphy Act, 1904.	The whole Act	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 2 & 3 Geo. 5. c. 2	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act	—
(3) 9 & 10 Geo. 5. c. 92.	The Aliens Re- striction (Amend- ment) Act, 1919.	Section one	—
(4) 9 & 10 Geo. 5. c. 97.	The Land Settle- ment (Scotland) Act, 1919.	Section two	12 & 13 Geo. 5. c. 52.
(5) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Temporary In- crease of Charges) Act, 1920.	The whole Act	12 & 13 Geo. 5. c. 23.
(6) 12 & 13 Geo. 5. c. 27.	The Canals (Con- tinuance of Charging Powers) Act, 1922.	The whole Act	15 & 16 Geo. 5. c. 2.
(7) 16 & 17 Geo. 5. c. 28.	The Mining Indus- try Act, 1926.	Section eighteen	—

1. Session and Chapter.	2. Short title.	3. How far continued.	4. Amending Act.
(8) 20 & 21 Geo. 5. c. 50.	The Public Works Facilities Act, 1930.	The following provisions, that is to say, section two, except the words " or statutory un- dertakers", wherever those words occur; in sec- tion three, the words from the beginning of the section to the word "undertak- ing"; sec- tion five; sub- sections (1) and (2) of section six; sections seven and eight; and the First Schedule.	—

## PART II.

(9) 25 & 26 Geo. 5. c. 1.	The Special Areas (Development and Improve- ment) Act, 1934.	The whole Act	—
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**CHAPTER 5.**

An Act to provide that the Minister of Transport shall be the highway authority for the principal roads in Great Britain which constitute the national system of routes for through traffic; to make consequential amendments in the law relating to highways; and for purposes connected with the matters aforesaid.

[18th December 1936.]

**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 :—

Transfer of  
trunk roads  
to Minister  
of Trans-  
port.

1.—(1) Subject to the provisions of this Act, the principal roads in Great Britain constituting the national system of routes for through traffic which by virtue of this Act become trunk roads shall be known by that name and as from the date upon which any road becomes a trunk road the Minister of Transport (hereinafter referred to as "the Minister") shall be the highway authority for the road.

(2) Subject to the provisions of this Act, the roads specified in the First Schedule to this Act shall by virtue of this Act become trunk roads as from the first day of April nineteen hundred and thirty-seven.

(3) If the Minister is satisfied that it is expedient to construct a new road or improve any road with a view to superseding any part of a trunk road by the creation of a new route for through traffic, he may after serving upon the council of every county within whose area the part of the trunk road to be superseded, or the route which is to supersede it, is situated, notice of his intention to do so, and, after considering any representation made by any such council within three months after service of the said notice, and after holding a local inquiry, if he thinks fit to do so or if a request therefor is made by any such council within the said



three months and not withdrawn, make an order providing that—

- (a) upon such date as may be specified in the order, the route which is to supersede the part of the trunk road shall, by virtue of this Act, become a trunk road; and
- (b) upon the first day of April next following the date on which the Minister serves upon the councils aforesaid notice that the said route is ready to be used for the purposes of through traffic, the part of the trunk road to be so superseded as aforesaid shall become a county road.

(4) Where an order has been made under the last foregoing subsection, section thirty-two of the Local Government Act, 1929 (which entitles the councils of certain boroughs and urban districts to claim the functions of maintenance and repair of county roads), shall have effect as if the part of the trunk road to be superseded as aforesaid had become a county road on the date of the making of the order, so, however, that any functions of maintenance and repair claimed under the said section in respect of the said part shall not be exercisable until the date on which it becomes a county road. 19 & 20  
Geo. 5. c. 17.

(5) Where at the date of the passing of this Act a road was being constructed or improved by a highway authority, or was being improved by an authority in the exercise of functions under section thirty-two of the Local Government Act, 1929, or plans for the construction or improvement of a road by such an authority had been approved by the Minister, then, if the Minister is satisfied that by reason of the construction or improvement any part of a road specified in the said First Schedule has been or will be superseded by the creation of a new route for through traffic, he may at any time before the first day of April nineteen hundred and thirty-seven, and after serving upon the authority notice of his intention to do so, by order make such modifications in the provisions of the said Schedule as may be necessary for the purpose of substituting for references therein to the part superseded, references to the route which has superseded or will supersede it.

(6) If it appears to the Minister that the description in the said First Schedule of any road is in any respect an incorrect or insufficiently clear description of the route for through traffic, he may, after consultation with the council of every county within which the part of the road affected is situated, by order make such modifications in the provisions of the said Schedule as may be necessary for correcting or clarifying the description of the route for through traffic :

Provided that no such order shall be made after the thirty-first day of March, nineteen hundred and thirty-nine.

Exclusion  
of county  
of London  
and of  
county  
boroughs.

2.—(1) No road which is within the county of London or within any county borough shall, by virtue of this Act, become a trunk road.

(2) In the event of the extension of the area of the county of London, or of the constitution of any new county borough, or of the extension of the area of any county borough, all roads within the county of London, or of the county borough, as the case may be, which immediately before the alteration were trunk roads shall cease to be trunk roads and the council of the metropolitan borough within which the roads are situated, or the council of the county borough, as the case may be, shall become the highway authority for those roads.

General  
provisions  
as to func-  
tions with  
respect to  
trunk roads.

3.—(1) Upon any road becoming a trunk road, then in relation to the road, all functions which immediately before the road became a trunk road were exercisable by highway authorities as respects county roads and county bridges, and any functions of construction, maintenance, repair or improvement exercisable as respects that road by a local authority under any Act, including any private or local Act, shall, except as otherwise expressly provided by this Act, be exercisable by the Minister to the exclusion of any other authority; and all enactments relating to those functions shall have effect accordingly, but subject in the case of the enactments specified in the Second Schedule to this Act to the modifications specified in the second column of that schedule.

(2) In relation to trunk roads the functions conferred on local authorities by the enactments specified in the Third Schedule to this Act shall be exercisable by the

Minister (without the necessity of any resolution of adoption or of any order or declaration of any Government Department) and of the said functions—

- (a) those mentioned in Part I of that Schedule shall not be exercisable by any other authority;
- (b) those mentioned in Part II of that Schedule shall not be exercisable by a county council in any borough or urban district but save as aforesaid shall, in so far as they are exercisable by local authorities, be exercisable by those authorities as well as by the Minister;
- (c) those mentioned in Part III of that Schedule shall not be exercisable by a county council in any borough or urban district and shall not be exercisable by any local authority except with the consent of the Minister;

and those enactments shall have effect accordingly, but subject, in the case of the enactments specified in the said Parts I and II, to the modifications specified in the second column of those Parts.

(3) Where the Minister is satisfied that functions substantially similar to those conferred by the enactments specified in the Third Schedule to this Act have been conferred on any local authority by a private or local Act, he may after consultation with the local authority by order direct that the provisions of the last foregoing subsection shall apply in relation to the functions conferred by the private or local Act in like manner as they apply to the similar functions conferred by the enactments specified in the said Schedule, and may by the same order specify the modifications subject to which the provisions of the private or local Act are accordingly to have effect.

(4) Where by any enactment empowering statutory undertakers to execute works in, under, upon, over, along or across any road, the undertakers are required—

- (a) to give notice to a local authority, or to obtain the consent or approval of a local authority;
- (b) to carry out the works under the superintendence of a local authority;
- (c) to reinstate the road to the satisfaction of a local authority; or
- (d) to do anything in relation to a county road;

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any such requirement and any provisions of such an enactment empowering the local authority to act in default of the undertakers or otherwise to enforce any such a requirement shall, in relation to trunk roads, have effect as if for references to the local authority there were substituted references to the Minister and as if for references to a county road there were substituted references to a trunk road; and notwithstanding the provisions of any enactment as to the determination of disputes in connection with the execution of any such works arising between the statutory undertakers and any authority, any such disputes arising between the statutory undertakers and the Minister shall be determined by an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

(5) Except where the foregoing provisions of this section otherwise require, any document (including any enactment) relating to the functions of a local authority as respects county roads, or roads chargeable to a county shall, in relation to functions not transferred to the Minister under this Act, be construed as if references therein to such roads included references to trunk roads.

9 Edw. 7.  
c. 47.

(6) Section nine of the Development and Road Improvement Funds Act, 1909 (which contains provisions as to roads constructed by the Minister under Part II of that Act), shall not apply in relation to any trunk road.

(7) Nothing in this section shall affect the liability of any authority or person to maintain and repair the Conway Bridge or any road which immediately before it became a trunk road was not repairable by a local authority.

Modifica-  
tion of  
25 & 26  
Geo. 5. c. 47.

4.—(1) Subject to the provisions of this section, the functions of the highway authority under section one and section two of the Restriction of Ribbon Development Act, 1935 (hereinafter in this section referred to as “the Act of 1935”) shall not be exercisable by the Minister, but shall, in relation to trunk roads, be exercisable by the county council, or where those functions were immediately before the road became a trunk road exercisable by some other council, by that council; and in this section the expression “the authority” means the authority by whom the said functions are exercisable:

Provided that subsection (4) of section thirty-two of the Local Government Act, 1929, shall apply with respect to the relinquishment of the said functions by councils of boroughs and urban districts as it applies to the relinquishment of functions with respect to the maintenance and repair of county roads by such councils.

(2) The restrictions specified in section two of the Act of 1935 shall apply to every trunk road notwithstanding that it may not have been a classified road on the seventeenth day of May, nineteen hundred and thirty-five, and that the said section may not have been adopted with respect thereto.

(3) In relation to a trunk road the authority shall not give any consent under section one of the Act of 1935 or, in a case where a standard width has not been adopted, under section two of that Act except after consultation with the Minister, and the Minister may require the authority to withhold consent or to attach to the giving of their consent such conditions as he may direct:

Provided that—

- (a) the Minister shall not require the authority to withhold any consent or attach any conditions which they are not empowered by the Act of 1935 to withhold or attach;
- (b) the Minister may give notice in writing to the authority that in such cases and subject to such conditions as may be specified in the notice consents may be given under either of the said sections without consultation with the Minister.

(4) Where an application is made for the consent of the authority under section one or section two of the Act of 1935 in a case where the Minister is required to be consulted, the authority shall, within fourteen days of the delivery of the application—

- (a) send to the Minister sufficient particulars thereof, and
- (b) serve notice on the applicant that the application cannot be granted except after consultation with the Minister,

and subsection (5) of section seven of the Act of 1935 (which provides that if the decision of the highway

authority is not communicated to the applicant within two months of the application their consent shall be deemed to have been given unconditionally) shall have effect, in relation to any such application as aforesaid, as if for the reference to a period of two months there were substituted a reference to a period of three months.

(5) Where compensation is payable by the authority under section nine of the Act of 1935 by reason of a restriction in force under section one or section two of that Act, the Minister shall pay to the authority such sum as represents the amount, if any, payable by the authority in consequence of any requirement made by him under this section, and any question whether any such sum is payable by the Minister, or as to the amount of any such sum, shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919:

9 & 10

Geo. 5. c. 57.

Provided that—

- (a) where the compensation is payable by the authority in pursuance of an agreement made by them with the claimant without the approval of the Minister, no sum shall be payable by the Minister as aforesaid, except such sum as he may agree to pay; and
- (b) the arbitrator shall, in determining whether any sum is payable by the Minister as aforesaid, or as to the amount of any such sum, take into account any undertaking given or proposed to be given by the Minister to the authority, and shall treat any such undertaking as modifying the restriction aforesaid in the same manner and to the same extent as if the like undertaking were given or proposed to be given by the authority to the claimant.

In any proceedings relating to the payment of any such sum or to the payment by the authority of such compensation as aforesaid in any case where the Minister has made requirements under this section, the Minister shall be entitled to appear and be heard.

(6) In relation to trunk roads the power of a highway authority under section thirteen of the Act of 1935 of acquiring land for the purposes of the construction

or improvement of a road shall be exercisable by the Minister, but the other powers of acquiring land under the said section shall be exercisable by the authority and not by the Minister.

(7) The Act of 1935 shall in relation to trunk roads have effect subject to the further modifications specified in the Fourth Schedule to this Act.

5.—(1) The Minister may by agreement with the council of any county, or of any borough, or urban district, delegate to the council all or any of his functions (including functions under the enactments mentioned in Part I of the Third Schedule to this Act) with respect to the maintenance, repair and improvement of, and other dealing with, any trunk road :

Delegation  
of road  
functions  
to local  
authorities.

Provided that such functions shall not be delegated to the council of any borough or urban district with respect to any road outside the borough or district, as the case may be, nor shall they, except with the consent of the council of the county in which the road is situated, be delegated to the council of any county with respect to any road outside the county.

(2) Where in pursuance of this section functions are delegated to any council, the council shall, in the discharge of those functions, act as agents for the Minister and in accordance with such conditions as he may attach to the delegation, so, however, that among such conditions there shall be included the following conditions, that is to say :—

- (a) that the works to be executed and the expenditure to be incurred by the council in the discharge of the delegated functions shall be subject to the approval of the Minister; and
- (b) that the council shall comply with any requirement of the Minister as to the manner in which any such works are to be carried out, and with any directions of the Minister as to the terms of contracts to be entered into in pursuance of the delegated functions; and
- (c) that any such works shall be completed to the satisfaction of the Minister;

and if at any time the Minister is satisfied that any trunk road with respect to which functions are so delegated is not in proper repair and condition, the Minister

may serve on the council a notice requiring them to place the road in proper repair and condition within such time as may be specified in the notice, and if the notice is not complied with, the Minister may do anything that seems to him necessary to place the road in proper repair and condition.

(3) Any delegation to a council under the foregoing provisions of this section may be determined by a notice served on the council by the Minister, or may be relinquished by a notice served on the Minister by the council, so, however, that any such notice must be served before the first day of October in any year, and the determination or relinquishment shall take effect as from the first day of April in the next following year.

(4) For the purpose of securing continuity of administration during the period of two years following the thirty-first day of March nineteen hundred and thirty-seven, the Minister may, as soon as may be after the passing of this Act, by order provide that such of his functions with respect to the construction, maintenance, repair and improvement of, and other dealing with, trunk roads, as may be specified in the order shall be exercised by such councils and subject to such conditions (including conditions requiring delegation by county councils to the councils of county districts) as may be so specified :

Provided that—

- (a) no order shall be made under this subsection except after consultation with such associations as appear to the Minister to represent the councils to whom functions are proposed to be assigned thereunder;
- (b) any order made under this subsection shall be of no effect after the thirty-first day of March, nineteen hundred and thirty-nine.

Miscellaneous provisions as to functions in connection with trunk roads.

6.—(1) The Minister may enter into and carry into effect agreements with the council of any county, or of any borough or urban district for the construction of a trunk road or for the carrying out of any work of improvement of or other dealing with such a road, being a road with respect to which functions may be delegated to that council under the last foregoing section, so, however,



that subsection (2) of that section shall apply to the discharge of the functions of a council under any such agreement and to the conditions which must be included in any such agreement as it applies to the discharge of functions so delegated as aforesaid and to the conditions to be attached to any such delegation.

(2) Any plant or materials belonging to a council may be used by them for the purposes of any agreement made under the last foregoing subsection or of any functions delegated to them under the last foregoing section, subject to the terms of the agreement or delegation.

(3) Where the Minister considers that it is expedient that any road across a trunk road should pass under or over the trunk road, he may for that purpose construct a bridge under or over the trunk road, and such connections between the trunk road and the other road as he considers desirable, and may also construct approaches to any such bridge or connection; and for the purposes of this Act the construction of any such bridge, connection, or approach shall be deemed to be an improvement of the trunk road :

Provided that—

- (a) the Minister shall not construct any such bridge, connection or approach except after consultation with the council of the county in which the road across the trunk road is situated and, where that road is vested in some other council, also with that council; and
- (b) any such connection or approach, other than an approach to a bridge carrying a trunk road, shall, when constructed, vest in the council in whom the road across the trunk road is vested, and shall be deemed to be part of that road, and that council shall be responsible for the maintenance and repair of any such connection or approach vested in them.

(4) The Minister may, if he considers that any trunk road should be illuminated or better illuminated, enter into and carry into effect agreements with any authority or person having power in that behalf, for the supply of gas, electricity or other means of illumination and for the provision of such lamps, lamp posts and other materials and apparatus as he thinks necessary for the purpose aforesaid.

(5) The Minister may cause to be placed on or near any road in the vicinity of a trunk road such traffic signs as are in his opinion necessary for the control of traffic entering or leaving the trunk road, and may enter any land and exercise such other powers as may be necessary for that purpose.

26 Geo. 5. &  
1 Edw. 8.  
c. 49.

(6) Section seventy-seven of the Public Health Act, 1936 (which provides for the cleansing and watering of streets by the councils of county districts) shall, in relation to trunk roads, have effect subject to the modification that the amount of the contribution to be made under subsection (2) of that section by the highway authority towards expenses incurred by any such council as aforesaid shall, in case of dispute, be determined by arbitration.

20 & 21  
Geo. 5. c. 43.

(7) Section fifty-five of the Road Traffic Act, 1930, (which confers powers on councils of boroughs and urban districts, among other authorities, as to refuges and subways) and subsection (1) of section eighty-seven of the Public Health Act, 1936, (which confers powers on the councils of county districts as to the provision of sanitary conveniences) shall, in relation to trunk roads, have effect respectively as if for references therein to the county council there were substituted references to the Minister.

(8) The council of any county may contribute towards the costs incurred by the Minister in the construction or improvement of any trunk road, including any costs incurred in respect of any improvements to the amenities of the road or of land abutting on or adjacent to the road and the council of any borough or urban district may contribute towards the costs incurred by the Minister in any such construction or improvement, if the construction or improvement is in the nature of a town improvement.

(9) Where it appears to the Minister that the execution or maintenance by a drainage board of any drainage works is desirable for the protection or better enjoyment of a trunk road, the Minister may make such contributions as he thinks fit towards any expenses incurred by the board in the execution or maintenance of those works.

7.—(1) When a road becomes a trunk road, then, subject to the provisions of this section, of the property which immediately before the date on which the road became a trunk road was vested in the former highway authority for the purposes of their functions in relation to the road or in any local authority for the purposes of functions in relation to the road under any of the enactments mentioned in Part I of the Third Schedule to this Act, there shall, as from that date, be transferred to, and vest in, the Minister, by virtue of this section, the following property, that is to say:—

Transfer of  
property  
and  
liabilities.

(a) the road and any land (not being land vested in the former highway authority for the purpose of being used for the storage of materials required wholly or partly for the maintenance, repair or improvement of other roads or land acquired for the improvement or development of frontages or of land abutting on or adjacent to the road);

(b) all other property (except materials to be used for the maintenance, repair or improvement of the road) including the unexpended balances of any grants paid by the Minister to any such authority for the purposes of their functions in relation to the road but not of any loans raised by any such authority for those purposes; and

there shall also as from that date be transferred to the Minister by virtue of this section all liabilities incurred by any such authority for the purposes aforesaid (except loans and loan charges) and not discharged before the said day:

Provided that there shall not be transferred to, or vest in, the Minister by virtue of this section any right or liability in respect of work done, services rendered, goods delivered, or money due for payment, before the said date, or in respect of damages or compensation for any act or omission before that date, or in respect of the price of, or compensation for, any land purchased, or for which a contract to purchase has been made, before that date.

(2) Any property vested in the Minister by virtue of this section shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the authority from whom it was transferred and to all liabilities affecting the property (except

liabilities referred to in the proviso to the last foregoing subsection).

(3) The Minister may enter into an agreement with the former highway authority that any property or liabilities (except loans and loan charges), acquired or incurred by the former highway authority for the purposes of their functions in relation to a road which has become a trunk road, not being property or liabilities transferred to him by this section, shall be transferred to him upon the terms provided in the agreement, or that any property or liabilities transferred to him by this section shall be transferred back to the authority.

(4) Any dispute arising between the Minister and any authority or person as to the property or liabilities transferred under this section shall be determined by arbitration.

(5) The provisions of this section shall apply in a case where a road ceases to be a trunk road in like manner as they apply where a road becomes a trunk road, with the substitution for the references to the former highway authority and to any local authority of references to the Minister, and for references to the Minister of references to the council which becomes the highway authority for the road or, so far as relates to property and liabilities vested in or incurred by the Minister for the purposes of any functions under the enactments mentioned in Part I of the Third Schedule to this Act, to the local authority which is to exercise those functions in relation to the road.

Exemption  
from stamp  
duty.

8. If the Minister certifies that any stamp duty which, but for the provisions of this section, would be payable on any instrument made by, to, or with him for the purposes of this Act would be payable as an expense incurred by him under this Act, that stamp duty shall not be payable.

Expenses.

9.—(1) All expenses incurred by the Minister with the approval of the Treasury under this Act in the maintenance, repair or improvement of trunk roads or in the construction of any road intended to supersede any road specified in the First Schedule to this Act (either as originally enacted or as amended by any order made under this Act), and such of the expenses so incurred in other dealing with trunk roads as may be determined by

the Minister with the consent of the Treasury shall be defrayed out of the Road Fund; and all other expenses of the Minister under this Act, not being expenses in the construction of trunk roads, shall, to such amount as may be approved by the Treasury, be defrayed out of moneys provided by Parliament.

(2) Subsection (2) of section eighty-six of the Local Government Act, 1933 (which provides that no liability exceeding fifty pounds shall be incurred by a county council except upon a resolution of the council passed on an estimate submitted by the finance committee), shall not apply to any liability incurred by a county council as agents for the Minister under this Act. 23 & 24  
Geo. 5. c. 51.

(3) Subsections (2) and (3) of section one hundred and eighty-four of the said Act (which regulates payments out of a county fund) and subsection (2) of section one hundred and eighty-seven of the said Act (which regulates payments out of the general rate fund of a borough) shall not apply to any payments made for the purpose of meeting liabilities incurred by the council of the county or borough, as the case may be, as agents for the Minister under this Act.

10.—(1) 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. Power to hold inquiries and obtain information.

(2) The former highway authority for a road which becomes a trunk road shall produce to the Minister such documents relating to their functions, property and liabilities in respect of the road, and furnish to him such other information relating to those matters, as the Minister may require.

11. The provisions set out in the Fifth Schedule to this Act (which relate to transitional matters) shall have effect for the purposes of this Act. Transitional provisions.

12.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland. Application to Scotland.

19 & 20  
Geo. 5. c. 25.

(2) (a) "County borough" means a large burgh as defined in the Local Government (Scotland) Act, 1929, and references to boroughs and to urban districts and the councils thereof shall not apply :

Provided that in subsection (2) of section three and subsection (8) of section six of this Act for any reference to a borough or urban district there shall be substituted a reference to a burgh.

(b) "County road" and "county bridge" mean respectively a road and a bridge for the maintenance and management of which a county council is responsible.

(c) "Local authority" means a county or town council.

(d) References to the thirty-first day of March and to the first day of April shall be construed respectively as references to the fifteenth and to the sixteenth day of May.

(3) For any reference to the Local Government Act, 1929, there shall be substituted a reference to the Local Government (Scotland) Act, 1929.

15 & 16 Geo. 5.  
c. 16.

15 & 16 Geo. 5.  
c. 17.

22 & 23 Geo. 5.  
c. 48.

22 & 23 Geo. 5.  
c. 49.

15 & 16  
Geo. 5. c. 68.

(4) In any provision directed by this Act to be substituted for or to be inserted in any other enactment, for any reference to the Town Planning Act, 1925, there shall be substituted a reference to the Town Planning (Scotland) Act, 1925, and for any reference to the Town and Country Planning Act, 1932, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1932.

(5) Paragraph (e) of section twelve of the Roads Improvement Act, 1925, in so far as it requires the consent of a town council to the prescribing of a building line shall not apply as regards a trunk road.

55 & 56 Vict.  
c. 55.

(6) No appeal shall lie under section one hundred and thirty-two of the Burgh Police (Scotland) Act, 1892, against any terms or conditions arranged by the Minister which he declares to be necessary for the purpose of securing the safety of persons using the trunk road or of preventing interference with traffic on the road.

(7) Subsection (3) of section one of this Act shall have effect as if in paragraph (b) thereof for the words "the part of the trunk road to be so superseded as aforesaid shall become a county road" there were substituted

the words "the Minister shall cease to be the highway authority for the part of the trunk road to be so superseded as aforesaid".

(8) When in pursuance of subsection (3) of section one of this Act as modified by the last foregoing subsection the Minister has ceased to be the highway authority for any part of a trunk road, the highway authority for the said part shall be such local authority as would have been responsible for the maintenance and management thereof, if the road had never become a trunk road and the provisions of any Act regarding the functions of local authorities in relation to the said part shall have effect accordingly.

(9) The proviso to subsection (1) of section four of this Act shall not apply.

(10) For subsection (1) of section five of this Act the following subsection shall be substituted:—

"(1) The Minister may by agreement with the council of any county delegate to that council all or any of his functions (including functions under the enactments mentioned in Part I of the Third Schedule to this Act) with respect to the maintenance, repair and improvement of, and other dealing with—

(a) a trunk road within the county or within any burgh situate therein; or

(b) a trunk road within any other county or burgh situate therein, if the council of that county consent."

(11) Subsection (4) of section five of this Act shall have effect as if for the councils of county districts there were substituted the following bodies, that is to say, any town council, district council, joint committee of a town council and district council or county council of one of two counties forming a combined county, who would, but for this Act, be entitled by virtue of delegation under section thirteen or section ten of the Local Government (Scotland) Act, 1929, to exercise on the sixteenth day of May, nineteen hundred and thirty-seven, any functions regarding a road which becomes a trunk road.

(12) Any power conferred by the Local Government (Scotland) Act, 1929, on a county council to delegate

functions to a town council or a district council or a joint committee of a town council and a district council, or in the case of a joint county council, to the county council of one of the two counties forming the combined county shall, as regards functions delegated to or vested in a county council by or under this Act, be exercisable with the consent of the Minister and not otherwise.

8 Edw. 7.  
c. 62.

(13) Nothing in subsection (1) of section seven of this Act shall be construed as transferring to the Minister any dwellings for road workmen provided or erected by a county council in pursuance of paragraph (c) of subsection (1) of section three of the Local Government (Scotland) Act, 1908.

(14) Any dispute or difference which, by subsection (4) of section seven of, or paragraph 8 of the Fifth Schedule to, this Act, is required to be determined by arbitration shall be determined by a single arbiter appointed, in default of agreement, by the Court of Session or the sheriff on the application of either party to the dispute or difference.

(15) For subsection (2) of section nine of this Act the following subsection shall be substituted:—

52 & 53 Vict.  
c. 50.

“(2) Subsection (1) of section seventy-five of the Local Government (Scotland) Act, 1889, in so far as it requires payments out of the county fund to be made in pursuance of an order of the council signed by three members of the finance committee and countersigned by the county clerk, and subsection (2) of the said section, in so far as it relates to payment of sums out of the county fund or the incurring of expenses, debt or liability exceeding fifty pounds shall not apply to payments made or liabilities incurred by a county council as agents for the Minister under this Act.”

(16) Subsection (3) of section nine of this Act shall not apply.

(17) For subsection (1) of section ten of this Act the following subsection shall be substituted:—

“(1) 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:—

- (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 as to the parties by whom such costs shall be paid.”

(18) A reference in any provision of this Act to the Third Schedule shall have effect as if there were included—

- (a) in Part II of the said Schedule the following enactments:—

sections one hundred and fifty-nine, one hundred and sixty, and one hundred and ninety of the Burgh Police (Scotland) Act, 1892: provided that for any reference in the last mentioned section to the surveyor, a reference to the Minister shall be substituted;

- (b) in Part III of the said Schedule the following enactments:—

- (i) sections one hundred and ten, one hundred and thirty, two hundred and sixty-six and two hundred and seventy-three of the Burgh Police (Scotland) Act, 1892;

- (ii) section fourteen of the Burgh Police (Scotland) Act, 1903. 3 Edw. 7.  
c. 33.

(19) The Fourth Schedule to this Act shall have effect as if the following paragraph were added at the end:—

“10. Paragraph (7) of section twenty-five of the said Act shall apply with the substitution for

sub-paragraph (i) thereof of the following provisions—

- (a) for references to the Department of Health for Scotland and to the responsible authority there shall be substituted references to the Minister;
- (b) for references to an order made by a responsible authority and confirmed by the aforesaid Department there shall be substituted references to an order made by the Minister, and for references to the making of an order there shall be substituted references to the preparing of a draft order, and for references to the submitting of an order to, or the confirming of an order by, the aforesaid Department there shall be substituted references to the making of an order by them."

Interpreta-  
tion.

**13.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Borough” does not include a county borough;

“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;

“County” means an administrative county;

“Enactment” includes any order having the force of an enactment;

“Former highway authority” means, in relation to a road which has become a trunk road, the council in whom the road was vested immediately before it became a trunk road, and includes also any council by whom the functions of maintenance and repair of that road were then exercisable;

“Functions” includes powers and duties;

“Improvement” has the same meaning as in Part II of the Development and Road Improvement Funds Act, 1909;

9 & 10  
Geo. 5. c. 50.

- “Land” includes land covered with water and any right in, over, or under land;
- “Local authority” means the council of a county or county district;
- “Property” includes property, rights and powers of every description;
- “Proposed road” means land upon which, in accordance with plans made or 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;
- “Road” means a highway and includes any part of a highway and any proposed road and any bridge over which a highway passes or a proposed road is intended to pass, and “trunk road” shall be construed accordingly;
- “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;
- “Traffic sign” has the same meaning as in section forty-eight of the Road Traffic Act, 1930.

(2) Any power conferred on the Minister by this Act to make orders shall be construed as including a power exercisable in the like manner and subject to the like conditions to vary or revoke any such order previously made.

(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.

**14.**—(1) This Act may be cited as the Trunk Roads Act, 1936. Short title,  
citation  
and extent.

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

## SCHEDULES.

Sections 1, 9.

## FIRST SCHEDULE.

ROADS WHICH BECOME TRUNK ROADS BY VIRTUE  
OF THIS ACT.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
LONDON— EDINBURGH —THURSO	London — Junction with A. 555 (Barnet By-pass).	A. 1
	Junction with A.1 (Great North Road)—Junction with A. 406 (North Circular Road).	A. 555
	Junctions with A. 555 East and West of Regent's Park Road.	A. 406
	West of Regent's Park Road— South of Page Street.	A. 555
	South of Page Street — Apex Corner.	A. 500
	Apex Corner—South Mimms— North of Hatfield.	A. 555
	North of Hatfield—Welwyn By- pass — Baldock — Biggles- wade — Alconbury — Norman Cross — Wansford By-pass — Stamford — Colsterworth By- pass—Grantham—Foston By- pass — Newark-upon-Trent — Carlton-on-Trent By-pass—East Retford — Doncaster—Ferry- bridge By-pass — Aberford — Wetherby — Boroughbridge — Scotch Corner — Darlington— Aycliffe By-pass — Ferryhill By-pass — Neville's Cross — Chester-le-Street By-pass — Gateshead — Newcastle-upon- Tyne — Morpeth — Alnwick — Belford — Berwick - upon - Tweed — Ayton — Grant- house — Cockburnspath —	A. 1

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.	1st Sch. —cont.
LONDON— EDINBURGH —THURSO —cont.	<p>Dunglass By-pass — Broxburn — Parkend — East Linton By-pass — Haddington By-pass — Tranent — Musselburgh — Edinburgh.</p> <p>Edinburgh — Kirkliston — Linlithgow — Polmont — Falkirk — Larbert — Bannockburn — Stirling — Bridge of Allan — Dunblane — Greenloaning — Blackford — Auchterarder — Perth — Dunkeld — Ballinluig — Pitlochry — Blair Atholl — Dalwhinnie — Newtonmore — Kingussie — Aviemore — Carrbridge — Tomatin — Inverness — Beaulieu — Dingwall — Evanton — Invergordon — Tain — Kincardine — Bonar Bridge — Golspie — Brora — Helmsdale — Dunbeath — Latheron — Wick.</p> <p>Wick — Watten — Thurso. (Scrabster Pier.)</p>	<p>A. 1</p> <p>A. 9</p> <p>A. 882</p>	
LONDON— NORWICH	<p>London — Woodford — Epping — Bishop's Stortford Station — Great Chesterford — Newmarket — Barton Mills — Thetford — Attleborough — Wymondham — Norwich.</p>	<p>A. 11</p>	
LONDON— GREAT YARMOUTH	<p>London — Romford — Brentwood — Ingatestone — Chelmsford By-pass — Witham — Colchester By-pass — Stratford St. Mary — Lattinford (The Green) By-pass — Washbrook By-pass — Ipswich — Kesgrave — Martlesham — Woodbridge By-pass — Wickham Market — Saxmundham — Blythburgh — Wangford — Kessingland — Lowestoft — Hopton — Great Yarmouth.</p>	<p>A. 12</p>	
LONDON— FOLKE- STONE— DOVER	<p>London — Eltham By-pass — Sidcup By-pass — Farningham By-pass — Wrotham By-pass — Leybourne — Maidstone —</p>	<p>A. 20</p>	

1st Sch.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
LONDON— FOLKE- STONE— DOVER —cont.	Harrietsham By-pass—Lenham By-pass — Charing By-pass — Ashford — Willesborough By- pass—New Inn Green—New- ington—Cheriton—Folkestone. Folkestone — Dover Hill — Capel By-pass—Little Farthingloe— Dover. Dover—Dover (Town Station) -	A. 20  A. 259  A. 2
LONDON— BRIGHTON	London — Croydon By-pass — Coulsdon—Redhill—Horley— Crawley — Handcross — Bol- ney Common — Pyecombe — Brighton.	A. 23
LONDON— PORTS- MOUTH	London — Kingston By-pass — Ripley — Guildford and Godal- ming By-pass — Hindhead — Liphook — Petersfield — Ports- mouth.	A. 3
South-West of BASING- STOKE— SOUTHAMP- TON	Dummer Down—(Junction with A. 30)—Popham—Winchester. Winchester - - - - Winchester—Chandler's Ford— Southampton.	A. 33  A. 31 A. 33
LONDON— PENZANCE	London—Hounslow Heath - Hounslow Heath — Staines — Egham By-pass—Bagshot By- pass — Hartley Row—Basing- stoke By-pass—Dummer Down — Stockbridge — Lopcombe Corner — Salisbury — Wilton— Shaftesbury — Sherborne — Yeovil—Crewkerne — Chard — Yarcombe—Honiton—Exeter.  Exeter — Kennford By-pass — Chudleigh — Ashburton By- pass — Buckfastleigh By-pass — Ivybridge—Plymouth—Tor- point—Liskeard—Bodmin.  Bodmin — Fraddon — Zelah — Redruth — Hayle — Penzance (Market Jew Street).	A. 4 A. 30        A. 38  A. 30

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
LONDON— BRISTOL	London — Great West Road — Colnbrook By-pass—Slough—Maidenhead — Twyford By-pass — Sonning By-pass — Reading — Newbury — Hungerford — Marlborough — Calne — Chippenham — Box—Bath—Keynsham—Bristol.	A. 4
LONDON— FISHGUARD	London — Ealing — Uxbridge—Beaconsfield—High Wycombe —Tetsworth—Oxford Northern By-pass — Witney — South of Burford — Northleach — Andoversford — Cheltenham — Longleavens By-pass — Gloucester—Junction with A. 48. Junction with A. 40—Westbury-on-Severn — Blakeney—Chepstow—Caerwent By-pass — Penhow By-pass — Llanbeder By-pass — Newport—St. Mellons — Cardiff — Cowbridge — Bridgend By-pass—Port Talbot — Neath — Swansea — Penllergaer — Pontardulais — Llanddarog By-pass — Carmarthen. Carmarthen — St. Clears — Whitland — Haverfordwest—Wolf's Castle—Fishguard Harbour.	A. 40  A. 48  A. 40
LONDON— HOLYHEAD	London—Edgware—St. Albans—Dunstable—Stony Stratford—Towcester—Road Weedon. Road Weedon—Daventry By-pass—Dunchurch—Coventry—Meriden—Stonebridge. Stonebridge—Bacon's End — Bacon's End—Castle Bromwich By-pass—Birmingham (Junction with A. 452). Birmingham—Mill Green—Shire Oak—Brownhills Common.	A. 5  A. 45  A. 452 A. 47  A. 452

1st Sch.  
—cont.

1st Sch.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
LONDON— HOLYHEAD —cont.	Brownhills' Common—South of Cannock — Gailey — Oaken-gates By-pass—South of Wel- lington—Shrewsbury By-pass —Whittington — Gobowen By- pass — Chirk — Llangollen — Corwen — Cerrig-y-Druidion — Bettws-y-coed — Bethesda — Llandegai — Bangor—Llanfair- pwlwgwyngyll — Gwalchmai — Valley—Holyhead Harbour.	A. 5
LONDON— CARLISLE— GLASGOW— INVERNESS	London — Hendon Central Sta- tion—Apex Corner.	A. 500
	Apex Corner—South Mimms.	A. 555
	South Mimms — St. Albans — Luton — Bedford — Irthling- borough By-pass — Kettering — Desborough — Market Har- borough — Oadby By-pass — Leicester — Loughborough — Derby — Belper — Matlock Bridge — Bakewell — Ashford By-pass — Buxton — Whaley Bridge — Stockport—Manches- ter — Salford — Blackrod By- pass—Chorley—Bamber Bridge —Preston — Garstang By-pass — Lancaster — Carnforth — Heversham By-pass — Hawes — Kendal — Shap — Penrith— High Heskett By-pass—Carlisle.	A. 6
	Carlisle—Kingstown.	A. 7
	Kingstown — Gretna — Kirkpat- rick — Ecclefechan—Lockerbie —Beattock Summit — Craw- ford—West of Coalgill.	A. 74
	West of Coalgill—Uddington.	A. 70
	Uddington — Lesmahagow — Blackwood—Larkhall—Hamil- ton—Uddingston—Glasgow.	A. 74



Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.	1st Sch. —cont.
LONDON— CARLISLE— GLASGOW— INVERNESS —cont.	Glasgow — Clydebank — Dun- glass — Dumbarton—Bonhill— Alexandria— Luss — Tarbet — Ardlui—Crianlarich—Tyndrum — Bridge of Orchy—Glenceoe By-pass—Carnach — Kinloch- leven — North Ballachulish — Onich — Fort William — Spean Bridge — Invergloy — Inver- garry—Invermoriston — Drum- nadrochit—Inverness.	A. 82	
WINCHESTER —PRESTON	Winchester (Junction with A. 33) —Sutton Scotney. Sutton Scotney. Sutton Scotney—Whitchurch— Newbury. Newbury. Newbury—East Ilsley—Abingdon — Oxford — Woodstock—Long Compton — Shipston-on-Stour —Stratford-on-Avon — Hock- ley Heath — Birmingham — Great Barr — Walsall—Church Bridge. Church Bridge—Bridgtown. Bridgtown — Cannock— Stafford —West of Stone—Stoke-on- Trent— Newcastle-under-Lyme —Coalpit Hill. Coalpit Hill—Lawton Gate. Lawton Gate — Rode Heath— Holmes Chapel — Knutsford— Mere—Warrington. North of Warrington—Winwick —Ashton-in-Makerfield—Wigan —Standish—Euxton—Bamber Bridge (Junction with A. 6).	A. 34 A. 30 A. 34 A. 4 A. 34  A. 5 A. 34  A. 5011 A. 50  A. 49	
East of BIR- MINGHAM-- BIRKEN- HEAD	Stonebridge (West of Meriden)— Birmingham. Birmingham — Causeway Green —West of Oldbury — Dudley —West of Coseley — Wolver- hampton.	A. 45 A. 4123	

1st SCH.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
East of BIR- MINGHAM— BIRKEN- HEAD—cont.	Wolverhampton — Tettenhall — Kingswood Common — Tong— Newport — Whitchurch — Handley — Chester — Gt. Sutton By-pass—Eastham By- pass—Bromborough By-pass— Birkenhead.	A. 41
BIRMINGHAM —GREAT YARMOUTH	Birmingham — Castle Brom- wich By - pass — Bacon's End — Coleshill — Over Whitacre — Nuneaton—Junc- tion with A. 5. Junction with A. 47 (Nuneaton Road) — Junction with A.47 (Hinckley Road). Junction with A. 5—Hinckley— Leicester—Billesden — Upping- ham—Duddington. Duddington — Junction with A. 47 North of Duddington. Junction with A. 43 North of Duddington — Wansford — Peterborough. Peterborough. Peterborough—Thorney—Guy- hirne—East of River Nene— Wisbech — King's Lynn — Swaffham — East Dereham — Norwich — Blofield — Acle — Tunstall Bridge—Great Yar- mouth.	A. 47  A. 5  A. 47  A. 43  A. 47  A. 15 A. 47
EXETER— LEEDS	Exeter—Cullompton — Willand By-pass — Beam Bridge By- pass — Wellington — Chelston By-pass — Taunton — Ads- borough Hill By-pass—Bridg- water — Pawlet By-pass — Highbridge—East Brent By- pass—Lower Weare and Cross By-pass—Langford By-pass— Bristol — Filton — Alveston and Thornbury By-pass—Cam- bridge — Gloucester—Norton	A. 38

1ST SCH.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
EXETER— LEEDS—cont.	By-pass—Tewkesbury—Kempsey — Worcester — Droitwich — Bromsgrove — Birmingham — Sutton Coldfield — Lawton Grange.	A. 38
	Lawton Grange—North of Lawton Grange.	A. 5
	North of Lawton Grange—Lichfield — Burton-upon-Trent — Derby.	A. 38
	Derby—Little Eaton and Cox-bench By-pass—Ripley—Alfreton—Clay Cross—Chesterfield — Dronfield—Sheffield—Woodseats — Tankersley — Barnsley — Staincross Station — Wakefield—Lofthouse—Stourton—Leeds.	A. 61
NEWPORT— SHREWS- BURY	Newport — Cross-y-ceiliog — North West of Pontypool Road Station.	A. 4042
	North West of Pontypool Road Station—Pont y Pia.	A. 472
	Pont y Pia — Pen-perlleni — Llanelen—Coldbrook Park.	A. 4042
	Coldbrook Park—Abergavenny.	A. 40
	Abergavenny — Llantilio-pertholey — Pandy — Pontrilas — Wormbridge—Hereford.	A. 465
	Hereford—Hope under Dinmore — Leominster.	A. 49
	Leominster.	A. 44
	Leominster — Brimfield—Ludlow — Craven Arms—Church Stretton—Dorrington—Shrewsbury (Junction with A. 5).	A. 49

1ST SCH.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
SWANSEA— MANCHESTER	Swansea — Penllergaer.	A.483
	Penllergaer — Pontardulais — Fforest.	A. 48
	Fforest — Ty-croes — Amman- ford — Llandybie — Llandilo — Llanwrda — Llandoverly Station — Llanwrtyd Wells— Beulah — Garth — Built Wells — Llandrindod Wells — Llanbister — Maes-yr-helm — Gwynant — Dofor — Glascoed — Newtown — Garthmyl — Welshpool — Llanymynech — Oswestry—Gobowen.	A. 483
	Gobowen—Chirk—Plas Offa.	A. 5
	Plas Offa—The Green.	A. 483
	The Green—Ruabon.	A. 539
	Ruabon—Wrexham — Pulford — Chester.	A. 483
	Chester — Stamford Bridge— West of Tarvin.	A. 51
	Tarvin By-pass — Kelsall — Delamere.	A. 54
	Delamere—Hartford—Northwich	A. 556
	Northwich.	A. 533
	Northwich — Tabley Inferior — Mere—Junction with A. 56.	A. 556
	Junction with A. 556 — Altrin- cham—Crossford Bridge—Stret- ford—Manchester.	A. 56
CHESTER— BANGOR	Chester — Saltney — Hawarden — Northop By-pass — Holy- well By-pass — St. Asaph — Abergele — Colwyn Bay — Mochdre By-pass — Conway — Penmaenmawr — Llandegai (Junction with A. 5).	A. 55
LIVERPOOL— PRESTON— LEEDS	Liverpool — Aintree Station — Maghull By-pass — Ormskirk By-pass—Burscough Bridge— Rufford — East of Tarleton— Longton — Preston — East of Samlesbury.	A. 59

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.	1ST SCH. —cont.
LIVERPOOL— PRESTON— LEEDS— <i>cont.</i>	East of Samlesbury—Windmill Inn. Windmill Inn—Mellor Brook. Mellor Brook — Bolton Hall — Whalley — Clitheroe — Gis- burn—Broughton Fields—Skip- ton. Skipton — Addingham — Ilkley —Burley-in-Wharfedale. Burley-in-Wharfedale—Otley. Otley — Bramhope — Leeds.	A. 677 A. 6063 A. 59  A. 65 A. 659 A. 660	
LIVERPOOL— LEEDS— HULL	Liverpool — Moss Side — St. Helens—Lane Head—Booths- town—Roe Green—Irlams-o'- th'-Height. Irlams-o'-th'-Height — Salford — Manchester. Manchester — Failsworth — Oldham — New Delph — Stack End — Marsden — Slaithwaite — Huddersfield — Heckmondwike — Birstall — Gildersome — Leeds. Leeds — West Garforth — Junc- tion with A. 1 North of Led- sham.  North of Ledsham — East of Ledsham. East of Ledsham—Hambleton— Selby.  Selby—Barlby.  Barlby By-pass—Osgodby By- pass—Cliffe By-pass—Heming- brough By-pass — Loftsome Bridge By-pass — Howden — Gilberdike — North Cave and South Cave By-pass — Melton By-pass—Hesslewood.  Hesslewood — Hessle By-pass— Hull.	A. 580  A. 6 A. 62  A. 63  A. 1 A. 63 A. 19 A. 63  A. 1105	

1st Sch.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
SHEFFIELD— GRIMSBY	Sheffield — Rotherham — Thrybergh—Conisbrough— Warmsworth—Doncaster.	A. 630
	Doncaster — Hatfield — Scunthorpe By-pass—Junction with A. 15 West of Brigg.	A. 18
	Junction with A. 18 West of Brigg—Brigg—Wrawby.	A. 15
	Wrawby — Melton Ross — Great Limber — Keelby — Laceby—Grimsby.	A. 18
NORMAN CROSS— GRIMSBY	Norman Cross (Junction with A. 1)—Peterborough—Glington—Market Deeping.	A. 15
	Market Deeping — Littleworth Station — Spalding — Gosberton — Boston — Sibsey — Stickney — East Keal — Spilsby — Ulceby Cross — Burwell — Louth — Fotherby By-pass — Holton le Clay — Grimsby.	A. 16
PENRITH— MIDDLES- BROUGH	Penrith (Junction with A. 6)— Temple Sowerby—Appleby—Brough — Bowes — Rokeby Park—Scotch Corner.	A. 66
	Scotch Corner—Darlington.	A. 1
	Darlington — Long Newton — Stockton-on-Tees.	A. 67
	Stockton-on-Tees.	A. 19
	Stockton-on-Tees — Thornaby-on-Tees—Middlesbrough.	A. 176

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.	1ST SCH. —cont.
CARLISLE— SUNDERLAND	<p>Carlisle — Warwick — Brampton — Greenhead — Haltwhistle — Haydon Bridge — Greenshaw Plain—Hexham—Corbridge.</p> <p>Corbridge.</p> <p>Corbridge — Horsley — Heddon-on-the-Wall — West Denton — Newcastle-upon-Tyne.</p> <p>Newcastle-upon-Tyne — Gateshead.</p> <p>Gateshead — Heworth — Boldon — Sunderland.</p>	<p>A. 69</p> <p>A. 68</p> <p>A. 69</p> <p>A. 1</p> <p>A. 184</p>	
EDINBURGH— CARLISLE	<p>Edinburgh — Dalkeith — Newton Grange — Stow — Galashiels—Selkirk—Hawick — Teviothead — Langholm — Canonbie — Longtown — Kingstown — Carlisle.</p>	<p>A. 7</p>	
EDINBURGH— GLASGOW	<p>Edinburgh — Newbridge By-pass — North of Uphall Station — North of Whitburn — Harthill — Newhouse — Baillieston — Bertrohill—Glasgow.</p>	<p>A. 8</p>	
GRETNA— STRANRAER —GLASGOW —STIRLING	<p>Gretna (Junction with A. 74)—Dornock — Annan — Carrutherstown — Dumfries — Crocketford — Castle Douglas — Ringford — Twynholm — Gatehouse of Fleet — Creetown — Newton Stewart — Glenluce — Stranraer.</p> <p>Stranraer — Cairnryan — Ballantrae — Girvan—Maybole—Ayr — Prestwick — Kilmarnock — Fenwick By-pass — Giffnock—Glasgow.</p> <p>Glasgow—Stepps—Cumbernauld —Denny—Stirling.</p>	<p>A. 75</p> <p>A. 77</p> <p>A. 80</p>	

1ST SCH.  
—cont.

Name of Trunk Road.	General Description of Route.	Ministry of Transport Classification Number.
TYNDRUM— OBAN	Tyndrum (Junction with A. 82)— Dalmally — Taynuilt — Connel —Oban (Argyll Square).	A. 85
PERTH— ABERDEEN— INVERNESS	Perth — Kinfauns — Inver- gowrie—West of Dundee.  Dundee By-pass.  East of Dundee — North of Moni- fieth — Muirdrum — Arbroath — Montrose — Inverbervie — Stonehaven — Aberdeen — Balmedie — Ellon — Toll of Burness.  Toll of Burness — Hatton — Boddam — Peterhead — St. Fergus — South of Rathen.  South of Rathen—Fraserburgh.  Fraserburgh — North of New Pitsligo — Macduff — Banff — Portsoy — Cullen — Fochabers.  Fochabers — Lhanbryde — Elgin — Forres — Nairn — Loch- side—Inverness.	A. 85  A. 972  A. 92  A. 952  A. 92  A. 98  A. 96



**SECOND SCHEDULE.**

Section 3.

**MODIFICATION, IN RELATION TO TRUNK ROADS, OF  
CERTAIN ENACTMENTS RELATING TO FUNCTIONS  
OF HIGHWAY AUTHORITIES.**

<b>Enactment conferring powers.</b>	<b>Modification.</b>
<p><b>The London Traffic Act 1924 (14 &amp; 15 Geo. 5. c. 34)— Section 4</b></p>	<p>- In subsection (1) for the words "of every road authority within that area to submit to the Minister" there shall be substituted the words "the Minister as the road authority for trunk roads in that area to prepare"; and for the word "require" there shall be substituted the words "think fit".</p> <p>In subsection (3) after the words "when received" there shall be inserted the words "or prepared".</p>
<p><b>Section 5</b></p>	<p>- In subsection (1) the proviso shall not apply.</p>
<p><b>The Roads Im- provement Act, 1925 (15 &amp; 16 Geo. 5. c. 68)— Section 5</b></p>	<p>- In subsection (1) the words "by resolution" shall be omitted and for provisos (a) and (b) the following proviso shall be substituted:—</p> <p style="padding-left: 40px;">"Provided that before a building line is prescribed under this section by the Minister, notification of the building line proposed to be prescribed shall be sent to the local authority for every district in which any land proposed to be affected is situated, or, in a case where any such land is subject to 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</p>

2ND SCH.  
—cont.Enactment  
conferring powers.

Modification.

The Roads Im-  
provement Act,  
1925 (15 & 16  
Geo. 5. c. 68)—cont.  
Section 5—cont.

Acts, or to a resolution to prepare or adopt such a scheme, to the authority having power to control the development or interim development of that land, and any observations by an authority to whom notification has been sent as aforesaid, which are made within three months after the receipt of the notification, shall be considered by the Minister."

In subsection (2) the words " to be signed " by, and deposited with, the clerk of the " authority prescribing the building line " and the words " by the signature of their clerk " shall be omitted.

In subsection (7) the proviso shall be omitted.

In subsection (8) the words " and any " question whether or not consent so " required is unreasonably withheld shall " be determined by the Minister after " consultation with the Minister of " Health " shall be omitted.

The Bridges Act,  
1929 (19 & 20  
Geo. 5. c. 33)—  
Section 3 -

In the case of a bridge carrying a trunk road, the Minister may make an order under subsection (2) on his own initiative and without any such application as is referred to in that subsection, and shall not be required to consult with any highway authority or, if after diligent inquiry the name and address of the owner of the bridge cannot be ascertained, with the owner and in the case of any order made by the Minister with respect to a bridge carrying a trunk road there shall be substituted for the reference to a highway authority in paragraph (d) of that subsection a reference to the Minister.

Enactment  
conferring powers.

Modification.

2ND SCH.  
—cont.

The Bridges Act,  
1929 (19 & 20  
Geo. 5. c. 33)—  
cont.

- Section 6 - In subsection (2) for the words "upon the application of a highway authority," there shall be substituted the words "by the Minister on his own initiative."

The Road Traffic  
Act, 1930 (20 &  
21 Geo. 5. c. 43)—

- Section 47 - Subsections (4) and (8) shall not apply.
- Section 48 - In subsection (1) the words "subject to "and in conformity with such general "or other directions as may be given by "the Minister" shall be omitted.  
Subsections (5), (6) and (7) shall not apply, except in relation to a bridge repairable by a person other than the Minister.
- Section 54 - In subsection (1) the words "by a certificate of their surveyor" shall be omitted.
- Section 56 - Subsection (2) shall not apply.  
In subsection (3) the words "or, if an "appeal has been made to the Minister "against the notice, until after the appeal "has been determined" shall be omitted.

The Road and Rail  
Traffic Act, 1933  
(23 & 24 Geo. 5.  
c. 53)—

- Section 30 - Subsection (3) shall not apply except in relation to a bridge repairable by a person other than the Minister.  
In the case of a bridge carrying a trunk road, the Minister may exercise his powers under subsection (7) on his own initiative and without any such application as is referred to in that subsection.

Sections 3,  
5, 7, 12.

## THIRD SCHEDULE.

## PART I.

FUNCTIONS OF LOCAL AUTHORITIES EXERCISABLE  
IN RELATION TO TRUNK ROADS BY THE MINISTER  
EXCLUSIVELY AND MODIFICATIONS OF ENACTMENTS  
RELATING THERETO.Enactment  
conferring powers.

Modification.

The Public Health  
Act, 1875 (38 &  
39 Vict. c. 55)—  
Section 148 -The words "or with the surveyor of any  
county bridge," the words "or of any  
"road over any county bridge and the  
"approaches thereto" and the words  
"or surveyor" shall be omitted.The Local Govern-  
ment Act, 1894  
(56 & 57 Vict.  
c. 73)—  
Section 25 (2).The Public Health  
Acts Amendment  
Act, 1907 (7 Edw.  
7. c. 53)—  
Sections 18, 20  
and 29.The Public Health  
Act, 1925 (15 &  
16 Geo. 5. c. 71)—  
Section 25 -In subsection (1) the words "under the  
hand of the clerk" shall be omitted, and  
no appeal shall lie under section seven  
of the Public Health Acts Amendment  
Act, 1907, as applied for the purposes of  
the Public Health Act, 1925, against any  
terms or conditions attached by the  
Minister to a consent given by him  
under the said section twenty-five, being  
terms or conditions which he declares to  
be necessary for the purpose of securing  
the safety of persons using the trunk  
road or of preventing interference with  
traffic on the road.

Enactment  
conferring powers.

Modification.

3RD SCH.  
—cont.

The Public Health  
Act, 1925 (15 &  
16 Geo. 5. c. 71)  
—cont.

Section 27 - No appeal shall lie as aforesaid against any terms or conditions attached by the Minister to a licence granted by him under the said section twenty-seven, being terms or conditions which he declares to be necessary for the purpose of securing the safety of persons using the trunk road or of preventing interference with traffic on the road.

Section 33 - In subsection (2) the words " to be signed by the clerk " and the words " at the offices of the local authority " shall be omitted. In subsection (3) for the words " such deposit " there shall be substituted the words " the place where it is deposited ". In subsection (4) the words " by resolution " shall be omitted. Subsection (11) shall not apply. In subsection (13) the words " and any " question whether or not such consent " has been unreasonably withheld shall be " determined by the Minister of Health " shall be omitted.

The Road Traffic  
Act, 1930 (20 &  
21 Geo. 5. c. 43)—

Section 46 - An order made by the Minister in respect of a trunk road shall not require to be confirmed, and may be revoked, varied or amended by the Minister, but before making, revoking, varying or amending any such order, the Minister shall give notice to the council, being a council to which the said section applies, and shall, if he thinks fit, hold a public inquiry.

Section 53 - In subsection (2) there shall be substituted for sub-paragraphs (i) and (ii) of paragraph (a) the words " in the " case of a transfer to the Minister become " vested in and repairable by him as a " trunk road," and in paragraph (b) the

3RD SCH.  
—cont.Enactment  
conferring powers.

Modification.

The Road Traffic  
Act, 1930 (20 &  
21 Geo. 5. c. 43)—  
cont.

Section 53—cont.

words “ but a right to take tolls so  
“ transferred shall continue to be exercis-  
“ able for such number of years only as  
“ may be allowed by the Minister in the  
“ particular case ” shall be omitted.  
Subsections (5) and (6) shall not apply.

The Road Traffic  
Act, 1934 (24 &  
25 Geo. 5. c. 50)—

Section 1 -

In subsection (4) there shall be substituted  
for paragraphs (a) and (b) the words “ as  
“ respects any trunk road, by means of an  
“ order made by the Minister after giving  
“ public notice of his intention to make an  
“ order under this subsection and, in the  
“ case of a road in the London Traffic  
“ Area as constituted by the London  
“ Traffic Act, 1924, after consultation  
“ with the London and Home Counties  
“ Traffic Advisory Committee ”.

Subsection (5) shall not apply.

In paragraph (a) of subsection (7) the  
words “ in order to give effect to general  
or other directions given by the Minister ”  
and the words from the beginning of  
paragraph (b) to the end of the sub-  
section shall be omitted.

Section 18 -

Subsections (4) to (7) shall not apply, but it  
shall be the duty of the Minister to  
establish on trunk roads such crossings  
for foot passengers as he considers neces-  
sary and to execute any works (including  
the placing, erection, maintenance, altera-  
tion and removal of marks and traffic  
signs) required in connection with the  
establishment of those crossings, and any  
such crossings shall be deemed to be  
established under the said section.

In subsection (9) the words “ in accordance  
“ with the provisions for the time being  
“ in force of a scheme submitted and  
“ approved ” shall be omitted.

## PART II.

3RD SCH.  
—cont.FUNCTIONS OF LOCAL AUTHORITIES EXERCISABLE IN  
RELATION TO TRUNK ROADS BY THE MINISTER AS  
WELL AS BY OTHER AUTHORITIES AND MODIFICATION OF  
ENACTMENTS RELATING THERETO.Enactment  
conferring powers.

Modification.

The Town Improve-  
ment Clauses Act,  
1847 (10 & 11  
Vict. c. 34)—Sections 69 and  
70 as incor-  
porated with  
the Public  
Health Act,  
1875 (38 &  
39 Vict. c. 55).The Barbed Wire  
Act, 1893 (56 &  
57 Vict. c. 32)—  
Section 3.The Public Health  
Act, 1925 (15 &  
16 Geo. 5. c. 71)—  
Section 21.

Section 22.

Section 23 - Subsection (2) shall not apply, and in sub-  
section (3) for the words "to a petty  
" sessional court within fourteen days  
" after the service of such notice " there  
shall be substituted the words "in  
" manner provided by the Summary  
" Jurisdiction Acts to a court of quarter  
" sessions ".

3RD SCH.  
—cont.

## PART III.

FUNCTIONS OF LOCAL AUTHORITIES EXERCISABLE IN  
RELATION TO TRUNK ROADS BY THE MINISTER AND  
BY OTHER AUTHORITIES WITH THE CONSENT OF  
THE MINISTER.

The Public Health Acts Amendment Act, 1890 (53 & 54 Vict.  
c. 59)—

Section 39.

Section 40.

Section 42.

Section 43.

The Public Health Act, 1925 (15 & 16 Geo. 5. c. 71)—

Section 13.

Section 14.

Sections 4,  
12.

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FOURTH SCHEDULE.

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MODIFICATIONS OF THE RESTRICTION OF RIBBON  
DEVELOPMENT ACT, 1935.

1. References to a highway authority in sections one to twelve of the Restriction of Ribbon Development Act, 1935, shall be construed in relation to trunk roads as references to the authority by whom the functions of the highway authority under section one and section two of the said Act are exercisable (hereafter in this Schedule referred to as "the authority"):

Provided that in the proviso to subsection (1) of section nine thereof for the words "the highway authority" (where those words occur for the third time) there shall be substituted the words "the Minister or the authority" and for the words "the highway authority" (where those words occur for the fourth time) there shall be substituted the words "the Minister or the authority, as the case may be"; and in subsection (3) of the said section nine references to a highway authority shall be construed as references to the Minister.

2. Subsection (4) of section one of the said Act (which empowers the Minister, in default of the authority, to adopt or alter a standard width) shall not apply in relation to a trunk road, but the Minister may, if after consultation with the authority it appears to him to be expedient, make an order—

(a) in the case of a trunk road in respect of which no standard width has been adopted by the authority, adopting a standard width;



(b) in a case where a standard width has been adopted, altering the standard width;

4TH SCH.  
—cont.

and the order shall be deemed to be a resolution passed by the authority and approved by him :

Provided that,—

- (i) before making any such order, the Minister 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 on the register kept by the authority in accordance with the provisions of the said Act, notice of his intention to make the order, specifying the places and times at which plans may be inspected, showing the standard width proposed to be prescribed thereby and the time within which and the manner in which objection can be made to the making of the order; and, before making the order, 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; and
- (ii) paragraph (i) of subsection (1) of section three of the said Act shall accordingly have effect as if for the reference to the date on which notice of the passing of the resolution adopting a standard width was first advertised in accordance with the provisions of the said Act there were substituted a reference to the date on which notice of the Minister's intention to make an order prescribing a standard width was first advertised in accordance with the provisions of this paragraph.

3. The notices required to be advertised and sent in accordance with the provisions of the last foregoing paragraph and, in the case of an order made by the Minister under the last foregoing paragraph, the notices required to be advertised and sent in accordance with the provisions of paragraph (1) of the Second Schedule to the said Act, shall be advertised and sent by him, or by agreement with the authority, by the authority on his behalf.

4. Any conditions attached to a consent in pursuance of the requirements of the Minister shall be enforceable by the Minister as well as by the authority, and subsection (3) of section seven of the said Act shall have effect accordingly.

5. The power under section four of the said Act of fencing roads subject to restrictions in force under section one or section two of that Act, and the power under subsection (1) of section eleven of that Act of demolishing buildings, filling up excavations,

4TH SCH.  
—cont.

closing up means of access, or removing works, in relation to which a contravention of any such restrictions as aforesaid has been committed, and the power to recover expenses incurred in so doing, shall be exercisable by the Minister as well as by the authority :

Provided that so much of the proviso to the said subsection (1) as provides for an appeal to a court of summary jurisdiction by any person aggrieved by the decision of the authority, and for an appeal to quarter sessions by that person or by the authority from the order of the court of summary jurisdiction, shall not apply to a decision by the Minister.

6. Sections thirteen to fifteen of the said Act shall, in their application to the acquisition of land by the Minister, have effect subject to the following modifications :—

- (a) in section thirteen the expression “ improvement ” shall have the same meaning as in this Act, and in subsection (1) of the said section, the words “ or of preventing “ the erection of buildings detrimental to the view from “ the road ” and the words “ by them and confirmed ” shall be omitted ;
- (b) in sections one hundred and sixty-one and one hundred and sixty-two of the Local Government Act, 1933, as applied by the said section thirteen, for the references to a local authority there shall be substituted references to the Minister, for the references to an order made by a local authority and confirmed by the Minister there shall be substituted references to an order made by the Minister, for the references to the making of an order there shall be substituted references to the preparing of a draft order, and for the references to the submitting of an order to, or the confirming of an order by, the Minister, there shall be substituted references to the making of an order by him.
- (c) subsection (2) and paragraphs (b) and (c) of subsection (3) of the said section thirteen and subsection (3) of section seven of the Bridges Act, 1929, as applied by subsection (2) of the said section fourteen shall not apply.

19 & 20  
Geo. 5. c. 33.

7. The said sections thirteen to fifteen of the said Act shall, as they apply to the acquisition of land by the authority, have effect as if there were substituted for the references to a highway authority references to the authority, and as if in subsection (1) of the said section thirteen the words “ of the construction or improvement of the road or ” were omitted.

8. Section twenty-four of the said Act shall have effect as if in the definition of the expression “ middle of the road ” for the

words "prepared by the highway authority with the approval of the Minister" there were substituted the words "made or approved by the Minister," and the definition of the expression "proposed road" shall include any proposed road as defined by this Act.

4TH SCH.  
—cont.

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## FIFTH SCHEDULE.

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Sections 11,  
12.

### TRANSITIONAL PROVISIONS.

1. All orders and regulations made, all directions, consents and notices given, and all building lines and improvement lines prescribed, with respect to a road which becomes a trunk road, either by the former highway authority for the purposes of their functions with respect to that road or by a local authority under any of the enactments specified in Part I of the Third Schedule to this Act shall, if they were in force immediately before the road became a trunk road, have effect with respect thereto as if made, given, or prescribed by the Minister :

Provided that nothing in this paragraph shall be taken as transferring to the Minister any liability not transferred to him by or under section seven of this Act.

2. Any order, byelaw, regulation or other instrument made by a local authority with respect to a road which becomes a trunk road, which would, if it had been made after the road became a trunk road, have required the consent or approval of the Minister, may be revoked or varied by the Minister in like manner and subject to the like conditions as the original order, so, however, that no appeal shall lie to quarter sessions or petty sessions against any order made by the Minister under this paragraph.

3. Where, in relation to a road which becomes a trunk road on the first day of April nineteen hundred and thirty-seven, any local authority has incurred, on or after the sixth day of July nineteen hundred and thirty-six, a liability to pay compensation as the result of—

- (a) a refusal to give consent, or the attaching of conditions to a consent, before the first day of April nineteen hundred and thirty-seven under section one or section two of the Restriction of Ribbon Development Act, 1935;
- (b) the prescribing of a building line under section five of the Roads Improvement Act, 1925; or

5TH SCH.  
—cont.

- (c) the prescribing of an improvement line under section thirty-three of the Public Health Act, 1925;

the Minister shall, if he is satisfied that the liability was incurred wholly or partly for the purpose of securing that the road should be of adequate width or of controlling the access to the road, pay to the authority such sum as in his opinion represents the extent of the liability reasonably incurred for those purposes or either of them.

4. All contracts, deeds, bonds, or agreements entered into or made by the former highway authority for a road which becomes a trunk road, or by a local authority for the purposes of functions in relation to the road under any of the enactments mentioned in Part I of the Third Schedule to this Act, and subsisting on the day on which the road became a trunk road, shall, in so far as they relate to property and liabilities transferred to the Minister in respect of that road, have effect with the substitution of the Minister for the authority and may be enforced by or against the Minister accordingly.

5. Where any such contract as aforesaid provides for the execution of works or the rendering of services by a person other than the authority in connection with the construction, maintenance, repair, or improvement, or other dealing with, the road, then—

- (a) if the works or services have been completed before the day on which the road becomes a trunk road but the price or payment, or any part thereof, has not accrued due before that day, the Minister may recover from the authority the price or payment, or part thereof, as the case may be; and
- (b) if the works or services have not been completed before the said day, the value of any works executed, or services rendered, before that day, shall be ascertained, regard being had to the terms of the contract, and the Minister may recover from the authority the amount of the said value less any sum paid by the authority in pursuance of the contract, and if the authority have paid in pursuance of the contract a sum greater than the amount of the said value, the Minister shall repay the excess to the authority.

6. Where, before the day on which a road becomes a trunk road, the former highway authority or any such local authority as aforesaid have been themselves executing works in connection with the construction, maintenance, repair, or improvement, or other dealing with the road, but have not completed the works before that day, the Minister shall, if required to do so by the

authority, purchase all unused materials necessarily acquired by the authority for the purpose of the works and hire from the authority all plant so acquired which is still necessary for the purpose of the works.

5TH SCH.  
—cont.

7. In calculating—

- (a) the amount of any sum to be recovered or paid by the Minister under paragraph 5 of this schedule; or
- (b) the price of the materials to be purchased, or the hire of plant to be hired, by the Minister under the last foregoing paragraph;

account shall be taken of any grant paid or payable by the Minister to the authority for the purpose of the works or services.

8. If any dispute arises under the last three foregoing paragraphs as to the materials to be purchased, or the plant to be hired, by the Minister from any authority, or as to the sums to be paid by any authority to the Minister, or by the Minister to any authority, it shall be determined by arbitration.

9. All proceedings, legal or other, begun before the day upon which a road becomes a trunk road and relating to any property or liabilities transferred to the Minister in respect of that road, may be carried on with the substitution of the Minister as party to the proceedings, in lieu of the authority from whom the property or liabilities was or were transferred, and any such proceeding may be amended in such manner as may be necessary for that purpose.

10. The provisions of this schedule, except paragraph 2 thereof, shall apply in a case where a road ceases to be a trunk road in like manner as they apply where a road becomes a trunk road, with the substitution for the references to the former highway authority, and to any local authority, of references to the Minister, and for the references to the Minister of references to the council which becomes the highway authority for the road, or, so far as relates to any functions under enactments mentioned in Part I of the Third Schedule to this Act and to property and liabilities vested in or incurred by the Minister for the purposes of those functions, to the local authority which is to exercise those functions in relation to the road.



**CHAPTER 6.**

An Act to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military or similar character; and to make further provision for the preservation of public order on the occasion of public processions and meetings and in public places.

[18th December 1936.]

**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 :—

Prohibition  
of uniforms  
in connec-  
tion with  
political  
objects.

1.—(1) Subject as hereinafter provided, any person who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence :

Provided that, if the chief officer of police is satisfied that the wearing of any such uniform as aforesaid on any ceremonial, anniversary, or other special occasion will not be likely to involve risk of public disorder, he may, with the consent of a Secretary of State, by order permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as may be specified in the order.

(2) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged, so, however, that if that person is remanded in custody he shall, after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognisance

without sureties unless within that period the Attorney-General has consented to such further proceedings as aforesaid.

- 2.—(1) If the members or adherents of any association of persons, whether incorporated or not, are—
- Prohibition  
of quasi-  
military  
organisations.
- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the Crown; or
- (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;

then any person who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence under this section :

Provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training, or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) No prosecution shall be instituted under this section without the consent of the Attorney-General.

(3) If upon application being made by the Attorney-General it appears to the High Court that any association is an association of which members or adherents are organised, trained, or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and in accordance with rules of court may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association and make such further orders as appear to the Court to be just and equitable for the application of such property in or towards the discharge of the

liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding-up or dissolving the association, and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Crown.

(4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped.

(5) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by an officer of police of a rank not lower than that of inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other persons named in the warrant and any other officers of police to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid :

Provided that no woman shall, in pursuance of a warrant issued under this subsection, be searched except by a woman.



(6) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held upon private premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

3.—(1) If the chief officer of police, having regard to the time or place at which and the circumstances in which any public procession is taking place or is intended to take place and to the route taken or proposed to be taken by the procession, has reasonable ground for apprehending that the procession may occasion serious public disorder, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary for the preservation of public order, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions:

Powers for the preservation of public order on the occasion of processions.

Provided that no conditions restricting the display of flags, banners, or emblems shall be imposed under this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.

(2) If at any time the chief officer of police is of opinion that by reason of particular circumstances existing in any borough or urban district or in any part thereof the powers conferred on him by the last foregoing subsection will not be sufficient to enable him to prevent serious public disorder being occasioned by the holding of public processions in that borough, district or part, he shall apply to the council of the borough or district for an order prohibiting for such period not exceeding three months as may be specified in the application the holding of all public processions or of any class of public procession so specified either in the borough or urban district or in that part thereof, as the case may be, and upon receipt of the application the council may, with the consent of a Secretary of State, make an order either in terms of the application or with such modifications as may be approved by the Secretary of State.

This subsection shall not apply within the City of London as defined for the purposes of the Acts relating

to the City police or within the Metropolitan police district.

(3) If at any time the Commissioner of the City of London police or the Commissioner of police of the Metropolis is of opinion that, by reason of particular circumstances existing in his police area or in any part thereof, the powers conferred on him by subsection (1) of this section will not be sufficient to enable him to prevent serious public disorder being occasioned by the holding of public processions in that area or part, he may, with the consent of the Secretary of State, make an order prohibiting for such period not exceeding three months as may be specified in the order the holding of all public processions or of any class of public procession so specified either in the police area or in that part thereof, as the case may be.

(4) Any person who knowingly fails to comply with any directions given or conditions imposed under this section, or organises or assists in organising any public procession held or intended to be held in contravention of an order made under this section or incites any person to take part in such a procession, shall be guilty of an offence.

Prohibition  
of offensive  
weapons at  
public  
meetings  
and pro-  
cessions.

4.—(1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Crown or of either House of Parliament or of any local authority or as a constable or as a member of a recognised corps or as a member of a fire brigade.

Prohibition  
of offensive  
conduct  
conducive  
to breaches  
of the peace.

5. Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

Amendment  
of 8 Edw. 7.  
c. 66.

6. Section one of the Public Meeting Act, 1908, (which provides that any person who at a lawful public meeting acts in a disorderly manner for the purpose of

preventing the transaction of the business for which the meeting was called together, or incites others so to act, shall be guilty of an offence) shall have effect as if the following subsection were added thereto—

“(3) If any constable reasonably suspects any person of committing an offence under the foregoing provisions of this section, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or gives a false name and address he shall be guilty of an offence under this subsection and liable on summary conviction thereof to a fine not exceeding forty shillings, and if he refuses or fails so to declare his name and address or if the constable reasonably suspects him of giving a false name and address, the constable may without warrant arrest him.”

7.—(1) Any person who commits an offence under section two of this Act shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine. Enforce-  
ment.

(2) Any person guilty of any other offence under this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) A constable may without warrant arrest any person reasonably suspected by him to be committing an offence under section one, four or five of this Act.

8. This Act shall apply to Scotland subject to the following modifications :— Applica-  
tion to  
Scotland.

- (1) Subsection (2) of section one and subsection (2) of section two of this Act shall not apply.
- (2) In subsection (3) of section two the Lord Advocate shall be substituted for the Attorney-General

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and the Court of Session shall be substituted for the High Court.

- (3) Subsection (5) of section two shall have effect as if for any reference to a judge of the High Court there were substituted a reference to the sheriff and any application for a search warrant under the said subsection shall be made by the procurator fiscal instead of such officer as is therein mentioned.
- (4) The power conferred on the sheriff by subsection (5) of section two, as modified by the last foregoing paragraph, shall not be exercisable by an honorary sheriff-substitute.
- (5) Subsection (1) of section three of this Act shall in its application to a burgh have effect with the substitution of references to the magistrates of the burgh for references to the chief officer of police, and any reference to the powers conferred by the said subsection shall be construed accordingly.
- (6) In subsection (2) of section three and in subsection (3) of section nine of this Act for references to a borough or urban district and to the council thereof there shall be substituted respectively references to a burgh and to the magistrates thereof.

Interpreta-  
tion, &c.

**9.**—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

11 & 12  
Geo. 5. c. 31.

- “ Chief officer of police ” has the same meaning as in the Police Pensions Act, 1921;
- “ Meeting ” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;
- “ Private premises ” means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier, or lessee of the premises;
- “ Public meeting ” includes any meeting in a public place and any meeting which the public or any

section thereof are permitted to attend, whether on payment or otherwise;

“Public place” means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“Public procession” means a procession in a public place;

“Recognised corps” means a rifle club, miniature rifle club or cadet corps approved by a Secretary of State under the Firearms Acts, 1920 to 1936, for the purposes of those Acts.

(2) The powers conferred by this Act on the Attorney-General may, in the event of a vacancy in the office or in the event of the Attorney-General being unable to act owing to illness or absence, be exercised by the Solicitor-General.

(3) Any order made under this Act by the council of any borough or urban district or by a chief officer of police may be revoked or varied by a subsequent order made in like manner.

(4) The powers conferred by this Act on any chief officer of police may, in the event of a vacancy in the office or in the event of the chief officer of police being unable to act owing to illness or absence, be exercised by the person duly authorised in accordance with directions given by a Secretary of State to exercise those powers on behalf of the chief officer of police.

**10.**—(1) This Act may be cited as the Public Order Act, 1936. Short title  
and extent.

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

(3) This Act shall come into operation on the first day of January nineteen hundred and thirty-seven.

## CHAPTER 7.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven.

[18th February 1937.]

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-seven, the sum of five million, two hundred and ninety-four thousand pounds.

Issue of  
5,294,000*l.*  
out of the  
Consolidated  
Fund for the  
service of the  
year ending  
31st March  
1937:

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 five million, two hundred and ninety-four thousand 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-seven, 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.

**3.** This Act may be cited as the Consolidated Fund Short title. (No. 1) Act, 1937.

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## CHAPTER 8.

An Act to provide for charging duties of customs on beef and veal and on extracts and essences of beef or veal, and for purposes connected with the matter aforesaid.

[18th February 1937.]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to affording assistance to the livestock industry in the United Kingdom, and to making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the duties of customs 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.**—(1) Subject to the provisions of this Act, there shall be charged on the importation into the United Kingdom of goods of the classes and descriptions specified in the first column of the following table, not being

Customs  
duties on  
beef and  
veal.

Empire products, duties of customs at the rates specified in the second column of that table :—

<i>Class or description of goods.</i>	<i>Rate of duty.</i>
(a) Beef and veal not preserved in any airtight container (excluding offals and boned and boneless meat) :—	
Chilled - - - - -	the lb. $\frac{3}{4}d.$
Other kinds - - - - -	the lb. $\frac{3}{4}d.$
(b) Boned and boneless beef and veal and edible offals of beef and veal, not being beef, veal or offals preserved in any airtight container, and excluding sweetbreads - - - - -	20 per cent. of the value of the goods.
(c) Beef and veal preserved in any airtight container (including edible offals of beef and veal, but excluding sweetbreads) :—	
Tongues - - - - -	20 per cent. of the value of the goods.
Other goods - - - - -	10 per cent. of the value of the goods.
(d) Extracts and essences wholly or in part derived from beef or veal - - -	10 per cent. of the value of the goods.

(2) No duty shall be chargeable under this section in respect of any sausages or pastes.

(3) Any duty chargeable under this section on any goods shall be chargeable in addition to any other duty of customs for the time being chargeable thereon, whether under the Import Duties Act, 1932, or otherwise, and goods chargeable with duty under this section shall, for the purposes of the Import Duties Act, 1932, be deemed not to be goods chargeable with a duty of customs by or under an enactment other than that Act.

(4) The provisions of Part I of the Schedule to this Act shall apply in relation to goods chargeable with duty under this section, and the enactments specified in Part II of that Schedule shall, in relation to such goods, have effect as if any reference in those enactments to duties chargeable under Part I of the Import Duties Act, 1932, included a reference to duties chargeable under this section.



(5) In this section the expression " Empire products " has the same meaning as in subsection (1) of section eight of the Finance Act, 1919, as amended by any subsequent enactment. 9 & 10  
Geo. 5. c. 32.

(6) This section shall be deemed to have been in operation as from the sixteenth day of December, nineteen hundred and thirty-six :

Provided that (without prejudice to the power of the Treasury under section fourteen of the Finance Act, 1933, as amended by this Act) no duty shall be chargeable under this section on the importation, before the passing of this Act, of tongues (whether preserved in airtight containers or not) or of jellied veal preserved in any airtight container. 23 & 24  
Geo. 5. c. 19.

2.—(1) This Act may be cited as the Beef and Veal Customs Duties Act, 1937. Short title and construction.

(2) This Act shall be construed as one with the Customs Consolidation Act, 1876, and any enactments amending that Act, except that the expression " the United Kingdom " in this Act shall not include the Isle of Man. 39 & 40 Vict.  
c. 36.

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## SCHEDULE.

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Section 1.

### PART I.

#### PROVISIONS RELATING TO GOODS IN TRANSIT AND TO RE-IMPORTATION OF GOODS.

1. Where it is shown to the satisfaction of the Commissioners of Customs and Excise that any goods are being imported with a view to the re-exportation thereof after transit through the United Kingdom, or by way of transshipment, the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the goods to be imported free of any duty chargeable under this Act.

2. Section six of the Customs and Inland Revenue Act, 1879, shall not apply to goods (whether British or foreign) chargeable with a duty of customs under this Act, but where any goods of a class or description so chargeable are re-imported into the 42 & 43 Vict.  
c. 21.

United Kingdom after exportation therefrom, and it is shown to the satisfaction of the Commissioners of Customs and Excise that any duty chargeable under this Act in respect of the goods was duly paid, and either—

- (a) that no drawback of any such duty was allowed on exportation, or
- (b) that any such drawback so allowed has been repaid to the Exchequer,

then, if it is further shown as aforesaid that the goods have not been subjected to any process abroad, the goods shall be exempt from any such duty.

## PART II.

### CERTAIN ENACTMENTS APPLIED FOR THE PURPOSES OF THIS ACT.

Enactment.	Subject Matter.
The Second Schedule to the Import Duties Act, 1932, as amended by any subsequent enactment.	Recommendation and allowance of drawback of duties.
Section nine of the Finance Act, 1932, as amended by any subsequent enactment.	Further provision for drawback of duties.
Section fourteen of the Finance Act, 1933.	Power of the Treasury by order to repeal or reduce duties having regard to commercial agreements.

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## CHAPTER 9.

An Act to explain and amend sections two hundred and ninety-two and two hundred and ninety-three of the Government of India Act, 1935, and sections one hundred and forty-eight and one hundred and forty-nine of the Government of Burma Act, 1935. [18th February 1937.]

**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.**—(1) For the purposes of sections two hundred and ninety-two and two hundred and ninety-three of the Government of India Act, 1935, which provide for the existing laws of British India to continue in force therein after the date of the commencement of Part III of the said Act, subject to the power of His Majesty in Council to make such adaptations and modifications in any such law as appear to His Majesty to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the said Act,—

Continuance and adaptation of certain existing laws in India and Burma.  
26 Geo. 5. & 1 Edw. 8. c. 2.

- (i) a law passed or made before the said date by a Legislature or other competent Authority in British India, and not previously repealed, is, for the removal of doubts, hereby declared to be a law in force immediately before that date, notwithstanding that it, or parts of it, may not then be in operation, either at all or in particular areas ;
- (ii) any such law which immediately before the said date has extra-territorial effect as well as effect in British India shall, subject to any such adaptations and modifications as aforesaid, continue to have extra-territorial effect ;
- (iii) the power of His Majesty in Council to make in an existing Indian law such adaptations and modifications as aforesaid shall be deemed to include power to declare any such law, or any part thereof, to be repealed, if it appears to His Majesty in Council that its continuance is unnecessary or inexpedient in view of the provisions of the said Act ;
- (iv) nothing in the said sections shall be construed as continuing any temporary Act in force beyond the date fixed for its expiration.

(2) Paragraphs (i) to (iv) of the preceding subsection shall apply also in relation to sections one hundred and forty-eight and one hundred and forty-nine of the Government of Burma Act, 1935 (being the sections of that Act corresponding to the said sections two hundred

26 Geo. 5. & 1 Edw. 8. c. 3.

and ninety-two and two hundred and ninety-three), with the following adaptations—

- (a) references to British India and to an Indian law shall be construed respectively as references to Burma and to a Burma law ;
- (b) for the words “ in view of the provisions of the said Act ” there shall be substituted the words “ in view of the separation of India and Burma.”

Short title.

2. This Act may be cited as the India and Burma (Existing Laws) Act, 1937.

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## CHAPTER 10.

An Act to extend, until the thirty-first day of March nineteen hundred and thirty-seven, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935; to provide for the adjustment of such grants between local authorities; and to amend section forty-five of the Unemployment Assistance Act, 1934. [18th February 1937.]

**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 25 & 26  
Geo. 5. c. 22,  
s. 1.  
26 Geo. 5. &  
1 Edw. 8.  
c. 7.  
24 & 25  
Geo. 5. c. 29.

1. Section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935 (which as amended by the Unemployment Assistance (Temporary Provisions) (Extension) Act, 1936, requires the payment of grants to local authorities out of moneys provided by Parliament in consequence of the postponement of the second appointed day for the purposes of the Unemployment Act, 1934, in respect of the period beginning with the first day of March nineteen hundred and thirty-five and ending with the thirty-first day of March nineteen hundred and thirty-six, or with the day before

the date to be appointed as the second appointed day for the purposes of the last-mentioned Act, whichever is the earlier) shall have effect as if for the reference in subsection (1) thereof to the thirty-first day of March nineteen hundred and thirty-six, there were substituted a reference to the thirty-first day of March nineteen hundred and thirty-seven, and as if the words from "or with the day" to the end of the subsection were omitted therefrom.

2.—(1) If the Minister of Health is satisfied that the grants payable to councils under the said section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935 would, in the case of some councils, be insufficient to meet the expenditure incurred by the council in connection with the provision of relief to which this section applies, and in the case of other councils, be more than sufficient to meet the expenditure so incurred by the council, the Minister may make such adjustments in the instalments of the grants payable in respect of the period beginning with the first day of April nineteen hundred and thirty-six and ending with the thirty-first day of March nineteen hundred and thirty-seven, as he thinks fit for the purpose of increasing the grants in cases where they would be insufficient, by reducing the excess in cases where they would be more than sufficient, to meet the expenditure aforesaid :

Adjustment  
of grants.

Provided that—

- (a) the Minister shall not make any increases or reductions under this section except after consultation with such associations as appear to him to represent the councils concerned and with any local authority with whom consultation appears to him to be desirable; and
- (b) the amounts of any such increases and reductions shall be so calculated as not to affect the aggregate amount of the grants payable under the said section one.

(2) This section applies to relief of the poor provided by the council of a county or county borough in the period beginning with the first day of March nineteen hundred and thirty-five and ending with the

thirty-first day of March nineteen hundred and thirty-seven, being 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 in estimating for the purposes of this section the expenditure incurred by any council in the provision of that relief, the same deduction shall be made therefrom as is made, by virtue of proviso (a) to subsection (3) of the said section one, in calculating the grant payable to the council under that section.

Amendment  
of 24 & 25  
Geo. 5. c. 29,  
s. 45.

**3.**—(1) Subsections (2) (3) and (4) of section forty-five of the Unemployment Assistance Act, 1934 (which as amended by the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935, 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 areas in the period beginning on the first day of April nineteen hundred and thirty-five and ending on the thirty-first day of March nineteen hundred and thirty-seven) shall cease to have effect, and no contributions shall be payable under that section in that period :

Provided that the deductions to be made under subsection (3) of section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935, from the grants payable under that section, and the deductions to be made under subsection (2) of the last foregoing section, shall be calculated as if this section had not been passed.

(2) Subsection (5) of the said section forty-five shall have effect as if for the words “mentioned in subsection (2) of this section” there were therein substituted the words “ending with the thirty-first day of March nineteen hundred and thirty-seven.”

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; 19 & 20  
Geo. 5. c. 25.

(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.

**5.**—(1) This Act may be cited as the Unemployment Assistance (Temporary Provisions) (Amendment) Act, 1937, and this Act and the Unemployment Assistance Acts, 1934 to 1936, may be cited together as the Unemployment Assistance Acts, 1934 to 1937. Short title,  
citation and  
extent.

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

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## CHAPTER 11.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans.

[18th February 1937.]

**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.**—(1) There may be issued by the National Debt Commissioners for the purposes of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of twenty million pounds. Grants for  
public  
works.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting

money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.  
c. 16.

Certain  
debts not to  
be reckoned  
as assets of  
the Local  
Loans Fund.

2. Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I and Part II of the Schedule to this Act should to the extent specified in the last column of those tables, not be reckoned as assets of the Local Loans Fund established under the National Debt and Local Loans Act, 1887 :

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the Local Loans Fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission  
of arrears of  
principal  
and interest  
in respect of  
Eyemouth  
Harbour  
loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland :

1 Edw. 7.  
c. 35.

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan :

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees as defined in clause three of the said memorandum was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable



to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid, was during the year ending the thirty-first day of March, nineteen hundred and thirty-six, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds with interest amounting to forty-seven pounds seven shillings now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable :

Now, therefore, the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to forty-seven pounds seven shillings shall be remitted.

4. This Act may be cited as the Public Works Loans Short title. Act, 1937.

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## SCHEDULE.

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Section 2.

### PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS  
UNDER THE HARBOURS AND PASSING TOLLS, &C.,  
ACT, 1861.

Name of Borrower.	Amount of Loan.	Amount to be written off.
Eyemouth Harbour Trustees.	£ 10,000	£ 200

## PART II.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS  
UNDER THE AGRICULTURAL CREDITS ACT, 1923.

Name of Borrower.	Amount of Loan.		Amount to be written off.	
	£	s. d.	£	s. d.
Messrs. William and Albert Edward Barnes - - -	3,000	0 0	1,072	6 10
Mr. William Thomas Bone - - -	1,050	0 0	415	19 7
Messrs. Frank Herman and William Charles Collett - - -	3,780	0 0	329	0 9
Mr. Robert Cox- -	1,762	0 0	229	18 3
Mr. William Harrison	1,462	0 0	186	17 11
Mr. Basset Huntbach	3,619	0 0	316	3 4
Mrs. Anne Isabel and Mr. George Thomas Olarenschaw - -	1,515	0 0	350	19 9
Mr. Herbert Edward Olarenschaw - -	787	0 0	585	2 3
Mr. Charles Hubert Pegrum - - -	1,700	0 0	497	1 9
Mr. Arthur John Soper	1,106	0 0	714	9 8

## CHAPTER 12.

An Act to consolidate the provisions of the Firearms Acts, 1920 to 1936, relating to firearms, imitation firearms and other weapons and to ammunition. [18th February 1937.]

**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.

#### REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF CERTAIN FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS.

##### *Purchase and Possession of certain Firearms and Ammunition.*

1.—(1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition to which this Part of this Act applies unless he holds a firearm certificate in force at the time.

Penalty for purchasing or possessing firearms or ammunition without certificate.

(2) If any person—

(a) purchases, acquires or has in his possession any firearm or ammunition to which this Part of this Act applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or, in the case of ammunition, in quantities in excess of those so authorised; or

(b) fails to comply with any condition subject to which a firearm certificate is held by him;

he shall, subject to the provisions of this Act, for each offence be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) In Scotland, a contravention of this section which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in this section, be so libelled and tried.

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PART I.  
—*cont.*  
Grant,  
renewal,  
variation,  
and re-  
vocation  
of certifi-  
cates.

2.—(1) An application for the grant of a certificate under this section shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the said form.

(2) The certificate shall be granted by the chief officer of police if he is satisfied that the applicant has a good reason for purchasing, acquiring, or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a certificate shall not be granted to a person whom the chief officer of police has reason to believe to be prohibited by this Act from possessing a firearm to which this Part of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

(3) A certificate granted under this section shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates, and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.

(4) A firearm certificate shall, unless previously revoked or cancelled, continue in force for three years from the date when it was granted or last renewed, but shall be renewable for a further period of three years by the chief officer of police for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a certificate as they apply to the grant of a certificate:

Provided that, subject to the power of renewal conferred by this subsection, a certificate granted or last renewed in Northern Ireland shall not continue in force for a period longer than that for which it was so granted or last renewed.

(5) The chief officer of police for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder

to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

(6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the chief officer of police for the area in which the holder for the time resides.

(7) A firearm certificate may be revoked by the chief officer of police for the area in which the holder resides if—

- (a) the chief officer is satisfied that the holder is prohibited by this Act from possessing a firearm to which this Part of this Act applies, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or
- (b) the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of a chief officer of police to grant him a certificate under this section or to vary or renew a firearm certificate, or by the revocation of a firearm certificate under paragraph (a) of the last foregoing subsection, may appeal—

- (a) in England, in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals, to the court of quarter sessions having jurisdiction in the county, borough or place in which he resides; or
- (b) in Scotland, in accordance with Act of Sederunt, to the sheriff within whose jurisdiction he resides.

(9) In any case where a firearm certificate is revoked by a chief officer of police, he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed,

PART I.  
—cont.

and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(10) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section, or the variation, or renewal of a firearm certificate, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

Fees in  
respect of  
certificates.

3.—(1) Subject to the provisions of this section and of section five of this Act, there shall be payable—

- (a) on the grant of a firearm certificate (in this section referred to as a “certificate”) a fee of five shillings; and
- (b) on the renewal of a certificate, or on any variation of a certificate which increases the number of firearms to which the certificate relates, or on the replacement of a certificate which has been lost or destroyed, a fee of two shillings and sixpence:

Provided that, where a certificate is varied as aforesaid and renewed or replaced at the same time, no fee shall be payable on the variation.

(2) No fee shall be payable on the grant, to any responsible officer of a rifle club, miniature rifle club or cadet corps approved for the purpose by a Secretary of State, of a certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club or corps, or on the variation or renewal of a certificate so granted.

(3) No fee shall be payable on the grant, variation or renewal of a certificate if the chief officer of police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to—

- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or

- (b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (c) a slaughtering instrument, or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

PART I.  
—cont.

(4) No fee shall be payable—

- (a) on the grant or renewal of a certificate relating solely to a firearm which is shown to the satisfaction of the chief officer of police to be kept by the applicant as a trophy of a war; or
- (b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates;

if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

4.—(1) The following provisions of this section shall have effect notwithstanding anything in section one of this Act.

Exemptions  
from holding  
a certificate.

(2) A person carrying on the business of a firearms dealer and registered as such, or a servant of such a person, may, without holding a firearm certificate (in this section referred to as a “certificate”) purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

(3) A person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person, may, without holding a certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(4) A person licensed under section three of the Slaughter of Animals Act, 1933, or section two of the Slaughter of Animals (Scotland) Act, 1928, may, without holding a certificate, have in his possession a slaughtering instrument and ammunition therefor in any slaughter house or knacker's yard in which he is employed.

23 & 24  
Geo. 5. c. 39.  
18 & 19  
Geo. 5. c. 29.

(5) The proprietor of a slaughter house or knacker's yard or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that

PART I. slaughter house or knacker's yard may, without holding  
—*cont.* a certificate, have in his possession a slaughtering  
instrument or ammunition therefor for that purpose.

- (6) Any person may, without holding a certificate,
- (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome; and
  - (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
  - (c) if he has obtained from an officer of police a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

(7) A person carrying a firearm or ammunition belonging to another person holding a certificate may, without himself holding a certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(8) A member of a rifle club or miniature rifle club or cadet corps approved by a Secretary of State may, without holding a certificate, have in his possession a firearm and ammunition when engaged as such a member in, or in connection with, drill or target practice.

(9) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than miniature rifles not exceeding .23 calibre may, without holding a certificate, purchase, acquire or have in his possession such miniature rifles and ammunition suitable therefor; and any person may, without holding a



certificate, use any such rifle and ammunition at such a range or gallery.

PART I.  
—*cont.*

(10) A person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(11) Any person may, without holding a certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting.

(12) A person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate, have in his possession a firearm and ammunition in accordance with the terms of the permit.

(13) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

5. Notwithstanding any rule of law whereunder the provisions of this Act do not bind the Crown, so much of the foregoing provisions of this Act as relates to the purchase and acquisition, but not so much thereof as relates to the possession, of firearms and ammunition to which this Part of this Act applies shall apply to persons in the service of His Majesty in their capacity as such, subject however to the following modifications :—

Application  
of foregoing  
provisions  
to Crown  
servants.

- (a) a person in the service of His Majesty duly authorised in writing in that behalf may purchase or acquire such firearms and ammunition for the public service without holding a firearm certificate;
- (b) a person in the naval, military or air service of His Majesty shall, if he satisfies the chief officer of police on an application under section two of this Act that he is required to purchase or acquire such a firearm or ammunition for his

PART I.  
—cont.

own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition.

Production  
of certifi-  
cates.

6.—(1) Any constable may demand from any person, whom he believes to be in possession of a firearm or ammunition to which this Part of this Act applies, the production of his firearm certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the constable to read the certificate, or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a firearm certificate, the constable may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(3) If any person refuses so to declare his name and address, or fails to give his true name and address, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and the constable may apprehend without warrant any person who refuses so to declare his name or address, or whom he suspects of giving a false name or address, or of intending to abscond.

*Manufacture and sale of certain firearms and ammunition  
and other transactions.*Penalty for  
manufac-  
turing or  
dealing in  
firearms or  
ammunition  
without  
being regis-  
tered.

7.—(1) Subject to the provisions of this section, no person shall, by way of trade or business—

(a) manufacture, sell, transfer, repair, test or prove;  
or

(b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof;

any firearm or ammunition to which this Part of this Act applies, unless he is registered as a firearms dealer :

Provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the chief officer of police for the area in which the auction is held a permit for that purpose

in the prescribed form and complies with the terms of the permit.

PART I.  
—cont.

(2) If any person contravenes the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

8.—(1) For the purposes of this Act, the chief officer of police for every area shall keep in the prescribed form a register of firearms dealers and, subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars:

Registration of  
firearms  
dealers.

Provided that—

(a) the chief officer of police shall not register an applicant who is prohibited to be registered by order of a court in Great Britain made under section thirteen of this Act or subsection (5) of section eight of the Firearms Act, 1920, or by order of a court in Northern Ireland made under the said subsection (5) or any enactment passed by the Parliament of Northern Ireland amending or substituted for that section; and

10 & 11  
Geo. 5. c. 43.

(b) the chief officer of police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(2) On the registration of an applicant as a firearms dealer in any area there shall be payable a fee of five pounds:

Provided that no fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made—

(a) has become situated in that area by reason of an alteration in the boundary of the area and

PART I.  
—cont.

was previously entered in the register for another area; or

(b) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(3) If the chief officer of police, after giving reasonable notice to any person whose name is on the register, is satisfied that that person—

(a) is no longer carrying on business as a firearms dealer; or

(b) has ceased to have a place of business in the area; or

(c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace :

he shall cause the name of that person to be removed from the register.

(4) The chief officer of police shall also cause the name of any person to be removed from the register if that person so desires.

(5) Any person aggrieved by a refusal of a chief officer of police to register him as a firearms dealer, or by the removal of his name from the register by a chief officer of police, may appeal—

(a) in England, in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals, to the court of quarter sessions having jurisdiction in the county, borough or place in which there is situated any place of business in respect of which the appellant has applied to be, or (in the case of an appeal against removal from the register) has been, registered; or

(b) in Scotland, in accordance with Act of Sederunt, to the sheriff within whose jurisdiction any such place of business is situated.

(6) If any person, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement which he knows to be false, he shall, for each offence, be liable on summary conviction

to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

PART I.  
—cont.

9.—(1) The chief officer of police shall grant or cause to be granted to any person who is registered under the last foregoing section a certificate of registration.

Certificates  
of registra-  
tion.

(2) On or before the first day of June in each year, every person for the time being registered as a firearms dealer in any area shall—

- (a) surrender to the chief officer of police for that area his certificate of registration; and
- (b) apply in the prescribed form for a new certificate of registration; and
- (c) pay a fee of one pound;

and thereupon that officer shall, subject to the provisions of subsection (3) of the last foregoing section, grant him a new certificate of registration.

(3) If any such person as aforesaid fails to comply with all or any of the requirements of the last foregoing subsection on or before the first day of June in any year, the chief officer of police shall by notice in writing require him to comply therewith, and, if he fails to do so within twenty-one days from the date of the notice, or within such further time as that officer may in special circumstances allow, shall cause his name to be removed from the register.

(4) In any case where a chief officer of police causes the name of any firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days from the date of the notice he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that, where an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

PART I.  
—cont.  
Registration  
of places  
of business  
of firearms  
dealers.

10.—(1) The prescribed particulars which a person applying to be registered in any area as a firearms dealer under section eight of this Act is required to furnish shall include particulars of every place of business at which he proposes to carry on business within the area as a firearms dealer, and the chief officer of police for that area shall, subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer in any area (whether before or after the commencement of this Act) who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the chief officer of police for that area and furnish him with such particulars as may be prescribed, and the officer shall, subject as hereinafter provided, enter that place of business in the register.

(3) A chief officer of police, if he is satisfied that any place of business notified to him by any person under either of the last two foregoing subsections, or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.

(4) Any person aggrieved by any such refusal or removal may appeal—

(a) in England, in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals, to the court of quarter sessions having jurisdiction in the county, borough or place in which there is situated the place of business to which the appeal relates; or

(b) in Scotland, in accordance with Act of Sederunt, to the sheriff within whose jurisdiction the said place of business is situated.

(5) If—

(a) any person, being a registered firearms dealer, has a place of business which is not entered on the register for the area in which that place is situated, and carries on business as a firearms dealer at that place; or

(b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in a register of firearms dealers;

PART I.  
—cont.

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

11.—(1) No person shall sell or transfer to any other person in the United Kingdom, other than a registered firearms dealer, any firearm or ammunition to which this Part of this Act applies, unless that other person produces a firearm certificate authorising him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase or acquire it without holding such a certificate :

Restrictions  
on sale,  
repair, &c.  
of firearms  
and am-  
munition.

Provided that this subsection shall not prevent—

- (a) a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate; or
- (b) the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment as such.

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to which this Part of this Act applies to any other person in the United Kingdom, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the chief officer of police by whom the certificate was issued.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition to which this Part of this Act applies for any other person in the United

PART I.  
—cont.

Kingdom, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) If any person—

- (a) contravenes or fails to comply with any of the provisions of this section; or
- (b) with a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition to which this Part of this Act applies, produces a false firearm certificate or a firearm certificate in which any false entry has been made, or personates a person to whom a firearm certificate has been granted, or makes any false statement;

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

Register of  
transactions  
in firearms.

12.—(1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition to which this Part of this Act applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule to this Act.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such person as aforesaid shall on demand allow any officer of police, duly authorised in writing in that behalf by the chief officer of police, to enter and inspect all stock in hand, and shall on request—

- (a) by any officer of police duly authorised in writing in that behalf by the chief officer of police; or



PART I.  
—cont.

- (b) by an officer of customs and excise; or
- (c) in England, by any officer of the county council duly authorised in writing in that behalf;

produce for inspection the register so required to be kept as aforesaid :

Provided that, in each case where a written authority is required by this subsection, the authority shall be produced on demand.

(4) If any person—

(a) fails to comply with any of the provisions of this section; or

(b) knowingly makes any false entry in the register required to be kept under this section ;

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

(5) Nothing in this section shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under the proviso to subsection (1) of section seven of this Act.

(6) A Secretary of State may, by rules made under this Act, vary or add to the Second Schedule to this Act and references in this Act to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.

**13.** Where a registered firearms dealer is convicted of an offence under this Act or of an offence against the enactments relating to Customs in respect of the import or export of firearms or ammunition to which this Part of this Act applies, the court may order—

Powers of court in case of offences by registered firearms dealers.

(a) that the name of the registered firearms dealer be removed from the register; and

(b) that neither the dealer nor any person who acquires the business of that dealer, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and

(c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence, or

PART I.  
—cont.

any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order :

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if they think fit, suspend the operation of the order pending the appeal.

Penalty for taking in pawn firearms or ammunition.

**14.**—(1) No pawnbroker shall take in pawn from any person any firearm or ammunition to which this Part of this Act applies.

(2) If any pawnbroker contravenes the provisions of this section he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

*Savings and application.*

Savings.

**15.**—(1) Nothing in this Part of this Act shall relieve any person using or carrying a firearm from the obligation to take out a licence to use or carry a gun under the Gun Licence Act, 1870, or a licence to kill game under the law with respect to such a licence.

33 & 34 Vict.  
c. 57.

(2) The provisions of this Part of this Act shall be in addition to and not in derogation of any provisions of this or any other Act which prohibit or restrict the sale or transfer of firearms and ammunition.

Firearms and ammunition to which Part I applies.

**16.**—(1) This Part of this Act applies to all firearms as defined in section thirty-two of this Act, except the following weapons and component parts thereof and accessories thereto, namely—

- (a) a smooth bore gun having a barrel not less than twenty inches in length;
- (b) an air gun, air rifle or air pistol not being of a type declared by rules made by a Secretary of State under this Act to be specially dangerous.

(2) This Part of this Act applies to all ammunition as defined in section thirty-two of this Act, except the following articles, namely—

PART I.  
—cont.

- (a) cartridges containing five or more shot, none of which exceeds nine twenty-fifths of an inch in diameter;
- (b) ammunition for an air gun or air rifle or air pistol;
- (c) blank cartridges not exceeding one inch in diameter.

(3) For the purpose of this section the diameter of a cartridge shall be measured immediately in front of the rim or cannellure of the base of the cartridge.

## PART II.

### MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.

17.—(1) It shall not be lawful for any person without the authority of the Admiralty, the Army Council or the Air Council to manufacture, sell, transfer, purchase, acquire, or have in his possession—

Prohibited  
weapons  
and am-  
munition.

- (a) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; or
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing.

(2) If any person contravenes the provisions of the last foregoing subsection, he shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years, or, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(3) Where the Admiralty, the Army Council or the Air Council are satisfied, on the application of a person in charge of a theatrical performance, that such a firearm

PART II.  
—*cont.*

as is mentioned in paragraph (a) of subsection (1) of this section is required for the purpose of the performance, they may, if they think fit, not only authorise that person to have possession of the firearm but also authorise such other persons as he may select to have possession thereof while taking part in the performance.

In this subsection the expression “theatrical performance” includes a rehearsal of such a performance and the production of a cinematograph film.

(4) Any authority given to any person under this section shall be given in writing and shall be subject to such conditions as may be specified therein, and, if that person fails to comply with any such condition, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

(5) The conditions specified in an authority as aforesaid shall include such conditions as the Admiralty, the Army Council, or the Air Council, having regard to the circumstances of each particular case, think fit to impose for the purpose of securing that the prohibited weapon or prohibited ammunition to which the authority relates will not endanger the public safety or the peace.

(6) The Admiralty, the Army Council or the Air Council may at any time, if they think fit, revoke any authority given by them to any person under this section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice, and if that person fails to comply with that requirement he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(7) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or any other Act relating to the manufacture, sale, transfer, purchase, acquisition or possession of firearms, but a chief officer of police—

(a) shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant is for the time being authorised by

the Admiralty, the Army Council or the Air Council to have possession of that weapon or ammunition; and

PART II.  
—cont.

- (b) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorised as aforesaid to manufacture, sell or transfer a prohibited weapon or prohibited ammunition, or remove the name of such a person from the register, on the ground that he cannot be permitted to carry on, or to continue to carry on, business as a firearms dealer without danger to the public safety or to the peace;

and where any authority to purchase, acquire or have possession of a prohibited weapon or prohibited ammunition is revoked under this section, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the chief officer of police by whom it was granted.

**18.—(1)** A Secretary of State may by order prohibit the removal of any firearms or ammunition—

Power to prohibit removals of firearms and ammunition.

- (a) from one place to another in Great Britain; or  
(b) from Great Britain to Northern Ireland; or  
(c) for export from Great Britain;

unless the removal is authorised by the chief officer of police for the area from which they are to be removed, and unless such other conditions as may be specified in the order are complied with.

(2) Any such order may apply—

- (a) either generally to all such removals, or to removals from and to any particular localities specified in the order; and  
(b) either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and  
(c) either to all modes of conveyance or to such modes of conveyance as may be so specified:

Provided that no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorised by the certificate to be so carried.

PART II.  
—cont.

(3) Any officer of police may search for and seize any firearms or ammunition which he has reason to believe are being removed or to have been removed in contravention of any order made under this section, and any person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a police constable, allow him all reasonable facilities for the examination and inspection thereof, and shall produce to him any documents in his possession relating thereto.

(4) If any person—

(a) contravenes any of the provisions of any order made under this section; or

(b) fails to comply with any of the provisions of this section;

he shall, on summary conviction, be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds for each firearm or parcel of ammunition in respect of which the offence is committed, or to both such imprisonment and fine; and if the offender is the owner of the firearms or ammunition, the court before whom he is convicted may make such an order as to the forfeiture of the firearms or ammunition as the court think fit.

(5) References in the last two foregoing subsections to an order made under this section shall be construed as including references to an order made under section nine of the Firearms Act, 1920, or under any enactment passed by the Parliament of Northern Ireland repealing and re-enacting that section, prohibiting the removal of firearms or ammunition from Northern Ireland to Great Britain.

(6) Any order made under this section may be varied or revoked by a subsequent order made by a Secretary of State.

Restriction  
on purchase  
and possession  
of  
firearms by  
young  
persons.

**19.**—(1) No person under the age of seventeen years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of seventeen years.

PART II.  
—cont.

(2) No person under the age of fourteen years shall accept as a gift or borrow any firearm or ammunition to which Part I of this Act applies, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years.

(3) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part I of this Act applies except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of subsections (7), (8) or (9) of section four of this Act, and no person shall part with the possession of any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years, except in circumstances where that other person is entitled to have possession thereof as aforesaid.

(4) If any person contravenes any provision of this section, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

**20.—**(1) No person shall sell or transfer any firearm or ammunition to, or repair, prove or test any firearm or ammunition for, any other person whom he knows or has reasonable ground for believing to be drunk or of unsound mind.

Prohibition of sale, &c. of firearms to drunk or insane persons.

(2) If any person contravenes any provision of this section, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds.

**21.—**(1) Subject to the provisions of this section, a person who has been sentenced to penal servitude or to imprisonment for a term of three months or upwards for any crime shall not, at any time during a period of five years from the date of his release, have a firearm or ammunition in his possession.

Prohibition on persons convicted of crime purchasing or possessing firearms.

(2) Subject to the provision of this section, a person who—

(a) is the holder of a licence under the Penal Servitude Acts, 1853 to 1891, or the Prevention of Crime Act, 1908; or

8 Edw. 7.  
c. 59.

PART II.  
—cont.

(b) is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or

(c) has, in Scotland, been ordained to find caution a condition of which is as aforesaid;

shall not, at any time during which he holds the licence or is so subject or has been so ordained, have a firearm or ammunition in his possession.

(3) A person prohibited under the foregoing provisions of this section from having in his possession a firearm or ammunition may apply for a removal of the prohibition—

(a) in England, in accordance with so much of the provisions of the First Schedule to this Act as relates to applications, to the court of quarter sessions having jurisdiction in the county, borough or place in which the applicant resides; or

(b) in Scotland, in accordance with Act of Sederunt, to the sheriff within whose jurisdiction the applicant resides, so, however, that not less than twenty-one days' notice of the application shall be given to the chief officer of police for the area in which the applicant resides;

and if the application is granted the said provisions of this section shall not apply to that person.

(4) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be prohibited by this section from having a firearm or ammunition in his possession.

(5) If any person contravenes any provision of this section, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds.

Penalty for possessing firearms with intent to injure.

22. If any person has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, he shall, whether any injury to person or property has been caused or not,



be guilty of felony and, on conviction thereof on indictment, shall be liable to penal servitude for a term not exceeding fourteen years.

PART II.  
—cont.

**23.**—(1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence under this subsection, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding fourteen years.

Penalty for use and possession of firearms or imitation firearms in certain cases.

Where any person commits an offence under this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) If any person, at the time of his committing, or at the time of his apprehension for, any offence specified in the Third Schedule to this Act, has in his possession any firearm or imitation firearm, he shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence under this subsection, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding seven years in addition to any penalty to which he may be sentenced for the first-mentioned offence.

(3) If on the trial of any person for an offence under subsection (1) of this section the jury are not satisfied that that person is guilty of that offence but are satisfied that he is guilty of an offence under subsection (2) of this section, the jury may find him guilty of the offence under the said subsection (2), and thereupon he shall be liable to be punished accordingly.

(4) Where an adult within the meaning of section twenty-four of the Criminal Justice Act, 1925, is charged before a court of summary jurisdiction with an offence specified in the Second Schedule to that Act, and is also charged before that court with an offence under subsection (1) or subsection (2) of this section, then, notwithstanding anything in the said section twenty-four, the court shall not have power to deal summarily with the first-mentioned offence if the defendant is committed for trial in respect of the offence under this section.

15 & 16  
Geo. 5.  
c. 86.

PART II.  
—cont.6 & 7 Geo. 5.  
c. 50.

(5) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of paragraph (a) of subsection (1) of section twenty-three of the Larceny Act, 1916, and paragraph (1) of section twenty-eight of the said Act.

(6) In this section—

- (a) the expression “firearm,” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
- (b) the expression “imitation firearm” means anything which has the appearance of being a firearm within the meaning of this section (other than such a prohibited weapon as is mentioned in paragraph (b) of subsection (1) of section seventeen of this Act), whether it is capable of discharging any shot, bullet or other missile or not.

(7) This section shall not extend to Scotland.

Provisions  
as to  
shortening  
guns  
and con-  
verting  
imitation  
firearms  
into fire-  
arms.

24.—(1) No person other than a registered firearms dealer shall shorten the barrel of a smooth-bore gun to a length less than twenty inches.

(2) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) If any person contravenes any of the foregoing provisions of this section he shall for each offence be liable, on conviction on indictment, to imprisonment for a term not exceeding one year or to 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.

(4) If any person commits an offence under section one of this Act by purchasing, acquiring or having in his possession a smooth-bore gun which has been shortened,

or a firearm which has been converted, as aforesaid (whether by a registered firearms dealer or not), without holding a firearm certificate authorising him to purchase, acquire or possess it, he shall be liable, either—

PART II.  
—cont.

- (a) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine; or
- (b) on summary conviction, to the penalty provided in the said section one.

### PART III.

#### GENERAL.

25.—(1) Where any person—

- (a) is convicted of an offence under this Act or is convicted of any crime for which he is sentenced to penal servitude or imprisonment; or
- (b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm; or
- (c) has, in Scotland, been ordained to find caution a condition of which is as aforesaid;

Provisions  
as to for-  
feiture of  
firearms  
and can-  
cellation of  
certificates.

the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court think fit, and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancel a firearm certificate under this section—

- (a) the court shall cause notice to be sent to the chief officer of police by whom the certificate was granted; and
- (b) the chief officer of police shall by notice in writing require the holder of the certificate to surrender it; and

PART III.  
—*cont.*

- (c) if the holder fails to surrender the certificate within twenty-one days from the date of the last-mentioned notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Power to search for and dispose of firearms and ammunition.

**26.**—(1) If a justice of the peace, or, in Scotland, the sheriff or any magistrate (by whatever name called) officiating under the provisions of any general or local Police Act, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, he may grant a search warrant authorising any constable named therein—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

(2) The constable making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Act.

(3) A court of summary jurisdiction, or in Scotland the sheriff, may, on the application of the chief officer of police, order any firearm or ammunition seized and detained by a police constable under this Act to be destroyed or otherwise disposed of.

Time for commencing summary proceedings under Act.

**27.** Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence under this Act may be instituted at any time within the period of four years after the commission of the offence :

Provided that no such proceedings shall be instituted in England after the expiration of the period of six months after the commission of the offence, unless they are instituted by, or by the direction of, the Director of Public Prosecutions.

PART III.  
—cont.

**28.** For the purpose of the application to this Act of any rule of law whereunder the provisions of this Act do not bind the Crown, and for the purpose of section five of this Act, a member of a police force shall be deemed to be a person in the service of His Majesty.

Application  
of Act to  
police.

**29.** Any notice required or authorised by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

Service of  
notices.

**30.** A Secretary of State may make rules—

Power to  
Secretary of  
State to  
make rules.

- (a) prescribing the form of firearm certificates, and the register required to be kept under section twelve of this Act, and other documents;
- (b) prescribing any other thing which under this Act is to be prescribed;
- (c) regulating the manner in which chief officers of police are to carry out their duties under this Act;
- (d) enabling all or any of the functions of a chief officer of police to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of the chief officer of police;
- (e) generally for carrying this Act into effect.

**31.** The following provisions of this section shall have effect until the expiration of three months from the commencement of this Act and no longer, that is to say :—

Tran-  
sitional.

- (a) the provisions of this Act as to the possession of firearms without a firearm certificate shall not apply to firearms which are possessed as trophies of the late war or any former war, if the owner thereof has given notice of the fact in the

PART III.  
—cont.

prescribed form to the chief officer of police of the area in which he resides, and the chief officer has signified under subsection (2) of section thirteen of the Firearms Act, 1920, that a firearm certificate in respect thereof can be dispensed with :

Provided that firearms possessed as aforesaid shall not be used or carried, and no ammunition therefor shall be purchased or acquired ;

- (b) the provisions of paragraph (a) of subsection (5) of section ten of this Act shall not apply to any person registered as a firearms dealer at the commencement of this Act.

Interpreta-  
tion.

**32.—(1)** In this Act the following expressions have the meanings hereby respectively assigned to them :—

“acquiring” means hiring, accepting as a gift and borrowing and the expressions “acquire” and “acquisition” shall be construed accordingly ;

“ammunition,” except where otherwise expressly provided, means ammunition for any firearm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not, and prohibited ammunition ;

“area” means a police area as defined in section thirty of the Police (Pensions) Act, 1921 ;

“chief officer of police” has the meaning assigned to it by section thirty of the Police (Pensions) Act, 1921 ;

“firearm,” except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon ;

11 & 12  
Geo. 5. c. 31.

“firearm certificate” means a certificate granted either— PART III.  
—cont.

(a) in Great Britain, under section two of this Act or under section one of the Firearms Act, 1920; or

(b) in Northern Ireland, under the said section one or under any enactment passed by the Parliament of Northern Ireland amending or substituted for that section;

“firearms dealer” means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which Part I of this Act applies;

“offence under this Act” includes any act, omission or other thing which is punishable under this Act;

“prescribed” means prescribed by rules made by a Secretary of State under this Act;

“prohibited ammunition” means any ammunition referred to in paragraph (c) of subsection (1) of section seventeen of this Act;

“prohibited weapon” means any firearm or weapon referred to in paragraph (a) or paragraph (b) of subsection (1) of section seventeen of this Act;

“registered,” in relation to a firearms dealer, means registered either—

(i) in Great Britain under section eight of this Act or section eight of the Firearms Act, 1920; or

(ii) in Northern Ireland under section eight of the Firearms Act, 1920, or any enactment passed by the Parliament of Northern Ireland amending or substituted for that section;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

PART III.  
—cont.

“transferring” includes letting on hire, giving, lending, and parting with possession, and the expressions “transfer”, “transferee” and “transferor” shall be construed accordingly.

(2) For the purpose of this Act the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

General  
savings.

**33.**—(1) Nothing in this Act shall affect any order, rule or Act of Sederunt made, certificate granted, notice, direction or approval given or thing done under the Firearms Act, 1920, as amended by any subsequent enactment, and every such order, rule, Act, certificate, notice, direction or approval shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made, granted, issued or given under this Act, have effect as if made, granted, issued or given under the corresponding enactment of this Act.

(2) Any register kept under subsection (6) of section two or under section eight of the Firearms Act, 1920, shall be deemed to have been kept under the corresponding provision of this Act.

(3) Any document referring to the Firearms Act, 1920, or any Act amending that Act shall be construed as referring to the corresponding enactment of this Act.

(4) Nothing in this Act shall apply to the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London and the guardians of the Birmingham proof house or the rifle range at Small Heath in Birmingham where firearms are sighted and tested, so as to interfere in any way with the operations of those two companies in proving firearms under the provisions of the Gun Barrel Proof Act, 1868, or any other Acts for the time being in force, or to any person carrying firearms to or from any such proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof.

31 & 32 Vict.  
c. cxiii.

(5) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired, or possessed as a curiosity or ornament.



(6) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

PART III.  
—cont.

(7) 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.

34.—(1) This Act may be cited as the Firearms Act, 1937.

Short title,  
repeal,  
extent and  
commence-  
ment.

(2) The enactments set out in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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

(4) This Act shall come into operation on the first day of May, nineteen hundred and thirty-seven.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Sections 2, 8,  
10 and 21.

#### PROVISIONS AS TO APPEALS FROM THE CHIEF OFFICER OF POLICE AND APPLICATIONS UNDER SECTION TWENTY-ONE OF THIS ACT.

1. Notice of an appeal or application, signed by the appellant or applicant or by his agent on his behalf and stating the general grounds of the appeal or application, shall be given by him to the clerk of the peace and also—

- (a) in the case of an appeal, to the chief officer of police by whose decision the appellant is aggrieved; and
- (b) in the case of an application, to the chief officer of police for the area in which the applicant resides.

2. A notice of an appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.

3. On receiving notice of an appeal or application the clerk of the peace shall enter the appeal or application and give notice to

1st Sch.  
—*cont.*

the appellant or applicant, and to the chief officer of police to whom the notice of the appeal or application is required by paragraph 1 of this Schedule to be given, of the date, time, and place fixed for the hearing :

Provided that, in the case of an application, the date fixed for the hearing shall not be less than twenty-one clear days after the date when the clerk of the peace received the notice of the application.

4. An appellant or applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal or application by giving notice in writing to the clerk of the peace and to the chief officer of police, and in the event of any such abandonment the court of quarter sessions (hereafter in this Schedule referred to as "the court") may order the appellant or applicant to pay to the chief officer of police such costs as appear to them to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal or application before notice of the abandonment was given to him.

5. The chief officer of police may appear and be heard on the hearing of an appeal or application.

6. The court may from time to time adjourn the hearing of an appeal or application.

7. On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as the court think fit as respects the certificate or register which is the subject of the appeal.

8. On the determination of an appeal or application the court may make such order as to payment of costs as the court think fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner :

Provided that the court shall not order the chief officer of police to pay the costs of an applicant.

9. The powers and duties of the court with respect to an appeal or application shall—

- (a) in the case of quarter sessions for a county other than the County of London, be delegated to and exercised and performed by the appeal committee appointed under section seven of the Summary Jurisdiction (Appeals) Act, 1933; and

(b) in the case of quarter sessions for the County of London, be exercised and performed by courts of quarter sessions constituted in accordance with section eight of the said Act;

1ST SOH.  
—cont.

and the said sections seven and eight, and the provisions of the Municipal Corporations Act, 1882, as amended by the said section seven, shall apply to the appeal or application accordingly as they apply to an appeal from a decision of a court of summary jurisdiction.

45 & 46 Vict.  
c. 50.

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## SECOND SCHEDULE.

Section 12.

### PARTICULARS TO BE ENTERED BY FIREARMS DEALERS IN REGISTER OF TRANSACTIONS.

1. The quantities and description of firearms and ammunition manufactured and the dates thereof.
2. The quantities and description of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the several transactions.
3. The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and (except in cases where the purchaser or transferee is a registered dealer) the areas in which the firearm certificates were issued, and the dates of the several transactions.
4. The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.
5. In this Schedule references to firearms and ammunition shall be construed as references to firearms and ammunition to which Part I of this Act applies.

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## THIRD SCHEDULE.

Section 23.

### OFFENCES TO WHICH SUBSECTION (2) OF SECTION TWENTY-THREE APPLIES.

Offences under the following sections of the Malicious Damage Act, 1861, that is to say, sections one to twelve, sections fourteen and fifteen, sections twenty-six to twenty-nine, sections thirty-three to thirty-eight, and section fifty-four.

24 & 25 Vict.  
c. 97.

H

3RD SCH.  
—cont.  
24 & 25 Vict.  
c. 100.

Offences under the following sections of the Offences Against the Person Act, 1861, that is to say, sections twenty to twenty-two, sections thirty, thirty-two, thirty-eight, forty-seven and forty-eight, and sections fifty-three to fifty-six.

5 Geo. 4.  
c. 83.  
34 & 35 Vict.  
c. 112.  
54 & 55 Vict.  
c. 69.

Offences under such of the provisions of section four of the Vagrancy Act, 1824, as are referred to in, and amended by, section fifteen of the Prevention of Crimes Act, 1871, and section seven of the Penal Servitude Act, 1891.

Offences under the third and fourth paragraphs of section seven of the Prevention of Crimes Act, 1871.

Offences under the following provisions of the Larceny Act, 1916, that is to say, sections two to four, sections twelve to fifteen, sections twenty-four to twenty-seven, paragraphs (2), (3) and (4) of section twenty-eight, and sections twenty-nine and thirty.

20 & 21  
Geo. 5. c. 43.

Offences under section twenty-eight of the Road Traffic Act, 1930.

Aiding or abetting the commission of any offence herebefore specified in this Schedule; and attempting to commit any such offence, other than an offence under section eight, section twenty-seven or section thirty-eight of the Malicious Damage Act, 1861.

Section 34,

## FOURTH SCHEDULE.

### ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 43.	The Firearms Act, 1920	The whole Act except section sixteen and subsection (1) of section nineteen.
23 & 24 Geo. 5. c. 50.	The Firearms and Imitation Firearms (Criminal Use) Act, 1933.	The whole Act.
24 & 25 Geo. 5. c. 16.	The Firearms Act, 1934	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 39.	The Firearms (Amendment) Act, 1936.	The whole Act.

**CHAPTER 13.**

An Act to provide money for the defence services,  
and for purposes connected therewith.

[19th March 1937.]

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards providing such sums as may be required for the defence services, have resolved that money be provided in manner hereafter mentioned in this Act; 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.—(1) During the five financial years ending on the thirty-first day of March, nineteen hundred and forty-two, the Treasury may, subject as hereafter provided, issue from time to time out of the Consolidated Fund of the United Kingdom or the growing produce thereof (hereafter referred to as "the Consolidated Fund") sums not exceeding in the aggregate four hundred million pounds, to be applied as appropriations in aid of the moneys provided by Parliament for the defence services for those years :

Provision of  
money for  
defence  
services.

Provided that the amount so issued in respect of any service for any year shall not at any date exceed the aggregate of the amounts proposed to be so issued in respect of that service by the estimates upon which the House of Commons has, before that date (but whether before or after the passing of this Act), resolved to grant sums to His Majesty to defray expenses for that service for that year.

(2) For the purpose of providing money for the issue of sums out of the Consolidated Fund under subsection (1) of this section or any part thereof or for the replacement of all or any part of any sums issued thereunder, the Treasury may from time to time, subject as hereafter provided, raise money in any manner in which

9 & 10  
Geo. 5. c. 37.

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 be deemed for all purposes to have been created and issued under subsection (1) of section one of that Act.

38 & 39 Vict.  
c. 45.

(3) The whole or any part of any surplus of income above expenditure for any financial year which would, but for this subsection, fall to be issued in the said five years out of the Consolidated Fund to the National Debt Commissioners in accordance with section five of the Sinking Fund Act, 1875, may, instead of being so issued, be used for providing money for the issue of sums under subsection (1) of this section; and no money shall be raised under the last foregoing subsection for the purpose of replacing money which has been provided by virtue of this subsection.

(4) The sums issued out of the Consolidated Fund under subsection (1) of this section shall be repaid to the Exchequer with interest in accordance with the following provisions:—

- (a) in each, except the first, of the said five years, interest only shall be paid on the sums so issued before the beginning of the year in question;
- (b) thereafter the whole of the sums so issued shall be repaid together with interest thereon (so far as not paid under the last foregoing paragraph) by means of thirty equal annual instalments of principal and interest combined, commencing in the financial year beginning on the first day of April, nineteen hundred and forty-two;
- (c) interest payable under this subsection shall be paid at the rate of three per cent. per annum;
- (d) the sums required to be paid into the Exchequer under this subsection shall be paid, at such times and in such proportions as the Treasury may from time to time direct, out of moneys provided by Parliament for the several defence services.

(5) The sums paid into the Exchequer under the last foregoing subsection shall be issued out of the

Consolidated Fund at such times as the Treasury may direct and applied by the Treasury as follows:—

(a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and

(b) so much thereof as represents interest shall be applied in payment of an equivalent amount of interest which would, but for this provision, have been paid out of the permanent annual charge for the National Debt.

(6) In this section the expression “defence services” means the Navy, Army (including Royal Ordnance factories) and Air services.

2. This Act may be cited as the Defence Loans Act, 1937. Short title.

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## CHAPTER 14.

An Act to authorise the Secretary of State to borrow in sterling on behalf of the Governor-General of India in Council during the period with respect to which Part XIII of the Government of India Act, 1935, applies; to repeal and reproduce with modifications and adaptations enactments relating to certain financial obligations of the Secretary of State in Council of India, and otherwise to amend the law in relation to certain of those obligations; and for purposes connected with the matters aforesaid.

[19th March 1937.]

**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.—(1) During the period with respect to which Part XIII of the Government of India Act, 1935, applies, the Secretary of State may borrow in sterling on behalf of the Governor-General of India in Council by the issue,

Borrowing powers of Secretary of State.  
26 Geo. 5. &  
1 Edw. 8. c. 2.

on such terms as to interest, redemption, conversion and otherwise as the Secretary of State may think fit, of securities of any one or more of the following kinds, that is to say, stock, bonds, or bills :

Provided that the aggregate nominal amount outstanding of the securities issued under this section and the enactments repealed by this Act shall not at any time exceed three hundred and twenty million pounds.

(2) The Secretary of State may issue such securities, and on such terms, as aforesaid to be applied directly in exchange for, or discharge of, any sterling obligations of the Government of India or any bonds, debentures or debenture stock issued under the guarantee of the Secretary of State in Council or the Governor-General in Council by any railway company under engagement with the Government of India, and any such issue shall for the purposes of the preceding subsection be deemed to be a borrowing.

Provisions  
as to India  
stock.

2.—(1) In this section the expression “India stock” means India stock issued under this Act or under any of the enactments repealed by this Act.

(2) There shall be kept at the India Office or at the Bank of England books wherein entries may be made of India stock and wherein transfers of India stock or of any part thereof may be entered and registered.

Any transfer so made shall be signed by the party making the transfer or, if he is absent, by his attorney thereunto lawfully authorised by writing under his hand attested by a credible witness, and the person to whom the transfer is made may, if he thinks fit, underwrite his acceptance thereof in the books.

(3) The following enactments, that is to say—

25 & 26 Vict.  
c. 7.

The India Stock Transfer Act, 1862 (which relates to the registration and transfer of India stock at the Bank of Ireland);

26 & 27 Vict.  
c. 73.

The India Stock Certificate Act, 1863 (which relates to the issue of stock certificates in respect of India stock);

48 & 49 Vict.  
c. 25.

Sections three to sixteen of the East India Unclaimed Stock Act, 1885 (which relate to



the method in which unclaimed stock and dividends thereon are to be dealt with); and

Subsections (1) to (3) of section six of the Government of India (Amendment) Act, 1916 (which relate to the transfer of India stock by deed), 6 & 7 Geo. 5.  
c. 37.

shall apply to all India stock as defined by this section and to no other stock, and the expression "India stock" in those enactments, and in any regulations in force thereunder at the commencement of this Act, shall be construed accordingly :

Provided that, after the commencement of this Act, anything authorised by any of the said enactments to be done by or to the Secretary of State in Council may be done by or to the Secretary of State, any account of the Secretary of State in Council shall be deemed to be an account of the Secretary of State, and any money authorised or required to be paid by or to the Secretary of State in Council, or out of or to the revenues of India, shall be payable out of or to the revenues of the Governor-General in Council or, after the establishment of the Federation of India, the revenues of the Federation.

(4) Sections two to seven and nine of the National Debt (Stockholders Relief) Act, 1892, and subsections (1) to (5) of section four of the National Debt Act, 1889, shall apply, and shall be deemed to have always applied, to India stock. 55 & 56 Vict.  
c. 39.  
52 & 53 Vict.  
c. 6.

(5) In the event of the redemption of any India stock, the books relating thereto may be closed for transfers for not more than one month immediately preceding the redemption date.

(6) No stamp duty shall be payable in the United Kingdom in respect of any transfer of, or certificate, dividend warrant or coupon relating to, India stock.

(7) In the exemption numbered (10) under the heading "Receipt given for, or upon the payment of, money amounting to two pounds or upwards" in the First Schedule to the Stamp Act, 1891, after the words "Secretary of State in Council of India, or" there shall be inserted the words "in India stock as defined in section two of the East India Loans Act, 1937, or in the stocks and funds." 54 & 55 Vict.  
c. 39.

(8) No notice of any trust, whether express, implied or constructive, shall be receivable by the Secretary of

State or by the Bank of England or the Bank of Ireland in respect of any India stock.

(9) A reference in this section to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by, or under, any other enactment, including this Act.

Composition  
for stamp  
duty on,  
and other  
provisions  
as to, bonds  
and bills.

**3.**—(1) The Treasury and the Secretary of State may agree for the payment by the Secretary of State on behalf of the Governor-General in Council of an annual composition in lieu of stamp duty on any bonds and bills issued under this Act, or under any enactment repealed by this Act, and bonds and bills to which any such agreement relates shall be exempt from stamp duty in the United Kingdom.

(2) Bonds issued under this Act shall be signed by two of the advisers of the Secretary of State appointed under Part XI of the Government of India Act, 1935, and shall be countersigned by the Secretary of State or one of his Under-Secretaries or Deputy or Assistant Under-Secretaries, and bills so issued shall be signed by one of the Under-Secretaries or Deputy or Assistant Under-Secretaries of State.

All signatures required by this subsection may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct.

(3) Moneys due and unclaimed in respect of bonds and bills issued under this Act or any enactment repealed by this Act shall be dealt with in like manner, as nearly as may be, as unclaimed dividends due in respect of India stock so issued.

Power of  
Secretary of  
State to  
make  
arrange-  
ments with  
Bank for  
issue and  
manage-  
ment of  
securities.

**4.**—(1) The Secretary of State may arrange with the Bank of England for the Bank to undertake the creation and issue of, the payment of dividends or interest on, and the general management and the redemption or conversion of, any stock or other securities issued under this Act or under any enactment repealed by this Act.

(2) Any arrangement made by the Secretary of State in Council with the Bank of England or the Bank of Ireland under any enactment repealed or applied by this Act with respect to any such stock or other securities shall continue to have effect and shall be deemed to have

been made by the Secretary of State under this Act or, as the case may be, under the Act in question as so applied.

5. Section five of the India Stock Certificate Act, 1863 (which provides that stock certificates shall not be granted except for one hundred, five hundred or one thousand pounds of stock), shall have effect and shall be deemed always to have had effect as if for the words "one hundred or five hundred or one thousand pounds" there were substituted the words "fifty pounds, or some multiple of fifty pounds not, however, exceeding one thousand pounds."

Amendment  
of s. 5 of  
26 & 27 Vict.  
c. 73.

6. The consequential or other minor amendments set out in the second column of the First Schedule to this Act shall be made in the enactments specified in the first column of that Schedule.

Minor  
amend-  
ments.

7. Anything which under the terms of, or of any contract relating to, any stock or other security issued under any of the enactments repealed by this Act is authorised to be done by or to the Secretary of State in Council may be done by or to the Secretary of State.

Provisions  
as to  
existing  
securities.

8.—(1) All sums payable by the Secretary of State under this Act or under any other Act relating to India stock (as defined in section two of this Act), whether to the Treasury, a Bank or any other person, shall, before the establishment of the Federation of India, be liabilities of, and be defrayed out of the revenues of, the Governor-General in Council, and thereafter shall be liabilities of, and be defrayed out of the revenues of, the Federation.

Expenses of  
Secretary of  
State to be  
defrayed  
out of  
Indian  
revenues.

(2) Nothing in this Act affects the provisions of subsection (1) of section one hundred and seventy-eight of the Government of India Act, 1935, declaring that certain liabilities of the Secretary of State in Council are to be liabilities of the Federation secured upon the revenues of the Federation and of all the Provinces.

9. Whereas under the East Indian Railway (Redemption of Annuities) Act, 1879, the East Indian Railway (Redemption of Annuities) Act, 1881, the Eastern Bengal Railway Company Purchase Act, 1884, and section twenty-five of the East India Unclaimed Stock Act, 1885, securities of a nominal amount of thirteen million

Provisions  
as to sinking  
fund.  
42 & 43 Vict.  
c. 43.  
44 & 45 Vict.  
c. 53.  
47 & 48 Vict.  
c. cciv.

one hundred and seventy-five thousand five hundred and ten pounds thirteen shillings and fourpence were issued by or on behalf of the Secretary of State in Council in redemption of certain railway annuities and debenture stock :

And whereas under those Acts the Secretary of State in Council has from time to time set apart sums to be applied to the redemption of debt and has thereby reduced the public debt of India by the amount of ten million two hundred and ninety-seven thousand three hundred and twenty pounds five shillings and fourpence :

Now, therefore, until by virtue of the action to be taken by the Secretary of State under this section the public debt of India has been further reduced by the amount of two million eight hundred and seventy-eight thousand one hundred and ninety pounds and eight shillings, the Secretary of State shall set apart annually a sum of two hundred thousand pounds to be applied in such manner and at such time or times as he may think fit in reduction of the debt contracted under this Act and the enactments repealed by this Act.

Returns to  
be presented  
to Parlia-  
ment.

10.—(1) As soon as may be after the end of each half-year ending after the commencement of this Act the Secretary of State shall lay before Parliament a return of—

- (a) the sterling loans raised under this Act and the enactments repealed by this Act which are outstanding at the commencement of the half-year stating the rates of interest and the total amount payable thereon and the date of the termination thereof;
- (b) the debt incurred under this Act during the half-year and the moneys raised thereby, the loans paid off or discharged during the half-year and the loans outstanding at the close of the half-year;
- (c) the debt redeemed, and remaining to be redeemed, under the last preceding section.

(2) In respect of the half-year ending immediately before the commencement of this Act the Secretary of

State shall lay before Parliament the like returns as, but for the dissolution of the Council of India and any repeal effected by this Act, it would have been the duty of the Secretary of State in Council so to lay.

11. None of the provisions of the House of Commons (Disqualifications) Act, 1782, or the House of Commons (Disqualifications) Act, 1801, shall be construed so as to extend to any subscription or contribution to any loan raised under this Act, or any previous Act relating to East India loans.

Provision as to Members of the House of Commons.  
22 Geo. 3. c. 45.  
41 Geo. 3. c. 52.

12.—(1) This Act may be cited as the East India Loans Act, 1937.

Short title, commencement, repeal and construction.

(2) This Act shall come into force on the first day of April, nineteen hundred and thirty-seven.

(3) The enactments specified in the second column of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(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.

10 & 11 Geo. 5. c. 67.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Section 6.

#### CONSEQUENTIAL AND OTHER MINOR AMENDMENTS.

The India Stock Transfer Act, 1862 (25 & 26 Vict. c. 7).	In section two, the word "half-yearly" shall be omitted.
	In section three, the words "and seals," and the words from "and no stamp duties" to the end of the section, shall be omitted, and for the words "two or more credible witnesses" there shall be substituted the words "a credible witness".

- 1ST SCH. —*cont.*
- The India Stock Transfer Act, 1862 (25 & 26 Vict. c. 7)—*cont.*
- In section five, for the words from “ at any time ” to “ the half-yearly dividend ” there shall be substituted the words “ on “ the day on which the balance for the “ dividend on that stock is struck, or on “ either of the two days immediately “ preceding that day ”.
- In section six, for the words “ Deputy Accountant General ” there shall be substituted the words “ Deputy or Assistant Accountant General ”.
- Section eight shall cease to have effect.
- In section nine, for the words “ Deputy Accountant General ” there shall be substituted the words “ Deputy or Assistant Accountant General ”, and for the words “ the closing ” there shall be substituted the words “ the day on which the balance for dividend is struck ”.
- In section ten, for the words “ each and every half-yearly ” there shall be substituted the word “ any ”.
- In section eleven, the words “ at the same time ” shall be omitted.
- In section twelve, for the words “ Deputy Accountant General ” there shall be substituted the words “ Deputy or Assistant Accountant General ”.
- The India Stock Certificate Act, 1863 (26 & 27 Vict. c. 73).
- In section seven, the words from “ No stamp duty ” to the end of the section shall be omitted.
- In section ten, for the words “ shall not amount to ” there shall be substituted the words “ does not exceed ”.
- Section eleven shall be omitted.
- In the Schedule, for the words “ five shillings on every one hundred pounds of stock ” there shall be substituted the words “ two shillings and sixpence on every fifty pounds of stock ”.
- The East India Unclaimed Stock Act, 1885 (48 & 49 Vict. c. 25).
- In subsection (2) of section three the words “ or otherwise, as he may think fit ” shall be omitted.
- In section eight, for the words “ or on his assistant under-secretary ” there shall be substituted the words “ or deputy or assistant under-secretaries ”.

SECOND SCHEDULE.

Section 12.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
26 Geo. 3. c. 62	The East India Company (Money) Act, 1786.	The whole Act.
28 Geo. 3. c. 29	The East India Company (Money) Act, 1788.	The whole Act.
29 Geo. 3. c. 65	The East India Company (Money) Act, 1789.	The whole Act.
31 Geo. 3. c. 11	The East India Company (Money) Act, 1791.	The whole Act.
33 Geo. 3. c. 47	The East India Company (Money) Act, 1793.	The whole Act.
34 Geo. 3. c. 41	The East India Company (Money) Act, 1794.	The whole Act.
51 Geo. 3. c. 64	The East India Company Bonds Act, 1811.	The whole Act.
5 & 6 Will 4. c. 64.	The Stamp Duties Act, 1835	- Section four.
21 & 22 Vict. c. 3.	The East India Loan Act, 1858	- The whole Act.
22 Vict. c. 11 -	The East India Loan Act, 1859	- The whole Act.
22 & 23 Vict. c. 39.	The East India Loan (No. 2) Act, 1859.	The whole Act.
23 & 24 Vict. c. 5.	The Indian Securities Act, 1860	- Section three.
23 & 24 Vict. c. 102.	The East India Stock Act, 1860	- Section six.
23 & 24 Vict. c. 130.	The East India Loan Act, 1860	- The whole Act.
24 & 25 Vict. c. 3.	The Bank of England Act, 1861	- Section ten.
24 & 25 Vict. c. 25.	The East India Loan Act, 1861	- The whole Act.
25 & 26 Vict. c. 7.	The India Stock Transfer Act, 1862.	Sections one, eight and thirteen.

2ND SCH.  
—cont.

Session and Chapter.	Title.	Extent of Repeal.
26 & 27 Vict. c. 73.	The India Stock Certificate Act, 1863.	In section two, the definition of "India stock"; in section five, the words "No notice of any trust in respect of any stock certificate or coupon issued under this Act shall be receivable by the Bank"; sections eight, eleven and sixteen.
32 & 33 Vict. c. 106.	The East India Loan Act, 1869 -	The whole Act.
34 & 35 Vict. c. 29.	The India Stock Dividends Act, 1871.	The whole Act.
36 & 37 Vict. c. 32.	The East India Loan Act, 1873 -	The whole Act.
37 & 38 Vict. c. 3.	The East India Loan Act, 1874 -	The whole Act.
40 & 41 Vict. c. 51.	The East India Loan Act, 1877 -	The whole Act.
42 & 43 Vict. c. 43.	The East Indian Railway (Redemption of Annuities) Act, 1879.	The whole Act.
42 & 43 Vict. c. ccvi.	The East Indian Railway Company Purchase Act, 1879.	Section fifty-one.
42 & 43 Vict. c. 60.	The East India Loan Act, 1879 -	The whole Act.
43 Vict. c. 10 -	The East India Loan (East Indian Railway Debentures) Act, 1880.	The whole Act.
43 Vict. c. 11	The India Stock (Powers of Attorney) Act, 1880.	The whole Act.
44 & 45 Vict. c. 53.	The East Indian Railway (Redemption of Annuities) Act, 1881.	The whole Act.
47 & 48 Vict. c. cciv.	The Eastern Bengal Railway Company Purchase Act, 1884.	Sections fifty and fifty-four.
48 & 49 Vict. c. 25.	The East India Unclaimed Stock Act, 1885.	In section two, the definition of "India stock"; in section twenty-one, the words "stock or"; and section twenty-five.



Session and Chapter.	Title.	Extent of Repeal.
48 & 49 Vict. c. 28.	The East India Loan Act, 1885 -	The whole Act.
51 & 52 Vict. c. 5.	The Oude and Rohilkund Railway Purchase Act, 1888.	The whole Act.
53 & 54 Vict. c. 6.	The South Indian Railway Purchase Act, 1890.	The whole Act.
55 & 56 Vict. c. x.	The East Indian Railway Company Sinking Fund Act, 1892.	In section twenty-nine, the words “ the provisions “ of the East Indian Railway “ (Redemption “ of Annuities) “ Act, 1881, as “ amended by “ the twenty- “ fifth section of “ the East India “ Unclaimed “ Stock Act, “ 1885, and to ” and the words “ and section 25 “ of the same “ Act.”
56 & 57 Vict. c. 70.	The East India Loan Act, 1893 -	The whole Act.
61 & 62 Vict. c. 13.	The East India Loan Act, 1898 -	The whole Act.
1 Edw. 7. c. 25	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.	The whole Act.
5 Edw. 7. c. 19	The East India Loans (Railways) Act, 1905.	The whole Act.
8 Edw. 7. c. 54	The East India Loans Act, 1908 -	The whole Act.
10 Edw. 7. c. 5	The East India Loans (Railways and Irrigation) Act, 1910.	The whole Act.
6 & 7 Geo. 5. c. 37.	The Government of India (Amendment) Act, 1916.	Subsections (4) and (5) of section six.
12 & 13 Geo. 5. c. 9.	The East India Loans (Railways and Irrigation) Act, 1922.	The whole Act.
13 & 14 Geo. 5. c. 31.	The East India Loans Act, 1923 -	The whole Act.

**CHAPTER 15.**

An Act to enable effect to be given to Article twenty-eight of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith. [19th March 1937.]

**W**HEREAS His Majesty has ratified an International Convention for the amelioration of the condition of the wounded and sick in armies in the field which was done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine :

And whereas, in order to give effect to Article twenty-eight of the said Convention, and for purposes connected therewith, it is expedient to make such amendments in the law as are contained in this Act :

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 :—

Prohibition  
of use of  
certain  
designs and  
words.

1.—(1) It shall not be lawful for any person, without the authority of the Board of Trade, to use for the purposes of his trade or business, or for any other purpose whatsoever—

- (a) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation; or
- (b) any design being a colourable imitation of the design mentioned in the last foregoing paragraph; or
- (c) any design being a colourable imitation of the heraldic emblem of the red cross on a white ground mentioned in subsection (1) of section one of the Geneva Convention Act, 1911, or

1 & 2 Geo. 5.  
c. 20.

any words so nearly resembling the words "Red Cross" or "Geneva Cross" as to be capable of being understood as referring to the said emblem.

(2) If any person contravenes the provisions of the last foregoing subsection, he shall, subject as hereafter provided, be guilty of an offence under this Act and liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the design or words was or were used.

(3) Nothing in this section shall apply to a trade mark registered before the twenty-third day of December, nineteen hundred and thirty-one, and consisting of or containing any such design as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section; and where a person is charged with using such a design for any purpose and it is proved that he used it otherwise than as or as part of a trade mark registered as aforesaid, it shall be a defence for him to prove—

(a) that he lawfully used that design for that purpose before the said twenty-third day of December; or

(b) in a case where he is charged with using the design upon goods, that the design had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and that that other person lawfully used the design upon similar goods before the said twenty-third day of December.

(4) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance 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.

(5) Proceedings under this section shall not be instituted in England without the consent of the Attorney-General or in Northern Ireland without the consent of the Attorney-General for Northern Ireland.

(6) The authority of the Board of Trade under this section may be given by the President, or a Secretary, Under Secretary or Assistant Secretary, of the Board, or any person authorised in that behalf by the President of the Board.

Provision  
as to  
Australia.

2. Notwithstanding anything in any enactment or rule of law, the Parliament of the Commonwealth of Australia shall have power to pass a law to give effect to all the provisions of Article twenty-eight of the said Convention, and any such law may enact—

(a) that the provisions thereof shall extend, not only to the Commonwealth of Australia but also to any territories which are administered under the authority of His Majesty's Government in the Commonwealth of Australia or in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by that Government; and

(b) that the Geneva Convention Act, 1911, shall cease to extend to the Commonwealth of Australia and to any such territories as aforesaid to which the provisions of the said law extend.

Provision as  
to other  
parts of  
British  
Empire.

3. His Majesty may by Order in Council provide that section one of this Act shall extend, subject to such modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or any colony.

Short title  
and citation.

4. This Act may be cited as the Geneva Convention Act, 1937, and this Act and the Geneva Convention Act, 1911, may be cited together as the Geneva Conventions Acts, 1911 and 1937.



**CHAPTER 16.**

An Act to make provision for a Regency in the event of the Sovereign being on His Accession under the age of eighteen years, and in the event of the incapacity of the Sovereign through illness, and for the performance of certain of the royal functions in the name and on behalf of the Sovereign in certain other events; to repeal the Lords Justices Act, 1837; and for purposes connected with the matters aforesaid.

[19th March 1937.]

**W**HEREAS Your Majesty, by Your Majesty's Royal Message to both Houses of Parliament, has been pleased to recommend that provision should be made for a Regency in certain events:

And whereas Your Majesty in the same Message put both Houses of Parliament in mind of the difficulties which arose in relation to the exercise of the Royal Authority at the time of the illness of His late Majesty King George the Fifth in the year nineteen hundred and twenty-eight and of His last illness in the month of January nineteen hundred and thirty-six, and recommended that Parliament should consider whether it be not expedient to make permanent provision for the purpose of securing the exercise of the Royal Authority as well in the event of the incapacity of the Sovereign as in the event of the minority of the Sovereign on His Accession and in certain other circumstances:

Now therefore we, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, do most humbly beseech Your Majesty that it 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 the Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If the Sovereign is, at His Accession, under the age of eighteen years, then, until He attains that age, the royal functions shall be performed in the name and on behalf of the Sovereign by a Regent.

Regency while the Sovereign is under eighteen.

(2) For the purpose of any enactment requiring any oath or declaration to be taken, made, or subscribed, by the Sovereign on or after His Accession, the date on which the Sovereign attains the age of eighteen years shall be deemed to be the date of His Accession.

Regency  
during total  
incapacity  
of the  
Sovereign.

2.—(1) If the following persons or any three or more of them, that is to say, the wife or husband of the Sovereign, the Lord Chancellor, the Speaker of the House of Commons, the Lord Chief Justice of England, and the Master of the Rolls, declare in writing that they are satisfied by evidence which shall include the evidence of physicians that the Sovereign is by reason of infirmity of mind or body incapable for the time being of performing the royal functions or that they are satisfied by evidence that the Sovereign is for some definite cause not available for the performance of those functions, then, until it is declared in like manner that His Majesty has so far recovered His health as to warrant His resumption of the royal functions or has become available for the performance thereof, as the case may be, those functions shall be performed in the name and on behalf of the Sovereign by a Regent.

(2) A declaration under this section shall be made to the Privy Council and communicated to the Governments of His Majesty's Dominions and to the Government of India.

The  
Regent.

3.—(1) If a Regency becomes necessary under this Act, the Regent shall be that person who, excluding any persons disqualified under this section, is next in the line of succession to the Crown.

12 & 13  
Will. 3. c. 2.

(2) A person shall be disqualified from becoming or being Regent, if he is not a British subject of full age and domiciled in some part of the United Kingdom, or is a person who would, under section two of the Act of Settlement, be incapable of inheriting, possessing, and enjoying the Crown; and section three of the Act of Settlement shall apply in the case of a Regent as it applies in the case of a Sovereign.

(3) If any person who would at the commencement of a Regency have become Regent but for the fact that he was not then of full age becomes of full age during the Regency, he shall, if he is not otherwise disqualified

under this section, thereupon become Regent instead of the person who has theretofore been Regent.

(4) If the Regent dies or becomes disqualified under this section, that person shall become Regent in his stead who would have become Regent if the events necessitating the Regency had occurred immediately after the death or disqualification.

(5) Section two of this Act shall apply in relation to a Regent with the substitution for references to the Sovereign of references to the Regent, and for the words "those functions shall be performed in the name and on behalf of the Sovereign by a Regent" of the words "that person shall be Regent who would have become Regent if the Regent had died."

4.—(1) The Regent shall, before he acts in or enters upon his office, take and subscribe before the Privy Council the oaths set out in the Schedule to this Act, and the Privy Council are empowered and required to administer those oaths and to enter them in the Council Books.

Oaths to be taken by, and limitations of power of, Regent.

(2) The Regent shall not have power to assent to any Bill for changing the order of succession to the Crown or for repealing or altering an Act of the fifth year of the reign of Queen Anne made in Scotland entitled "An Act for Securing the Protestant Religion and Presbyterian Church Government."

5. During a Regency, unless Parliament otherwise determines,—

Guardianship, &c. of Sovereign during Regency.

- (a) if the Sovereign is under the age of eighteen years, and unmarried, His mother, if she is living, shall have the guardianship of His person;
- (b) if the Sovereign, being married, is under the age of eighteen years or has been declared under this Act to be incapable for the time being of performing the royal functions, the wife or husband of the Sovereign, if of full age, shall have the guardianship of the person of the Sovereign;
- (c) the Regent shall, save in the cases aforesaid, have the guardianship of the person of the Sovereign; and the property of the Sovereign,

except any private property which in accordance with the terms of any trust affecting it is to be administered by some other person, shall be administered by the Regent.

Power to  
delegate  
royal  
functions to  
Counsellors  
of State.

**6.**—(1) In the event of illness not amounting to such infirmity of mind or body as is mentioned in section two of this Act, or of absence or intended absence from the United Kingdom, the Sovereign may, in order to prevent delay or difficulty in the despatch of public business, by Letters Patent under the Great Seal, delegate, for the period of that illness or absence, to Counsellors of State such of the royal functions as may be specified in the Letters Patent, and may in like manner revoke or vary any such delegation :

Provided that no power to dissolve Parliament otherwise than on the express instructions of the Sovereign (which may be conveyed by telegraph), or to grant any rank, title or dignity of the peerage may be delegated.

(2) The Counsellors of State shall be the wife or husband of the Sovereign (if the Sovereign is married), and the four persons who, excluding any persons disqualified under this Act from becoming Regent, are next in the line of succession to the Crown, or if the number of such persons next in the line of succession is less than four, then all such persons.

(3) Any functions delegated under this section shall be exercised jointly by the Counsellors of State, or by such number of them as may be specified in the Letters Patent, and subject to such conditions, if any, as may be therein prescribed.

(4) The provisions of this section shall apply in relation to a Regent with the substitution for references to the Sovereign of references to the Regent, so, however, that in relation to a Regent subsection (2) of this section shall have effect as if after the word “next,” where that word first occurs therein, there were inserted the words “after the Regent”.

(5) Any delegation under this section shall cease on the demise of the Crown or on the occurrence of any events necessitating a Regency or a change of Regent.

**7.** The Lords Justices Act, 1837, is hereby repealed.

Repeal of  
7 Will. 4. &  
1 vict. c. 72.



8.—(1) This Act may be cited as the Regency Act, 1937.

Short title  
and inter-  
pretation.

(2) In this Act, save as otherwise expressly provided, the expression “royal functions” includes all powers and authorities belonging to the Crown, whether prerogative or statutory, together with the receiving of any homage required to be done to His Majesty.

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## SCHEDULE.

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Section 4.

### OATHS TO BE TAKEN BY THE REGENT.

1. I swear that I will be faithful and bear true allegiance to [*here insert the name of the Sovereign*] his heirs and successors according to law. So help me God.

2. I swear that I will truly and faithfully execute the office of Regent, and that I will govern according to law, and will, in all things, to the utmost of my power and ability, consult and maintain the safety, honour, and dignity of [*here insert the name of the Sovereign*] and the welfare of his people. So help me God.

3. I swear that I will inviolably maintain and preserve in England and in Scotland the Settlement of the true Protestant religion as established by law in England and as established in Scotland by the laws made in Scotland in prosecution of the Claim of Right, and particularly by an Act intituled “An Act for Securing the Protestant Religion and Presbyterian Church Government” and by the Acts passed in the Parliament of both Kingdoms for Union of the two Kingdoms, together with the Government, Worship, Discipline, Rights, and Privileges of the Church of Scotland. So help me God.

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## CHAPTER 17.

An Act to amend section one of the Reserve Forces and Militia Act, 1898, by extending the period of liability to be called out on permanent service thereunder. [19th March 1937.]

**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 s. 1 of  
61 & 62 Vict.  
c. 9.

1. The liability to be called out under section one of the Reserve Forces and Militia Act, 1898, may, if it is so agreed, extend to the first five years of a man's service in the first class of the Army Reserve, or to the residue unexpired of the term of his original enlistment, whichever is the less.

Short title  
and citation.

2. This Act may be cited as the Reserve Forces Act, 1937, and the Reserve Forces Acts, 1882 to 1907, and this Act may be cited together as the Reserve Forces Acts, 1882 to 1937.

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## CHAPTER 18.

An Act to amend the Empire Settlement Act, 1922.  
[19th March 1937.]

**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  
as to power  
of Secretary  
of State to  
co-operate  
in schemes.

1.—(1) The period beyond which the liability of the Secretary of State to make contributions under schemes agreed under section one of the principal Act is not to extend (which, by proviso (c) to subsection (3) of that section, is limited to expire on the thirty-first day of May, nineteen hundred and thirty-seven) shall be extended so as to expire on the thirty-first day of May, nineteen hundred and fifty-two :

Provided that the aggregate amount expended by the Secretary of State under any such scheme or schemes shall not exceed one million five hundred thousand pounds in the financial year commencing on the first day of April, nineteen hundred and thirty-seven or any subsequent financial year, exclusive of the amount of any sums received by way of interest on or repayment of advances previously made.

(2) Notwithstanding anything in proviso (b) to the said subsection (3) (which limits the contribution of the Secretary of State to half the expenses of such a scheme as aforesaid), the Secretary of State may contribute an amount not exceeding three-quarters of the expenses of any such scheme except—

- (a) a development or land settlement scheme; or
- (b) a scheme towards the expenses of which the Government of a part of His Majesty's oversea dominions have agreed to contribute.

2.—(1) This Act may be cited as the Empire Settlement Act, 1937.

Short title,  
interpre-  
tation and  
construc-  
tion.

(2) In this Act the expression "the principal Act" means the Empire Settlement Act, 1922.

12 & 13  
Geo. 5. c. 13.

(3) This Act shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Empire Settlement Acts, 1922 and 1937.

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## CHAPTER 19.

An Act to amend the law relating to merchant shipping for the purpose of enabling effect to be given to an international agreement for establishing a system of observation of the Spanish frontiers.  
[19th March 1937.]

**W**HEREAS His Majesty's Government in the United Kingdom have, by an agreement (hereafter referred to as "the observation agreement") embodied in a resolution adopted on the eighth day of March nineteen hundred and thirty-seven by the International Committee for the application of the agreement regarding non-intervention in Spain, agreed with the Governments of certain other countries to establish in the manner provided in the observation agreement, unless otherwise amended or determined, a system of observation of the Spanish frontiers for the purpose of ascertaining whether the agreement regarding non-intervention in Spain is being effectively observed :

And whereas the said system, under the terms of the observation agreement, is to be carried into effect by a body referred to therein as "the International Board for Non-intervention in Spain" and by certain officers, who are referred to in the observation agreement and in this Act as "the chief administrator", "administrators", "deputy administrators" and "observing officers";

And whereas, in order to enable effect to be given to the said agreement, it is expedient to make such amendments of the law relating to merchant shipping as are hereafter contained in this Act :

Now, therefore, 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  
as to  
observing  
officers.  
1 Edw. 8.  
& 1 Geo. 6.  
c. 1.

1.—(1) No ship to which the Merchant Shipping (Carriage of Munitions to Spain) Act, 1936 (hereafter in this Act referred to as "the Act of 1936") applies and which is bound to a port or place in Spanish territory shall enter any waters adjacent to Spanish territory unless she has first proceeded to the prescribed place and there embarked such observing officers as may be deputed in that behalf by the administrator at that place :

Provided that—

- (a) a ship shall not be deemed to have contravened the foregoing provisions of this subsection by reason only that she has been compelled to enter waters adjacent to Spanish territory, either in order to reach the prescribed place, or by stress of weather or any other circumstance which neither the master nor the owner of the ship could have prevented or forestalled; and
- (b) there may, by agreement between the master or owner of any ship and the chief administrator or the administrator at the prescribed place, be substituted for the prescribed place, in relation to that ship while on the voyage on which she is then engaged, such other place as may be so agreed; and

(c) the administrator at the prescribed place may, if it appears to him that he has for the time being an insufficient number of observing officers available for embarkation on any ship, exempt that ship from the provisions of this subsection while on the voyage on which she is then engaged.

(2) Any observing officers so embarked on any such ship shall be entitled to remain on board the ship until disembarked in the manner provided in the next following subsection.

(3) When any ship to which the Act of 1936 applies, having observing officers on board in pursuance of this Act, leaves a port or place in Spanish territory bound to any port or place not in Spanish territory, she shall proceed to the prescribed place, taking the shortest available route thereto unless otherwise agreed between the master or owner of the ship and the administrator who deputed the observing officers on board the ship, and shall there disembark the said officers :

Provided that the said administrator may substitute another place for the prescribed place, so, however, that, without the consent of the master or owner of the ship, no such substitution shall be made which would increase the length of the ship's intended voyage by more than fifty sea miles.

(4) If any ship to which the Act of 1936 applies contravenes or fails to comply with the foregoing provisions of this section, the master of the ship shall be guilty of a misdemeanour, and the owner of the ship shall also be guilty of a misdemeanour if he is privy to the contravention or failure.

(5) The Board of Trade may on the application of the owner and with the consent of the authority, by licence exempt any ship, being a ship which is shown to the satisfaction of the Board of Trade to be regularly engaged in carrying goods or passengers to or from Spanish territory, from the foregoing provisions of this section on the following conditions, namely :—

(a) that the ship does not, except with the consent of the chief administrator, proceed to sea from

any port or place without having on board such observing officers as may be deputed from time to time in that behalf by the chief administrator ; and

- (b) that the owner of the ship pays to the authority on demand such additional expenses as may from time to time be certified by the Board of Trade to have been incurred by the authority by reason of the ship complying with the condition aforesaid, instead of complying with the said provisions of this section.

The Board of Trade may at any time, and shall at the request of the authority or the owner of the ship, cancel any licence granted under this subsection.

If any ship while exempt under this subsection fails to comply with the condition specified in paragraph (a) of this subsection, the master of the ship shall be guilty of a misdemeanour, and the owner of the ship shall also be guilty of a misdemeanour if he is privy to the failure to comply with the condition.

(6) An observing officer carried in a ship in pursuance of this Act shall, while on board the ship, be entitled to be provided with subsistence and accommodation, and to require signals to be made and to require messages to be sent by wireless telegraphy, in accordance with regulations made under this section, and also to exercise the following powers—

- (a) he may at any reasonable time require the master to produce any documents and furnish any information in his possession relating to any cargo destined for Spanish territory which is being carried in the ship ;
- (b) he may, if he has reasonable grounds for suspecting that the contents of any package carried in the ship do not correspond with the particulars shown in the documents produced to him, or if the description of the contents of any package shown in those documents, taken with any description thereof shown on the package, is insufficient to enable him to discharge his duties under the observation agreement, require the master to cause the package to be opened for

his inspection immediately before it is discharged from the ship;

- (c) he may at any reasonable time require the master to produce the agreement with the crew and any other documents in his possession relating to a member of the crew;
- (d) he may at any reasonable time, in the presence of the master or an officer of the ship authorised in that behalf by the master, require any passenger to produce his passport and require any passenger or member of the crew to state whether he proposes to disembark at a port or place in Spanish territory and, if so, his reasons for so disembarking;
- (e) he may be present at the unloading of any goods and the disembarkation of any persons at any port or place in Spanish territory or in the waters adjacent to Spanish territory:

and if the master of the ship or any other person on board the ship fails to do anything duly required of him by an observing officer under this subsection, or obstructs such an officer in the exercise of his powers under this subsection, or, being duly required by such an officer to furnish any information or make any statement, furnishes information or makes a statement which he knows to be false, he shall be liable to a fine not exceeding one hundred pounds.

(7) Every ship to which the Act of 1936 applies having observing officers on board in pursuance of this Act, or being engaged on a voyage on which she has been exempted by an administrator from the provisions of subsection (1) of this section under the proviso thereto, shall, while in waters adjacent to Spanish territory, display the prescribed signals; and if in those waters any such ship, having any such officers on board or being so engaged, fails to display the prescribed signals or, having no such officers on board and not being so engaged, displays the prescribed signals, the master of the ship shall be liable to a fine not exceeding one hundred pounds.

(8) The Board of Trade may make regulations—

- (a) as to the subsistence and accommodation to be provided for observing officers on ships to

which the Act of 1936 applies and as to the powers of such officers to require signals to be made and to require messages to be sent by wireless telegraphy;

- (b) as to the payments to be made by the authority to the owners of such ships in respect of the subsistence provided for observing officers and in respect of tolls, dues, rates or charges of any kind incurred by such ships by reason only of their entering or using a port solely for the purpose of embarking or disembarking such officers, and as to the payments (if any) to be so made in respect of the accommodation provided for such officers and the signals and messages required to be made and sent by them;
- (c) prescribing the signals to be displayed for the purpose of the last foregoing subsection;
- (d) prescribing, according to the voyages on which they are for the time being engaged, the places to which, subject to the provisions of this section, such ships are to proceed for the purpose of embarking and disembarking observing officers in pursuance of this Act;

and for the purpose of any provision of this section the expression "the prescribed place," in relation to a ship engaged on any voyage, means the place specified in relation to that voyage in the regulations applicable for the purpose of that provision.

(9) For the purpose of any enactment which defines a passenger steamer by reference to the number of passengers carried, an observing officer carried in any ship, whether British or foreign, in pursuance of this Act or the observation agreement shall not be deemed to be a passenger.

Powers of  
 naval  
 officers of  
 certain  
 countries.

2.—(1) An officer of a ship of war which fulfils the conditions hereafter specified in this section may exercise the following powers as respects ships to which the Act of 1936 applies while they are within waters adjacent to Spanish territory, that is to say—

- (a) he may go on board the ship and for that purpose may require the ship to stop;



- (b) he may require the master to produce the certificate of registry of the ship and the clearance of the ship from its last port of call;
- (c) he may require the master to state whether any observing officers are on board the ship, and to allow him to interview any such officers stated by the master to be on board.

(2) The conditions which a ship of war must fulfil in order to entitle an officer thereof to exercise the foregoing powers shall be as follows:—

- (a) the ship must be a ship of war of one of such Powers as may be declared, by an order for the time being in force under this section, to have been entrusted under the observation agreement with observation duties in the waters adjacent to Spanish territory;
- (b) the ship must be in such of the said waters as may be so declared to have been placed under the observation of the Power to which the ship belongs;
- (c) the ship must be displaying such signals as may be so declared to be required by the said agreement to be displayed by ships of war engaged in the said duties.

(3) Any order under this section shall be made by the Secretary of State, and may be revoked or varied by a subsequent order made by the Secretary of State.

(4) The powers conferred by subsection (1) of this section, if and so far as they are conferred on officers of His Majesty's ships of war, shall be in addition to and not in derogation of any other powers conferred upon them by any enactment, and may be exercised as respects any ship of a country the Government of which is a party to the observation agreement as well as respects ships to which the Act of 1936 applies.

(5) If any ship to which the Act of 1936 applies, being duly required under this section to stop, fails to comply with that requirement, the master of the ship shall be guilty of a misdemeanour, and if the master of any such ship fails to produce any document or make

any statement which he is duly required to produce or make under this section, or if any person on board any such ship obstructs any officer in the exercise of his powers under this section, he shall be liable to a fine not exceeding one hundred pounds.

Power by Order in Council to give effect to amendments of agreement and arrangements made in pursuance thereof.

3.—(1) His Majesty may make such Orders in Council as appear to him to be necessary or expedient for the purpose of giving effect to any arrangements made in pursuance of the provisions of the observation agreement relating to merchant shipping or to any further agreement amending or supplementing those provisions, and any such Order may contain provisions for the imposition by summary process or otherwise of penalties in respect of breaches of the Order and provisions for the amendment of this Act or any other enactment relating to merchant shipping.

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

(3) Any Order in Council made under this section for giving effect to any further agreement amending or supplementing the observation agreement shall cease to have effect at the expiration of a period of twenty-eight days from the date when the Order is made, unless before the expiration of that period each House of Parliament has by resolution approved the Order, but without prejudice to the validity of anything previously done thereunder or the making of a new Order :

Provided that in reckoning any such period of twenty-eight days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

Short title, construction, interpretation, extent, commencement and duration.

4.—(1) This Act may be cited as the Merchant Shipping (Spanish Frontiers Observation) Act, 1937.

(2) This Act and the Merchant Shipping Acts, 1894 to 1936, shall be construed as one and may be cited together as the Merchant Shipping Acts, 1894 to 1937.

(3) For the purposes of this Act—

(a) references to the administrator at a place shall, in a case where there is no administrator

at that place, be construed as references to the deputy administrator at that place;

- (b) the expression "the authority" means such body as may be certified by the Board of Trade to be the body entrusted by the International Board for Non-intervention in Spain with the functions of the authority under this Act or, if no such certificate is given, the said International Board.
- (c) references to an owner of a ship shall include references to a charterer;
- (d) the expression "Spanish territory" includes the Spanish zone of Morocco, but shall not, until such date as the Board of Trade may by order appoint, include the Canary Islands;
- (e) the expression "waters adjacent to Spanish territory" means any part of the sea within ten sea miles from any point on the coast of any Spanish territory.

(4) This Act shall extend to all those parts of His Majesty's dominions and other countries to which the Act of 1936 extends.

(5) This Act shall come into force on such date as the Board of Trade may by order appoint, and different dates may be appointed in relation to different ships and different provisions of this Act.

(6) This Act shall continue in force until His Majesty by Order in Council is pleased to declare that it is no longer necessary or expedient that it should continue in force :

Provided that on the expiration of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall apply as if this Act had been repealed by another Act. 52 & 53 Vict. c. 63.

**CHAPTER 20.**

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-six, one thousand nine hundred and thirty-seven, and one thousand nine hundred and thirty-eight.

[25th March 1937.]

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  
4,424,853*l.*  
4*s.* 10*d.* out  
of the Consoli-  
dated Fund  
for the service  
of the years  
ending  
31st March  
1936 and 1937.

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 years ending on the thirty-first day of March, one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven, the sum of four million four hundred and twenty-four thousand eight hundred and fifty-three pounds four shillings and tenpence.

Issue of  
284,370,600*l.*  
out of the  
Consolidated  
Fund for the  
service of the  
year ending  
31st March  
1938.

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-eight, the sum of two hundred and eighty-four million, three hundred and seventy thousand six hundred pounds.

Power for  
the Treasury  
to borrow.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and

eighty-eight million, seven hundred and ninety-five thousand four hundred and fifty-three pounds four shillings and tenpence.

(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-eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict.  
c. 2.

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

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1937. Short title.

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## CHAPTER 21.

An Act to extend by twelve months the period in respect of which subsidies are payable under Part I of the British Shipping (Assistance) Act, 1935, as amended by the British Shipping (Continuance of Subsidy) Act, 1936, and to provide for the payment of such subsidies and of the expenses of the Board of Trade under the said Part I, in respect of the year nineteen hundred and thirty-seven, out of moneys provided by Parliament. [25th March 1937.]

**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 :—

Amend-  
ments of  
25 & 26  
Geo. 5. c. 7.

1.—(1) The period during which tramp voyages or parts of tramp voyages must have been carried out in order that a subsidy may be payable in respect thereof under Part I of the British Shipping (Assistance) Act, 1935 (hereinafter referred to as “the principal Act”), shall be extended until the end of the year nineteen hundred and thirty-seven; and accordingly—

(a) subsection (1) of section one of the principal Act shall have effect as if after the words “nineteen hundred and thirty-six” there were therein inserted the words “or in the year nineteen hundred and thirty-seven”; and

26 Geo. 5. &  
1 Edw. 8.  
c. 12.

(b) subsection (2) of section one of the British Shipping (Continuance of Subsidy) Act, 1936, shall have effect as if after the words “nineteen hundred and thirty-six”, where they first occur, there were therein inserted the words “or in the year nineteen hundred and thirty-seven”, and as if for the words “that year” there were therein substituted the words “the year nineteen hundred and thirty-six”.

(2) The sums necessary for the payment of subsidies under the said Part I in respect of tramp voyages or parts of tramp voyages carried out in the year nineteen hundred and thirty-seven, and for the payment of any expenses incurred in respect of that year by or on behalf of the Board of Trade under the said Part I, shall be defrayed out of moneys provided by Parliament and shall not exceed in the aggregate two million pounds; and accordingly subsection (5) of section one of the principal Act shall have effect as if at the end thereof there were inserted the words “and nineteen hundred and thirty-seven”.

(3) Subsection (3) of section six of the principal Act (which relates to the determination, among other questions, of questions whether any tramp voyage or part of such a voyage was carried out in the year nineteen hundred and thirty-five or nineteen hundred and thirty-six) shall have effect as if, in paragraph (c) thereof, after the words “nineteen hundred and thirty-six” there were inserted the words “or nineteen hundred and thirty-seven”.

(4) In this section references to any provision of the principal Act shall be construed as a reference to that provision as amended by the British Shipping (Continuance of Subsidy) Act, 1936.

2. This Act may be cited as the British Shipping (Continuance of Subsidy) Act, 1937, and this Act and the British Shipping (Assistance) Acts, 1935 and 1936, may be cited together as the British Shipping (Assistance) Acts, 1935 to 1937. Short title and citation.

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## CHAPTER 22.

An Act to amend Part VI of the Local Government Act, 1929; and to repeal section forty-five of the Unemployment Assistance Act, 1934, and the proviso to paragraph (c) of subsection (2) of section nine of the Rating and Valuation Act, 1925. [25th March 1937.]

**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.—(1) The amount of the General Exchequer Contribution to be paid under section eighty-six of the Local Government Act, 1929 (hereinafter referred to as "the principal Act") in respect of each year in the third fixed grant period shall be the sum of forty-six million, one hundred and seventy-two thousand pounds, and in respect of each year of every following fixed grant period such amount as Parliament may hereafter determine with respect to the fixed grant period, so, however, that the General Exchequer Contribution for the fourth or any subsequent fixed grant period, exclusive of any increase made therein in pursuance of section four of the Midwives Act, 1936, shall be of an amount bearing to the total amount of rate and grant borne expenditure in the penultimate year of the preceding fixed grant period a proportion not less than twenty-two and one-half per cent.

Amount of General Exchequer Contributions in respect of third and subsequent fixed grant periods.

19 & 20 Geo. 5. c. 17.

26 Geo. 5. & 1 Edw. 8. c. 40.

## (2) In this section—

- (a) the expression “rate and grant borne expenditure” means the local expenditure which fell to be borne by rates and by grants made under Part VI of the principal Act out of the General Exchequer Contribution; and
- (b) if as respects any fixed grant period the Minister certifies that the amount of rate and grant borne expenditure in the penultimate year of that fixed grant period was abnormally increased by reason of any emergency involving the issue of a proclamation under the Emergency Powers Act, 1920, there shall be deemed to be substituted for the reference to the penultimate year of the preceding fixed grant period a reference to the last year preceding the said penultimate year in which no such abnormal expenditure was incurred.

10 & 11  
Geo. 5. c. 55.

24 & 25  
Geo. 5. c. 29.

(3) Section forty-five of the Unemployment Assistance Act, 1934 (which provides for contributions being made by local authorities to the Unemployment Assistance Fund) shall cease to have effect.

Amendment  
of rules for  
determining  
weighted  
population.

2. The principal Act shall have effect as if for the provisions contained in Part III of the Fourth Schedule to that Act (which contains rules for determining weighted population) there were substituted the provisions set out in the First Schedule to this Act.

Provision  
as to  
deficiencies  
in county  
apportion-  
ments.

3.—(1) If in the case of any county the county apportionment in any year is less than the amount required to be set aside for the councils of districts in accordance with the provisions of section eighty-nine of the principal Act, the council of the county shall, in such manner and at such times as the Minister may direct, contribute towards making good the deficiency either—

- (a) a sum equal to one-half of the amount of the deficiency; or
- (b) a sum equal to the product of a rate of one penny in the pound in the first year of the fixed grant period in which the deficiency occurs,

whichever is the less, and the remainder shall be paid out of moneys provided by Parliament.



Any sum so paid out of moneys provided by Parliament shall be treated as part of the county apportionment.

(2) In this section the expression "product of a rate of one penny in the pound" means, in relation to a county, the aggregate of the products of a penny rate (calculated in accordance with rules made under section nine of the Rating and Valuation Act, 1925) in each of the rating areas in the county.

15 & 16  
Geo. 5. c. 90.

4. In determining in accordance with paragraph (b) of subsection (3) of section ninety of the principal Act any reduction to be made in the standard sum required to be ascertained for the purposes of calculating the Additional Exchequer Grants payable to counties and county boroughs, the weighted population of the county or county borough shall be adjusted as follows:—

Amendment  
as to  
reduction in  
Additional  
Exchequer  
Grants.

(a) that for the first fixed grant period shall be determined in accordance with the rules set out in the First Schedule to this Act;

(b) that for the fixed grant period in question shall be increased by a figure equal to two and a half per cent. of the weighted population for the first fixed grant period determined as aforesaid.

5. Paragraph (b) of subsection (1) of section ninety-two of the principal Act (which determines the sums payable to district councils by county councils during the first and second fixed grant periods in respect of losses on account of special or parish rates) shall have effect as if for the words "first and second fixed grant periods a sum equal to" there were therein substituted the words "third fixed grant period a sum not less than".

Compensation for losses on account of special and parish rates during third fixed grant period.

6.—(1) If, in accordance with regulations made under this section, the council of any district satisfies the Minister that the reduction provided by paragraph (b) of subsection (1) of section ninety-four of the principal Act in the amounts to be added under that paragraph to the sum which apart from that section would be payable as the General Exchequer Grant of that council in respect of any separately rated area in the district (that is to say, a reduction equal to one-fifteenth of the amount so added for the year beginning on the appointed day),

Power to modify provisions as to supplementary Exchequer grants to districts.

would occasion special hardship or difficulty, the Minister may with the consent of the Treasury by order direct that during the fixed grant period in respect of which the order is made the said paragraph shall, in its application to that area, have effect as if for the words "one-fifteenth" there were substituted the words "one-thirtieth".

(2) If, in accordance with regulations made under this section, the council of any district satisfies the Minister that, notwithstanding the operation of any order made under the last foregoing subsection with respect to that district, the reduction of the amounts to be added as aforesaid under the said paragraph (b) would occasion special hardship or difficulty, the Minister may, after consultation with the county council, direct that during the remaining years of the fixed grant period in which the direction is given, further sums equal to such reductions shall be set aside, under subsection (1) of section ninety-one of the principal Act, out of the county apportionment.

(3) The Minister may, after consultation 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, make regulations for the purposes of this section, and any such regulations shall, in particular, prescribe the circumstances in which, and the conditions subject to which, orders may be made under this section.

Further  
adjustment  
for  
equalising  
rates in the  
County of  
London.

7. For the purpose of equalising as between separately rated areas in the County of London variations in the poundage of rates due to the operation of Part V of the principal Act, the amount which would otherwise be contributed by each of those areas towards the amount required to be levied by rate for general county purposes, as reduced or increased in accordance with the provisions of section one hundred of the principal Act, shall be further adjusted in accordance with a scheme made by the Minister after consultation with the London County Council, the common council of the City of London and any association or committee which appears to the Minister to be representative of the metropolitan borough councils.

8.—(1) The Minister shall, in consultation 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, cause an investigation to be made into the working—

Investigation of working of rules in Parts III and IV of Fourth Schedule to principal Act.

- (a) of the rules contained in Part III of the Fourth Schedule to the principal Act; and
- (b) of the rules contained in Part IV of that Schedule;

and shall cause a report of the result of any such investigation to be laid before Parliament.

(2) The said investigations may be made at such times as may be directed by the Minister so, however, that investigations into both the matters aforesaid shall have been made before the expiration of the fourth fixed grant period.

9. The proviso to paragraph (c) of subsection (2) of section nine of the Rating and Valuation Act, 1925, shall cease to have effect.

Repeal of para. (c) of ss. (2) of s. 9 of 15 & 16 Geo. 5. c. 90.

10.—(1) This Act may be cited as the Local Government (Financial Provisions) Act, 1937, and the provisions thereof, except the last foregoing section, shall be construed as one with Part VI of the principal Act, and this Act and the principal Act may be cited together as the Local Government Acts, 1929 and 1937.

Short title, construction, citation, repeals and commencement.

(2) References in this Act to any enactment or any provision of any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this 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.

(4) This Act shall come into operation on the first day of April, nineteen hundred and thirty-seven.

**SCHEDULES.**

Sections 2, 4.

**FIRST SCHEDULE.****RULES FOR DETERMINING WEIGHTED POPULATION.**

1. The estimated population of the county or county borough in the appropriate year shall be increased—
  - (i) if the estimated number of children under five years of age per thousand of the estimated population exceeds fifty, by the percentage represented by the proportion which that excess bears to fifty;
  - (ii) if, according to the valuation lists in force on the appropriate date, the rateable value per head of the estimated population of the county or county borough is less than ten pounds, by the percentage represented by the proportion which the deficiency bears to ten pounds.
  
2. There shall be estimated and certified the average numbers during the three calendar years immediately preceding the beginning of each fixed grant period of unemployed insured men and of unemployed insured women resident in each county and county borough, and there shall be ascertained the percentage (hereafter in this Rule referred to as the "unemployment percentage") represented by the proportion which the number of unemployed insured men increased by ten per cent. of the number of unemployed insured women bears to the estimated population of the county or county borough for the calendar year in which the appropriate year begins and if as respects any county or county borough the unemployment percentage exceeds one-and-a-half, the estimated population of the county or county borough in the appropriate year as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased as follows :—
  - (i) If the unemployment percentage exceeds one-and-a-half but does not exceed five, by a percentage equal to the amount of the excess over one-and-a-half multiplied by ten; and

1st Sess.  
—cont.

- (ii) If the unemployment percentage exceeds five, by a percentage equal to the sum of the two following amounts, that is to say, the excess of the unemployment percentage over one-and-a-half multiplied by ten, and the excess of the unemployment percentage over five multiplied by five.

3. There shall be ascertained and certified the number of miles of road in every county other than the county of London, and the estimated population of every such county as increased in accordance with Rules 1 and 2 contained in this Part of this Schedule shall be further increased—

- (a) in the case of a county in which the estimated population per mile of roads is in the appropriate year less than one hundred, by the percentage represented by the proportion which the difference between three hundred and the estimated population per mile of roads bears to three hundred; and
- (b) in the case of a county in which the estimated population per mile of roads is in the appropriate year one hundred or more, by the percentage represented by the proportion which forty bears to the difference between the estimated population per mile of roads and forty.

4. The estimated population of the county or county borough as increased in accordance with the provisions of the foregoing rules contained in this Part of this Schedule shall be the weighted population of the county or county borough.

5. For the purposes of this Part of this Schedule the "appropriate date" shall as respects the first fixed grant period, be the first day of October, nineteen hundred and twenty-nine, and as respects every other fixed grant period, the first, or in London the sixth, day of April in the last year of the preceding fixed grant period.

SECOND SCHEDULE.

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ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In paragraph (b) of subsection (2) of section nine the words “(subject in the case of an urban rating area to such adjustment as is hereinafter provided)”; the proviso to paragraph (c) of that subsection; and in paragraph (d) of that subsection the words “if provision were not made by the said Part II of the Second Schedule for any such relief as aforesaid which operates only in an urban rating area”.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Subsection (3) of section eighty-six; the proviso to section eighty-nine; in section ninety in paragraph (b) of subsection (3) thereof the words “adjusted as regards unemployment” and subsection (4) thereof; in subsection (1) of section ninety-four the words “during the period of nineteen years beginning on the appointed day”, the words “during that period” and, in paragraph (b) of the said subsection, the word “fourteen”.
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	Section forty-five.

## CHAPTER 23.

An Act to make further provision as to the submergence of load lines and as to the life-saving appliances of fishing boats.

[25th March 1937.]

**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.—(1) If the master of a ship to which this section applies takes the ship to sea when she is loaded in contravention of section forty-four of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, or if any other person sends or is party to sending any such ship to sea loaded as aforesaid having reason to believe that she is so loaded, he shall, in addition to any penalty to which he may be liable under the said section forty-four, be liable—

Penalty for taking or sending ship to sea with load line submerged.  
22 & 23 Geo. 5. c. 9.

(a) on conviction on indictment, to imprisonment for a term not exceeding two years; or

(b) on summary conviction, to imprisonment for a term not exceeding six months.

(2) This section applies to all British load line ships registered in the United Kingdom and to all other British ships to which the said section forty-four for the time being applies by virtue of an Order in Council made under subsection (3) of section sixty-four of the said Act.

(3) This section shall extend, subject to such modifications and adaptations (if any) as may be made by Order in Council, to all parts of His Majesty's dominions to which the said section forty-four for the time being extends by virtue of an Order in Council made under subsection (1) of the said section sixty-four.

2. Subsection (3) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894 (which provides that the rules for life-saving appliances made under that section shall not apply to fishing boats) is hereby

Application to fishing boats of rules for life-saving appliances.  
57 & 58 Vict. c. 60.

repealed, and accordingly section three hundred and seventy-five of, and the Fifteenth Schedule to, that Act (which contain special provision as to the boats and lifebuoys to be carried by fishing boats) are also hereby repealed.

Short title and citation. **3.**—(1) This Act may be cited as the Merchant Shipping Act, 1937.

(2) This Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1937, and shall be included among the Acts which may be cited together as the Merchant Shipping Acts, 1894 to 1937.

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## CHAPTER 24.

An Act to amend the description of the persons with whom arrangements may be made under the National Health Insurance Act, 1936, for the dispensing of medicines.

[25th March 1937.]

**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 26 Geo. 5. & 1 Edw. 8. c. 32, s. 41 (2).  
23 & 24 Geo. 5. c. 25.

**1.** Subsection (2) of section forty-one of the National Health Insurance Act, 1936 (which provides for prohibiting arrangements for the dispensing of medicines being made with persons other than persons who are entitled under the Pharmacy and Poisons Acts, 1852 to 1933, to use the title chemist and druggist) shall have effect, and shall be deemed always to have had effect, as if for the words “entitled under the Pharmacy and Poisons Acts, 1852 to 1933, to use the title chemist and druggist” there were therein substituted the words “registered pharmacists or authorised sellers of poisons within the meaning of the Pharmacy and Poisons Act, 1933”.



2.—(1) This Act may be cited as the National Health Insurance Act (Amendment) Act, 1937, and this Act and the National Health Insurance Act, 1936, may be cited together as the National Health Insurance Acts, 1936 and 1937. Short title, citation and extent.

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

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## CHAPTER 25.

An Act to lower the age at which the period of compulsory education begins in the case of deaf children. [29th April 1937.]

**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 fact of a child who is under seven years of age being deaf shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child; and accordingly in subsection (2) of section fifty-one of the Education Act, 1921 (hereinafter referred to as "the principal Act"), the words "(except in the case of a deaf child under seven years of age)" are hereby repealed. Amendment of 11 & 12 Geo. 5. c. 51, s. 51.

2.—(1) This Act may be cited as the Education (Deaf Children) Act, 1937, and shall be construed as one with the principal Act and this Act and the Education Acts, 1921 to 1936, may be cited together as the Education Acts, 1921 to 1937. Short title, construction, commencement and extent.

(2) This Act shall come into operation on the first day of April, nineteen hundred and thirty-eight.

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

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**CHAPTER 26.**

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [29th April 1937.]

**W**HEREAS 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 sixty-eight thousand nine hundred, exclusive of the numbers actually serving in India or Burma :

7 & 8 Geo. 5.  
c. 51.

And whereas under the Air Force (Constitution) Act, 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 seventy thousand, exclusive of the numbers serving as aforesaid :

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-seven 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 :—

1. This Act may be cited as the Army and Air Force (Annual) Act, 1937. Short title.

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:— Army Act and Air Force Act to be in force for specified times.

- (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-seven, to the thirtieth day of April, one thousand nine hundred and thirty-eight, 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-seven, to the thirty-first day of July, one thousand nine hundred and thirty-eight, 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.

Prices in  
respect of  
billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of section one hundred and six of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

## 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.

Amend-  
ments of  
Army Act,  
s. 108A.

4. The following amendments shall be made in section one hundred and eight A of the Army Act (which relates to billeting in cases of emergency):—

(i) for paragraph (c) of subsection (3) there shall be substituted the following paragraph:—

“(c) The accommodation to be furnished under this section by keepers of victualling houses and occupiers of other buildings shall, as the officer demanding billets may in each case require, be either such accommodation as is specified in section one hundred and six of this Act and the Schedule therein referred to (as modified by the next succeeding paragraph), or accommodation of a more limited character, and the prices to be paid therefor shall be such as may be fixed for different kinds of buildings and different classes of accommodation by regulations made by the Army Council with the consent of the Treasury”; and

- (ii) at the end of subsection (4) there shall be inserted the words "Section one of the Rules of Publication Act, 1893 (which requires notice to be given of a proposal to make certain statutory rules) shall not apply to any such regulations."

PART I.  
—cont. ¶  
56 & 57 Vict.  
c. 66.

5. The amendments specified in the second column of Part I of the Second Schedule to this Act (being consequential or other minor amendments) shall be made in the provisions of the Army Act specified in the first column of the said Part of the said Schedule.

Minor  
amendments  
of Army  
Act.

6. References in the two last preceding sections, and in Part I of the Second Schedule to this Act, to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections, and of the said Part of the said Schedule, 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 expression "military forces" (where that expression occurs in Part I of the Second Schedule to this Act) there shall be substituted the expression "air forces."

Application  
of Part I to  
Air Force  
Act.

## PART II.

### OTHER AMENDMENTS.

7.—(1) In subsection (2) of section ninety of the Army Act (which relates to discharge in the case of a time-expired soldier who arrives in the United Kingdom after foreign service), after the words "and on his arrival be discharged" there shall be inserted the words—

Amend-  
ments of  
Army Act,  
s. 90 (2), (4).

"Provided that the competent military authority may, with the consent of the soldier, delay his discharge, so however that he be discharged within three months from his arrival";

And for the words "If such soldier" there shall be substituted the words "(2A) If a soldier to whom the last preceding subsection applies".

(2) In subsection (4) of the said section (which relates to transfer to the reserve in the case of a soldier

**PART II.**  
—cont.

entitled to be so transferred who arrives in the United Kingdom after foreign service), after the words “ and on his arrival shall be transferred to the reserve ” there shall be inserted the words—

“ Provided that the competent military authority may, with the consent of the soldier, delay his transfer to the reserve, so however that he be transferred to it within three months from his arrival.”

Amend-  
ment of Air  
Force Act,  
s. 78 (1).

8. The power of the Air Council under subsection (1) of section seventy-eight of the Air Force Act to permit an airman of the regular air force to enter the reserve at any time while he is in air-force service during the term of his original enlistment may be exercised also at any time while the airman is in air-force service during a term for which he has extended the term of his original enlistment or has re-engaged, and accordingly, in paragraph (a) of the said subsection (1) after the words “ original enlistment ” there shall be inserted the words “ or of any term for which he has extended the term of his original enlistment under paragraph (c) of this subsection or has re-engaged under paragraph (b) of subsection (1) of section eighty-four of this Act.”

Minor  
amend-  
ments of  
Army and  
Air Force  
Acts.

9. The amendments specified in the second column of Parts II and III respectively of the Second Schedule to this Act (being consequential or other minor amendments) shall be made in the provisions of the Army Act, or, as the case may be, of the Air Force Act, specified in the first column of the said Parts of the said Schedule :

22 & 23  
Geo. 5. c. 22.

Provided that, notwithstanding anything in subsection (1) of section fifteen of the Army and Air Force (Annual) Act, 1932, the amendment of subsection (2) of section fifty-seven of the Army Act shall come into operation in all places on the thirty-first day of July, one thousand nine hundred and thirty-seven.

Amend-  
ments of  
Army and  
Air Force  
Acts conse-  
quential  
on the

10. The adaptations and modifications made in the Army and Air Force Acts by the Government of India (Adaptation of Acts of Parliament) Order, 1937, and the Aden Colony Order, 1936, shall have effect as if they were amendments made by this Act, and the statutory provision for the re-printing of the Army and Air Force Acts

with amendments made therein by any subsequent Act shall apply in relation to those adaptations and modifications accordingly.

PART II.  
—cont.  
separation  
of Burma  
and Aden  
from India.

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## SCHEDULES.

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### FIRST SCHEDULE.

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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.
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.

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## SECOND SCHEDULE.

## Sections 5, 6 and 9. CONSEQUENTIAL AND OTHER MINOR AMENDMENTS.

## PART I.

## AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO, SUBJECT TO MODIFICATIONS, TO THE AIR FORCE ACT.

## Sections.

- s. 57 - For the words “ (3) Provided that the power given by this section ” there shall be substituted the words “ Provided that the power given by this subsection ”.
- s. 72 - In subsection (1) after the words “ clothing of the soldier ” there shall be inserted the words “ or in “ any public property issued to him for his use or “ entrusted to his care for military purposes ”.
- s. 106 - In subsection (3) for the words “ this Act ” there shall be substituted the words “ this section ”.
- s. 108A - In paragraph (b) of subsection (3), for the words “ subsection (7) ” there shall be substituted the words “ paragraph (7) ”.
- s. 115 - In subsection (9), for the words from the beginning to “ that Act ” there shall be substituted the words “ Regulations made under Part I or, as the “ case may be, Part IA of the Territorial and “ Reserve Forces Act, 1907, as it applies to the “ military forces, may assign to an association “ established thereunder,” and for the words “ a county association ” there shall be substituted the words “ the association ”.

Schedule I. The words “ India or ” shall be omitted.

## PART II.

## AMENDMENTS OF THE ARMY ACT.

## Sections.

- s. 57 - In subsection (2), the words “ or the officer commanding the district or station where the offence may for the time be ” and the words from “ and (b) As respects ” to “ in such place ” shall be omitted.
- s. 155 - The words “ (except the Army Purchase Commissioners and persons acting under their authority by virtue of the Regulation of the Forces Act, 1871) ” shall be omitted.



## Sections.

2ND SOB.

- s. 172 - In subsection (1) the words " or Adjutant-General " and " Adjutant-General " shall be omitted.
- s. 190 - In paragraph (8), the words " and the Royal Malta Artillery " shall be omitted.

—cont.

## PART III.

## AMENDMENT OF THE AIR FORCE ACT.

- s. 106 - In subsection (3), the words " as respects the Army " shall be omitted.

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**CHAPTER 27.**

An Act to authorise an increase in the amount of certain payments by County Councils to the County Councils Association. [6th May 1937.]

**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. Section one of the County Councils Association Expenses Act, 1890 (hereinafter referred to as " the principal Act ") which empowers the councils of the administrative counties of England and Wales to pay annual subscriptions to the County Councils Association, shall have effect as if the sum of one hundred and fifty-seven pounds and ten shillings was therein substituted for the sum of thirty-one pounds and ten shillings.

Increase of annual subscriptions to County Councils Association. 53 & 54 Vict. c. 3.

2. The County Councils Association Expenses (Amendment) Act, 1920, is hereby repealed.

Repeal of 10 & 11 Geo. 5. c. 19.

3.—(1) This Act may be cited as the County Councils Association Expenses (Amendment) Act, 1937, and the principal Act and this Act may be cited together as the County Councils Association Expenses Acts, 1890 and 1937.

Short title, citation and extent.

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

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**CHAPTER 28.**

An Act to make provision for the acquisition and construction by local authorities of harbours, piers, ferries and boatslips in Scotland, for the construction of new works connected therewith, and for the fixing and revision of dues thereat, and at certain inland navigation undertakings, and for other purposes relating to the matters aforesaid. [6th May 1937.]

**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.****TRANSFER OF HARBOURS, &c., to LOCAL AUTHORITIES.**

Transfer of  
harbours,  
&c., to  
local  
authorities.

1.—(1) It shall be lawful for the owner of any marine work to transfer it, on such terms as may be agreed, to any local authority authorised by the Secretary of State under this section to accept such transfer.

(2) The Secretary of State may authorise a local authority to accept a transfer of a marine work if the local authority is either—

- (a) the council of any county or burgh within which the marine work is wholly or partly situated; or
- (b) in the case of a marine work situated wholly in a burgh, the council of the county within which such burgh is situated; or
- (c) in the case of a marine work situated wholly in a county or partly in one county and partly in another county, the council of any burgh in such county or in either of such counties situated within ten miles of the marine work:

Provided that—

- (i) where the transfer of a marine work to any one of two or more councils could be authorised

by the Secretary of State in pursuance of the foregoing provisions, it shall be lawful for such councils, or for any two or more of them, to combine for the purposes of a transfer to them of that marine work on such terms and conditions as may be agreed (including provision for the appointment of a joint committee), and it shall be lawful for the Secretary of State to authorise any councils so combining to accept jointly such transfer; and

- (ii) before authorising any council to accept a transfer of a marine work not wholly situated in its own area, and before authorising any councils in combination to accept jointly a transfer of the marine work, the Secretary of State shall afford to every council who could be authorised to accept a transfer of the marine work in pursuance of the foregoing provisions, an opportunity of making representations.

(3) The power of transfer conferred by subsection (1) of this section on the owner of a marine work shall be exercisable by any local authority in whom a marine work is vested whether by transfer under the said subsection or otherwise.

2.—(1) Where a local authority are desirous of acquiring a marine work of which they could be authorised to accept a transfer under this Part of this Act and are unable to do so by agreement on terms which are in their opinion reasonable they may purchase the marine work compulsorily by means of a compulsory purchase order made by them and confirmed by the Secretary of State in accordance with the provisions of Part I of the First Schedule to this Act.

Compulsory  
acquisition  
of marine  
work.

(2) Any two or more councils who might combine for the purposes of a transfer to them of a marine work shall have the like power of combining for the purpose of the compulsory purchase of that marine work and may purchase the same compulsorily by means of such a compulsory purchase order as is mentioned in the foregoing subsection.

(3) The provisions of Part II of the First Schedule to this Act shall have effect with regard to the validity

PART J. and date of operation of compulsory purchase orders  
—*cont.* made under this section.

(4) At any time within six weeks after the determination of any question of disputed compensation payable in respect of a marine work or of any interest therein in pursuance of a compulsory purchase order made under this section, the local authority may, unless they have exercised any power of entry on the marine work, withdraw any notice to treat served on any person interested in the marine work, and intimation of any such withdrawal shall be given forthwith by the local authority to the Secretary of State, and the compulsory purchase order shall thereupon cease to be operative.

(5) Where, in pursuance of the last foregoing subsection, a local authority withdraw a notice to treat, they shall be liable to pay to the person to whom such notice was given, and to any other person interested in the marine work, compensation for any expense properly incurred by him in connection with the making of the compulsory purchase order, or with his claim to compensation, and the amount of such compensation shall, in default of agreement, be determined in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10  
Geo. 5. c. 57.

(6) No award of compensation in respect of a marine work or of any interest therein made in pursuance of a compulsory purchase order under this section shall be enforceable before the expiration of six weeks from the date of such award, and where, in pursuance of subsection (4) of this section, a notice to treat has been withdrawn, any award of compensation to the person on whom such notice was served shall cease to have effect.

Effect of  
transfers  
and ac-  
quisitions  
of marine  
works.

**3.**—(1) Nothing in any Act whereby any marine work is vested in or belongs to any body or person shall be deemed to prevent the transfer of such work to a local authority under section one of this Act, and where any such marine work is so transferred or is purchased compulsorily by a local authority under section two of this Act the provisions of such first mentioned Act and of any other Act relating to the marine work shall, save as provided in section nineteen of this Act or in so far as

they are inconsistent with the provisions of this Act, have effect as if the local authority had been the undertakers named in such first mentioned Acts.

PART I.  
—cont.

(2) On the application of the local authority to whom any marine work has been transferred under section one of this Act or by whom any marine work has been purchased compulsorily under section two of this Act, the Secretary of State may, by order, make such adaptations or modifications of the provisions of any local Act applying to such marine work as may seem to him necessary to bring those provisions into conformity with the provisions of this Act.

## PART II.

### CONSTRUCTION OF WORKS.

4. Any application under the General Pier and Harbour Act, 1861—

Application  
for orders  
under 24 &  
25 Vict.  
c. 45.

(a) by a local authority for a provisional order authorising the construction of a harbour, pier or boatslip which on completion will be a marine work within the meaning of this Act in such a situation that, if such work had been already in existence, the Secretary of State could have authorised its transfer to such local authority in pursuance of section one of this Act, or

(b) by any local authority or harbour authority for a provisional order authorising the construction of any new works or the improvement of existing works in connection with a marine work vested in such authority and (where such authority is a harbour authority), certified by the Secretary of State under section eight of this Act as a marine work to which Part III of this Act ought to apply,

shall be made to the Secretary of State in lieu of the Minister of Transport.

5. In relation to any application under the last foregoing section of this Act, the General Pier and

Adaptation  
of 24 & 25  
Vict. c. 45,  
&c.

**PART II.** Harbour Act, 1861, and the Acts amending that Act  
—*cont.* shall apply, subject to the following modifications:—

- (1) For references to the Board of Trade there shall be substituted references to the Secretary of State and for references to a secretary or assistant secretary there shall be substituted references to a person authorised by the Secretary of State :
- (2) Section fifteen of the General Pier and Harbour Act, 1861, in so far as it relates to the levying and recovering of rates, the audit of the accounts of receipts and expenditure and the power to borrow shall not apply :
- (3) Sections eight, eleven and nineteen of the General Pier and Harbour Act, 1861, Amendment Act, shall not apply :
- (4) Sections three to five of the General Pier and Harbour Act, 1861, Amendment Act, and the schedule therein referred to shall not apply, but the applicants for an order shall publish notice of the application and of any proposed works in such manner as the Secretary of State may prescribe, and shall also send notice thereof in writing to the Board of Trade and the Minister of Transport :
- (5) Section sixteen of the General Pier and Harbour Act, 1861, shall not apply, but in lieu thereof the following provisions shall have effect:—

25 & 26 Vict.  
c. 19.

(i) After a provisional order has been settled and made by the Secretary of State, he shall publish, in such manner as he thinks best adapted for informing persons affected, notice that he has settled the order and of the place where copies of the order as settled may be obtained, together with a statement that the order will become final and have effect as an Act of Parliament unless within such period, not being less than thirty days, as may be stated in the notice, a memorial by—

(a) the county council of any county, or the town council of any burgh, in which

the marine work or any part thereof is situate or is proposed to be constructed; or

PART II.  
—*cont.*

(b) any twenty or more ratepayers in any such county or burgh,

is presented to the Secretary of State praying that the order shall not become law without confirmation by Parliament;

(ii) If no memorial has been presented by any such body or persons within such period as aforesaid or if every such memorial has been withdrawn, the Secretary of State shall confirm the order and the order shall thereupon have effect as if enacted in this Act, but if any such memorial has been presented and has not been withdrawn, the order shall have no effect unless and until confirmed by Parliament, and in such case the Secretary of State may bring in a Bill to confirm the order :

- (6) No order shall be made without the consent in writing of the Minister of Transport and, in the case where any works are proposed to be constructed below high-water mark of ordinary spring tides, of the Board of Trade.

6. Section three of the Harbours and Passing Tolls, &c., Act, 1861, shall, as regards any works authorised by a provisional order under this Part of this Act, be read and construed as if for any reference to the Board of Trade there were substituted a reference to the Secretary of State, and for any reference to a secretary or assistant secretary there were substituted a reference to any person authorised by the Secretary of State.

Adaptation  
of 24 & 25  
Vict. c. 47.

7.—(1) Where,—

- (a) a local or harbour authority in whom a marine work to which Part III of this Act applies is vested are desirous of undertaking the construction, reconstruction, extension or improvement of any works, machinery or conveniences ancillary to, or in connection with, the marine work; or
- (b) a local authority are desirous of undertaking the construction, reconstruction, extension or

Minor  
works.

PART II.  
—cont.

improvement of a marine work within any of the following counties, namely the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Zetland, or within any burgh situate therein,

and in either case it is shown to the satisfaction of the Secretary of State that the cost of the necessary operations will not exceed five thousand pounds, the Secretary of State may authorise such authority to undertake the same, subject to and in accordance with the procedure laid down in the Second Schedule to this Act.

(2) Any works constructed under the foregoing subsection which are ancillary to, or in connection with, a marine work shall, for the purposes of this Act or of any other Act relating to the marine work, be deemed to be part thereof.

## PART III.

## MAINTENANCE OF MARINE WORKS.

8.—(1) This Part of this Act shall apply—

- (a) to any marine work transferred to, or acquired by, a local authority under Part I of this Act;
- (b) to any marine work vested in a local authority at the commencement of this Act which was constructed under the Western Highlands and Islands (Scotland) Works Act, 1891, or in respect of which such local authority has passed a resolution adopting this Part of this Act;
- (c) to any marine work vested at the commencement of this Act in a harbour authority if, on an application by the authority, the Secretary of State certifies that in his opinion this Part of this Act ought to apply to the marine work;
- (d) to any marine work constructed under or in pursuance of the provisions of Part II of this Act, or in connection with which any new works are constructed under those provisions.

(2) Notice of any meeting of a local authority at which a resolution to adopt this Part of this Act is to

Mainten-  
ance of  
marine  
works.

54 & 55 Vict.  
c. 58.



be moved shall be given in a newspaper circulating in the area of the local authority at least three weeks prior to the meeting.

PART III.  
—cont.

(3) A local authority which has passed a resolution adopting this Part of this Act shall, as soon as may be after such passing, cause a copy of the resolution to be sent to the Secretary of State.

9. The following provisions shall have effect as regards any marine work to which this Part of this Act applies :—

Powers of  
authority  
in relation  
to marine  
work.

- (a) The Secretary of State may, on the application of the local authority or harbour authority in whom the marine work is vested and after consultation with the Minister of Transport, fix the limits within which the powers of the authority and their officers may be exercised and the limits within which any dues for the time being leviable may be exacted;
- (b) The authority may dredge, scour, deepen and maintain the said work and the entrances and channels thereof:

Provided that no rock, stone, shingle, sand, mud or other material shall be laid down or deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade;

- (c) The authority may provide, construct or take on lease, and maintain, such warehouses, offices, sheds, weighing-machines, cranes, and other buildings and conveniences as may be found necessary in connection with the marine work for the accommodation of vessels thereat, and of traffic landed at or embarked at the same, and may make such reasonable charges as they may think fit for the use of any such warehouses, offices, sheds, weighing-machines, cranes, buildings or conveniences;
- (d) Any person authorised by the Secretary of State, and any officer of Customs and Excise, or of the Coastguard, or of the Board of Trade, or of the Ministry of Transport, or of the Fishery

PART III.  
— cont.

Board for Scotland, or of the Department of Agriculture for Scotland, being in the execution of his duty, and any person going to or returning from any lifeboat, or using any lifeboat or apparatus for saving life, and any person brought ashore from any vessel in distress, shall at all times have free ingress to and passage and egress on, along, through, and out of the marine work by land, and with their vessels and otherwise, without payment;

- (e) Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the marine work, and not breaking bulk while making such use, be exempt from any dues leviable in respect of the use of the marine work.

Application  
of 10 & 11  
Vict. c. 27,  
&c.

10.—(1) The Harbours, Docks, and Piers Clauses Act, 1847, with the exception of sections six to thirteen, sixteen to nineteen, thirty, forty-seven, forty-nine, fifty, eighty-four, and eighty-five, shall, except in so far as the Secretary of State may direct, apply to any marine work to which this Part of this Act applies in like manner as if the marine work had been constructed in pursuance of an Act incorporating those provisions, and for the purposes of the said provisions this Part of this Act shall be deemed to be the special Act and the authority in whom the marine work is vested shall be deemed to be the undertakers.

(2) Any reference to a vessel in the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, as applied by the foregoing subsection, shall be deemed to include a reference to a seaplane when on the surface of the water, and in section twenty-eight of the said Act any reference to a vessel shall also include a floating dock and a vessel of exceptional construction or method of propulsion :

Provided that—

- (i) nothing in any of the aforesaid provisions shall, except in the case of a seaplane disabled by an accident, authorise a harbour master to

require the dismantling of a seaplane or any part thereof or the making of any alterations whatever of the structure or equipment of a seaplane; and

**PART III.**  
—cont.

- (ii) nothing in any of the aforesaid provisions or in any byelaw made in pursuance thereof shall prejudice any regulations for the investigation of accidents made under section twelve of the Air Navigation Act, 1920, as amended by any subsequent enactment.

10 & 11  
Geo. 5. c. 80.

(3) Where the proceeds of the sale of any wreck in pursuance of section fifty-six of the Harbours, Docks, and Piers Clauses Act, 1847, as applied by subsection (1) of this section shall not be sufficient to meet the expenses reasonably incurred in removing such wreck, the deficiency shall be recoverable from the person who was the registered owner of the vessel at the time it was wrecked.

(4) A harbour authority in whom any marine work to which this Part of this Act applies is vested shall every year within six months after the first day of January cause accounts to be prepared, in such form as may be prescribed by the appropriate Department, of the total revenue and expenditure in respect of the work for the year ending the preceding thirty-first day of December and such accounts shall be duly audited by such person as may be appointed for the purpose by the Secretary of State and certified by the clerk or secretary of the authority, and a copy thereof shall be transmitted forthwith to the sheriff clerk of the county within which the marine work or the largest part thereof is situate, to the Minister of Transport and, if so required by the appropriate Department, to that Department. In the case of any harbour authority whose financial year begins on a day other than the first day of January, the foregoing provisions of this subsection shall have effect with the substitution of that other day for the first day of January, and of the day immediately preceding that other day for the thirty-first day of December.

(5) A local authority in whom a marine work to which this Part of this Act applies is vested shall, as soon as may be after receiving from the auditor, in pursuance of the Third Schedule to the Local Government (Scotland) Act, 1929, the certified duplicate abstract of accounts,

19 & 20  
Geo. 5. c. 25.

PART III.  
—cont.

cause a copy thereof, so far as relating to the marine work, to be sent to the Minister of Transport, and, if so required by the appropriate Department, to that Department.

Byelaws.

11.—(1) The purposes for which byelaws may be made under section eighty-three of the Harbours, Docks, and Piers Clauses Act, 1847, as applied to a marine work by section ten of this Act, shall extend to the prevention of obstruction or injury to the marine work, so however that no estate, interest or right of a profitable or beneficial nature in, over, or affecting the marine work shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any such byelaw without compensation being made or provided for the same by the authority making the byelaw, and such compensation shall in case of difference be determined by an arbiter appointed, in default of agreement between the parties, by the Secretary of State.

(2) The byelaws which may from time to time be made in the exercise of the power conferred by section eighty-three of the Harbours, Docks, and Piers Clauses Act, 1847, as applied by section ten of this Act, may provide for imposing a penalty not exceeding five pounds for any breach or failure to observe any such byelaw.

(3) No byelaws made under the aforesaid section as so applied shall come into operation until they have been confirmed by the Secretary of State :

Provided that, in the case of any such byelaws which the Secretary of State in consultation with the Board of Trade shall deem to concern primarily the interests of navigation, the Board of Trade shall be substituted for the Secretary of State, and the confirmation of any such byelaws by the Secretary of State or the Board of Trade shall be sufficient evidence of compliance with the provisions of this subsection.

Power to  
fix and to  
revise dues.

12.—(1) Notwithstanding anything in any Act with regard to tolls, dues or charges, the Secretary of State may, on the application of the authority in whom a marine work to which this Part of this Act applies is vested or of any person appearing to the Secretary of State to have an interest, after consultation with the Board of Trade and the Minister of Transport, fix a schedule of dues in respect of the use of the marine work and the authority in whom such work is vested shall levy and collect such dues as

they think fit, not exceeding those specified in such schedule and except in any case where the approval of the Secretary of State has been obtained not being less than seventy-five per centum thereof, provided that the dues so levied and collected be at all times charged equally to all persons in respect of the same description of vessel and the same description of goods. Before fixing any such schedule, the Secretary of State may direct a local inquiry to be held by such person as he may appoint for the purpose.

(2) Where an application for revision of any of the dues specified in any such schedule as aforesaid is made to the Secretary of State by the authority in whom the marine work is vested or by any person appearing to the Secretary of State to have an interest, or where the Secretary of State is otherwise satisfied that any of such dues should be revised, he may, after consultation with the Minister of Transport, make an order revising all or any of such dues, and such order shall take effect as from such date as may therein be specified. Before making any such order, the Secretary of State shall, except where the authority in whom the marine work is vested is the applicant, afford that authority an opportunity of making representations, and may direct a local inquiry to be held by such person as he may appoint for the purpose.

(3) The Secretary of State may require any person making an application under this section to publish in such manner as the Secretary of State may think fit a notice stating that the application has been made and specifying a time within which representations may be made with regard thereto to the Secretary of State.

(4) Where, on an application under this section, an order has been made by the Secretary of State revising any such due or dues as aforesaid, or the Secretary of State has decided not to make an order, no further application for a revision of the due or dues to which the application related shall be made within twelve months from the date of such order or decision.

(5) An application under this section shall be accompanied by such information and particulars certified in such manner as the Secretary of State may require, and any person appointed to hold an inquiry may call for such documents and accounts as he shall think fit and may hear such witnesses as he shall think fit and shall

**PART III.** have power to take evidence on oath and for that purpose  
—*cont.* to administer oaths.

(6) The expenses incurred in relation to any inquiry held under this section, including the remuneration of any person appointed to hold the inquiry, shall be paid by the authority and other parties to the inquiry, or by such of them and in such proportions as the Secretary of State may direct, and the Secretary of State may certify the amount of the expenses incurred, and any sum so certified and directed to be paid by any authority or party shall be a debt due to the Crown from such authority or party.

(7) In any case where the person appointed to hold an inquiry under this section is an officer of any Government department it shall be lawful to include, in the expenses incurred in relation to the inquiry, a fee not exceeding five guineas a day in respect of the services of such officer.

(8) The authority in whom any marine work to which this Part of this Act applies is vested shall keep open for public inspection at such marine work a list specifying the dues for the time being exigible.

**Power to  
lease dues.**

**13.** A local authority, in whom any marine work to which this Part of this Act applies is vested, may, on such terms and conditions as they may think fit, grant a lease for any period not exceeding five years of the dues exigible in respect of the marine work, and the lessee under any such lease shall have the like right to levy and collect the dues as the local authority would have had if such lease had not been granted.

**Application  
of revenue.**

**14.** The revenue received from dues or otherwise in respect of a marine work to which this Part of this Act applies shall in the first instance be applied for the purposes and in the order following:—

- (1) In paying the expense properly chargeable to revenue of the maintenance, repair and management of the marine work:
- (2) In paying the interest charges in respect of money borrowed for the purposes of the marine work:
- (3) In paying the appropriations, instalments, or sinking fund charges in respect of money borrowed for the purpose of the marine work:

- (4) In paying sums into any such reserve fund, and subject to such conditions, as may be approved by the Secretary of State :

PART III.  
—cont.

Provided that in the case of a marine work constructed in pursuance of a provisional order made on an application under section four of this Act or authorised by or under section seven of this Act, the expenses incurred in obtaining such provisional order or authorisation shall be paid in priority to any other expenses, so far as the expenses so incurred are not paid out of moneys borrowed in pursuance of this Act.

15.—(1) Where any assistance by way of grant or loan shall, after the commencement of this Act, have been sanctioned and given out of moneys provided by Parliament to a local or harbour authority for the purpose of constructing, improving or repairing any marine work to which this Part of this Act applies, and where the appropriate Department is, at any time, satisfied that any particular operation is necessary in order to maintain the marine work in an efficient condition and proper state of repair, such Department may by notice served on the authority require it to carry out such operation within such period, not being less than one month, as may be specified in the notice, and it shall be the duty of the authority, unless, on an application to the sheriff under the next succeeding subsection, the requirement contained in the notice shall have been cancelled or modified, to comply with such requirement.

Duty of maintenance by authority receiving assistance from public funds.

(2) Where a notice has been served on an authority in pursuance of the foregoing subsection, that authority, if they are of opinion that the requirement contained in the notice is in the circumstances unnecessary or unreasonable, may within one month after such service present an application to the sheriff for the cancellation or modification of the requirement, and on any such application the sheriff may cancel or modify the requirement in such manner as he shall think fit, having regard to all the circumstances of the case including the cost involved, and it shall be the duty of the authority to comply with any requirement so modified.

(3) Where an authority whose duty it is under this section to comply with a requirement to carry out an operation fails to do so within the period specified in

**PART III.**  
—*cont.*

the notice served under subsection (1) of this section, or, in the case where there has been an application under subsection (2) of this section to the sheriff, within such period as may be specified in the sheriff's deliverance, the appropriate Department may themselves carry out the operation and may recover from the authority the expense thereby incurred.

Deficiency  
in revenue  
to be met  
out of rates.

**16.** If in any year the revenue received by a local authority in respect of any marine work to which this Part of this Act applies shall be insufficient to defray the expenditure incurred in managing, maintaining in an efficient state and keeping in repair any such work and any sums required to meet interest, sinking fund or other loan charges, the deficiency shall be met out of rates in accordance with the provisions hereinafter contained.

Special  
districts.

**17.—(1)** Where a county council liable in pursuance of this Act in payment of any sum in respect of the maintenance of a marine work to which this Part of this Act applies shall be of opinion, having regard to the area which derives benefit from the marine work, that a special district should be formed for the purposes of the maintenance thereof, they shall publish in one or more newspapers circulating in the county a notice specifying the part of the county proposed to be so formed into a special district, and intimating that objections to the formation of the proposed special district may be lodged with the council by any person interested within twenty-one days after the publication of the notice.

(2) The county council shall take into consideration any objections to the proposed special district lodged in accordance with the intimation contained in the notice referred to in the foregoing subsection, and thereafter may, by resolution, form into a special district for the purposes of the maintenance of the marine work the part of the county specified in the notice, with such addition or limitation, if any, as the council may think fit, or may abandon the proposal to form a special district.

(3) A resolution under this section may be revoked or altered by a subsequent resolution.



**18.**—(1) Any deficiency which is required to be met out of rates in pursuance of section sixteen of this Act shall be met in the following manner :—

PART III.  
—cont.

Levy of rates required to meet deficiency.

- (a) in the case of a marine work vested in the council of a burgh the deficiency shall be met by that council: Provided that it shall be lawful for the council of the county within which the burgh is situated to agree to contribute towards the deficiency such sum as they may think fit;
- (b) in the case of a marine work vested in the council of a county the deficiency shall be met by that council: Provided that it shall be lawful for the council of any burgh situated within the county to agree to contribute towards the deficiency such sum as they may think fit;
- (c) in the case of a marine work vested jointly in two or more councils in combination, the deficiency shall be met by those councils in such proportions as may be fixed by the combination agreement.

(2) Any sum payable by a county or a town council in pursuance of the last foregoing subsection may be defrayed out of any rate leviable by the council and payable by owners and occupiers in equal proportions or out of a rate to be levied by the council for the purposes of this Act on owners and occupiers in equal proportions :

Provided that any sum so payable by the council of a county in which one or more special districts have been formed in pursuance of section seventeen of this Act shall be defrayed out of a rate to be levied by the council for the purposes of this Act on owners and occupiers in equal proportions and such rate shall be levied—

- (a) in the case where a special district has been so formed for the purposes of the maintenance of the marine work in respect of which the sum is payable, in that special district; and
- (b) in the case where no special district has been so formed for the purposes of the said marine

**PART III.**  
—*cont.*

work, throughout the whole area of the county exclusive of any special district so formed for the purposes of the maintenance of any other marine work.

(3) Notwithstanding anything in the last foregoing subsection, subsection (1) of section thirty-three of the Local Government (Scotland) Act, 1929 (which empowers a county council to contribute towards the expenses of a special district) shall apply as regards any special district formed in pursuance of section seventeen of this Act.

(4) The assessor of a county in making up the valuation roll of the county shall distinguish therein the lands and heritages situated within the boundaries of each special district in the county formed in pursuance of section seventeen of this Act.

Provisions  
of this Part  
of this Act  
to have  
effect in  
lieu of pro-  
visions in  
other Acts.

**19.** Where any Act relating to a marine work to which this Part of this Act applies contains provisions with regard to any of the matters dealt with in this Part of this Act, the provisions of this Part of this Act regarding such matters shall, except in so far as the Secretary of State otherwise directs, have effect in lieu of the said provisions of the first mentioned Act, and those provisions shall cease to have effect.

Discon-  
tinuance of  
marine  
work.

**20.**—(1) If it appears to the authority in whom any marine work to which this Part of this Act applies is vested that the marine work is no longer required or cannot be adequately maintained except by such expenditure as could not be justified in view of any benefit to be derived from the continued existence of the work, the authority may resolve to discontinue the maintenance of such marine work :

Provided that no such resolution shall take effect unless and until it has been approved by the Secretary of State given after consultation with the Board of Trade and any other Government Department appearing to the Secretary of State to be interested, and, in the case of a marine work in respect of which any assistance by way of grant or loan has, whether before or after the commencement of this Act, been given out of moneys provided by Parliament, with the consent of the Treasury.

(2) On the application of the authority by whom any such resolution as aforesaid has been passed, the Secretary

of State may by order make such provision as seems to him necessary with regard to any outstanding liabilities of the authority in respect of the marine work, including any liabilities in respect of loans granted to the authority out of moneys provided by Parliament :

Provided always that no such order affecting liabilities in respect of loans granted out of moneys provided by Parliament shall be made except with the consent of the Department or body by whom the loan was granted.

(3) When any resolution under this section takes effect, the provisions of this Part of this Act and of any other enactment applying to the marine work to which the resolution relates shall cease to have effect as regards that marine work, except in so far as the Secretary of State may otherwise direct, and except in so far as such provisions authorise the levying and recovery of rates necessary to meet outstanding loan charges or the recovery of any rates levied but not recovered prior to the date when the resolution takes effect.

#### PART IV.

##### MISCELLANEOUS.

21.—(1) For the purpose of the acquisition under this Act of a marine work, or for the purpose of constructing any works authorised by a provisional order made on application under section four of this Act, or by or under section seven of this Act, or for the purpose of meeting the expense incurred in obtaining any such provisional order, or for any other purpose of this Act to which capital is properly applicable, a county or town council shall have power to borrow such sums as may be necessary, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to such power to borrow. Borrowing.

(2) For the purpose of constructing any works authorised by a provisional order made on application under section four of this Act, or by or under section seven of this Act, or for the purpose of meeting the expense incurred in obtaining any such provisional order, or for any other purpose to which capital is properly applicable in connection with a marine work to which Part III of this Act applies, a harbour authority shall have power to

PART III.  
—cont.

PART IV.  
—cont.

borrow such sums as may be necessary not exceeding in the whole such amount as may be fixed by the Secretary of State.

(3) Any sums borrowed by a county or town council or by a harbour authority in pursuance of this section shall be repaid by such method, subject to such conditions, and within such period as the Secretary of State may fix.

Returns  
regarding  
repayment  
of moneys  
borrowed.

22.—(1) The clerk to the harbour authority by whom any moneys have been borrowed under this Act shall, within one month after being requested so to do by the Secretary of State, transmit to him a return showing the provision made by the authority for the repayment of the moneys so borrowed.

(2) The return shall show such particulars, shall be made up to such date, and shall be in such form as the Secretary of State may require, shall be certified by the person whose duty it is to keep the accounts of the authority, and shall, if so required by the Secretary of State, be verified by a statutory declaration made by that person.

(3) If it appears to the Secretary of State from any return made under this section or otherwise that the authority—

- (a) have failed to pay any instalment or to make any annual payment required to be paid or made; or
- (b) have failed to appropriate to the discharge of any loan any sum required to be so appropriated; or
- (c) have failed to set apart any sum required for a sinking fund; or
- (d) have applied any portion of a sinking fund to a purpose other than those authorised;

the Secretary of State may by order direct that such sum as is specified in the order, not exceeding the amount in respect of which default has been made, shall be paid or applied in the manner and by the date set out in the order, and the authority shall notify the Secretary of State as soon as the order has been complied with.

(4) An order made under the last foregoing subsection may be enforced at the instance of the Secretary of State under section ninety-one of the Court of

Session Act, 1868, in like manner as if compliance with the order were a statutory duty.

PART IV.  
—cont.

(5) If a return required to be made under this section is not made, the person in default shall be liable on summary conviction to a penalty not exceeding twenty pounds, and notwithstanding the recovery of any such penalty the making of the return may be enforced as aforesaid.

23. A county council shall not take over, in pursuance of section eleven of the Local Government (Scotland) Act, 1908, any pier or ferry unless it has been certified by the Secretary of State not to be a marine work within the meaning of this Act, and the said section eleven shall not apply to any pier or ferry to which Part III of this Act applies.

Marine work  
not to be  
taken over  
under  
8 Edw. 7.  
c. 62.

24.—(1) Any direction given under subsection (1) of section three of the Ministry of Transport Act, 1919, by the Minister of Transport (in this section referred to as "the Minister") as to the dues to be charged in the case of any canal or inland navigation undertaking, which is in force at the passing of this Act, shall, notwithstanding anything in the first mentioned Act or in any enactment amending or operating to continue in force paragraph (e) of the aforesaid subsection, remain operative after the thirty-first day of December nineteen hundred and thirty-seven, subject, however, to the provisions of the following subsections of this section.

Fixing and  
revision of  
dues on  
certain  
inland  
navigation  
under-  
takings.  
9 & 10  
Geo. 5. c. 50.

(2) A certified copy of any such direction as is referred to in the last foregoing subsection shall be kept open for public inspection at the principal office of the undertaking to which the direction relates.

(3) If it appears to the Minister, or is represented by application in writing to the Minister by any chamber of commerce, shipping or agriculture or by any representative body of traders concerned or by a local authority, that under the circumstances then existing the dues or any of them for the time being authorised to be taken in pursuance of this section or of any order made thereunder should be revised, the Minister shall refer the matter to the rates advisory committee constituted under the Ministry of Transport Act, 1919, or any sub-committee thereof to which that committee may, under section two of the

PART IV.  
—cont.  
10 & 11  
Geo. 5. c. 21

Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920, have delegated their powers or, if the said advisory committee has ceased to exist, to a committee consisting of persons with similar qualifications to be appointed for the purpose by the Minister (any such committee or sub-committee being hereinafter referred to as "the committee"), and after considering any report of the committee the Minister may make an order revising the dues referred to in the application or any of them.

(4) The Minister may fix the date as from which any order made under subsection (3) of this section shall have effect, and thenceforth such order shall remain in force until it is revoked or modified by a further order of the Minister made in pursuance of the said subsection.

(5) Subsections (4), (5) and (6) of section twelve of this Act shall apply to applications under subsection (3) of this section in like manner as those subsections apply to applications under the said section twelve subject to the following and any other necessary modifications:—

- (a) references to the Minister shall be substituted for references to the Secretary of State, and
- (b) references to the committee shall be substituted for references to a person appointed to hold an inquiry.

Fixing and  
revision of  
dock dues  
and charges  
in certain  
cases.

25.—(1) Any order made under the Harbours, Docks, and Piers (Temporary Increase of Charges) Acts, 1920 to 1922, which is in force at the commencement of this Act shall, notwithstanding anything in those Acts or in the order contained, remain operative after the thirty-first day of December nineteen hundred and thirty-seven, subject, however, to the provisions of the next succeeding subsection.

(2) The provisions of section twelve of this Act with regard to the fixing and revision of dues shall apply as regards any undertaking to which any such order as aforesaid relates in like manner as those provisions apply as regards the marine works referred to in the said section.

Works  
below high-  
water mark  
not to be  
carried out  
without

26. Nothing in this Act shall authorise the execution of any works on, over, or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections, and subject to such restrictions and regulations, as, previous to such works being

commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries, under-secretaries or assistant secretaries of the Board of Trade.

PART IV.  
—cont.  
approval of  
Board of  
Trade.

27. Where any part of any works authorised by a provisional order made on an application under section four of this Act or by or under section seven of this Act is situated below high-water mark of ordinary spring tides, the authority carrying out such works shall exhibit and keep burning on the works every night from sunset to sunrise such lights (if any) and take such other steps for the protection of navigation as may be from time to time required or approved during the construction, alteration or extension of the works by the Board of Trade and after the completion of the works by the Commissioners of Northern Lighthouses.

Lights on  
works.

28. Where any part of a marine work vested in a local authority or harbour authority under this Act or of a marine work as regards which a resolution under section twenty of this Act has taken effect is situated on, over or under tidal lands below high-water mark of ordinary spring tides and is in such a condition as to cause danger to, or to interfere with, or to cause reasonable apprehension of danger to or interference with, the right of navigation or any other public right over such tidal lands, the Board of Trade may, by notice in writing, require the authority in whom the work is vested or by whom the resolution was passed, as the case may be, to remove such part of the work and restore to the satisfaction of the Board of Trade the site thereof to a condition free from obstruction to navigation or danger to the public, and if, within thirty days after the service of such notice, the authority shall not have complied therewith, the Board of Trade may themselves carry out such removal and restoration and may recover from the authority the expense thereby incurred.

Power of  
Board of  
Trade to  
require  
removal of  
works.

29. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or authorise the use of or interference with any land (including tidal lands below high-water mark of ordinary spring tides) belonging to His Majesty in right of his Crown or to any Government Department, except with the consent of His Majesty or the Government Department, as the case may be.

Crown  
rights.

## PART IV.

—cont.

Modifica-  
tion of local  
Acts to  
provide for  
seaplanes.

Interpreta-  
tion.

**30.** The Secretary of State may, by order, make such adaptations or modifications of the provisions of any local Act applying to a marine work as may be necessary to enable the use thereof by seaplanes.

**31.**—(1) In this Act unless the context otherwise requires—

“ Act ” includes a provisional order confirmed by Act of Parliament ;

“ appropriate Department ” means, as regards any marine work, the Fishery Board for Scotland or the Department of Agriculture for Scotland according as the Secretary of State may nominate the said Board or the said Department for the purposes of this section as regards that marine work ;

“ dues ” includes tolls and charges ;

“ ferry ” includes all rights pertaining thereto (including rights of access) and all boats, vessels, landing stages, plant and apparatus used in connection with the ferry ;

“ harbour,” “ pier ” and “ boatslip ” include the whole undertaking and the works, plant, apparatus and other property used in connection therewith ;

“ harbour authority ” means any person or body of persons (other than a local authority) authorised by or under any Act to carry on a harbour, pier or ferry undertaking ;

“ local authority ” means a county or a town council, and includes any two or more such councils, who have combined for any of the purposes of this Act ;

“ marine work ” means any harbour, pier, ferry or boatslip which in the opinion of the Secretary of State and the Minister of Transport is principally used or required for the fishing or agricultural industries or is reasonably required for the maintenance of communications between the various parts of Scotland, but shall not



include any harbour, pier or ferry vested in or worked by any railway company or any of the harbour or dock authorities or companies specified in the Third Schedule to this Act;

PART IV.  
—cont.

“owner” includes any person holding under a deed of entail or other limited title;

“seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water, and a seaplane taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith;

“vessel” shall include a seaplane when on the surface of the water.

(2) For the purposes of this Act any assistance by way of grant or loan given under the Public Works Loans Acts, 1875 to 1882, or under the Development and Road Improvement Funds Act, 1909, or by any Government Department shall (except where such assistance was given under Part II of the said Act of 1909 as amended by any subsequent enactment) be deemed to have been given out of moneys provided by Parliament.

9 Edw. 7.  
c. 47.

**32.** The Western Highlands and Islands (Scotland) Works Act, 1891, is hereby repealed:

Repeal of  
54 & 55 Vict.  
c. 58.

Provided that, without prejudice to the provisions of the Interpretation Act, 1889, any table of rates fixed, any lease of rates granted, any byelaw, or any appointment made or any other thing done under the first-mentioned Act, shall, if in force at the commencement of this Act, continue in force, and shall, so far as it could have been fixed, granted, made or done under or in pursuance of this Act, be deemed to have been so fixed, granted, made or done.

52 & 53 Vict.  
c. 63.

**33.** This Act may be cited as the Harbours, Piers and Ferries (Scotland) Act, 1937, and shall extend to Scotland only.

Citation and  
extent.

## SCHEDULES.

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### FIRST SCHEDULE.

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## Section 2.

## PART I.

#### PROVISIONS AS TO COMPULSORY ACQUISITION OF MARINE WORKS.

1. A compulsory purchase order shall be in the prescribed form and shall describe the marine work to which it applies, and shall incorporate, subject to any necessary adaptations—

8 & 9 Vict.  
c. 19.

(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

8 & 9 Vict.  
c. 20.

(c) sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845:

Provided that 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 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 compensation or increased compensation.

2. Before submitting the order to the Secretary of State the local authority shall—

(a) publish in a newspaper circulating in the district of the authority a notice in the prescribed form stating the fact of such an order having been made and describing the marine work and specifying the situation and boundaries thereof and naming a place where a copy of the order may be seen at all reasonable hours; and

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of the marine work or any part thereof, a notice in the

prescribed form stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within and the manner in which objections thereto may be made.

1st Sch  
—cont.

3. If no objection is duly made by any of the persons upon whom notices are required to be served or by any person appearing to the Secretary of State to have an interest, or if all objections so made are withdrawn, the Secretary of State 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 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 :

Provided that—

- (i) the Secretary of State may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a 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 arbiter by whom the compensation is to be assessed;
- (ii) the order as confirmed by the Secretary of State shall not, unless all persons interested consent, 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.

4. The provisions of subsections (1) and (3) of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any local inquiry held under this Schedule 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 authorities concerned in the inquiry shall include references to the parties to the inquiry;
- (b) “ five guineas ” shall be substituted for “ three guineas ”;
- (c) the Secretary of State may make orders as to the costs of the parties to the inquiry and to the parties by whom such costs shall be paid.

## PART II.

### PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

1. So soon as may be after a compulsory purchase order has been confirmed by the Secretary of State the local authority by whom the order was made shall publish in a newspaper circulating in the district of the authority a notice in the prescribed

1st SCH.  
—cont.

form stating that the order has been so confirmed and naming a place where a copy of the order may be seen at all reasonable hours and shall serve a like notice on every person who having given notice of his objection to the order, appeared at the local inquiry in support of his objection.

2. If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any order or regulation made thereunder has not been complied with in relation to the order, he may within six weeks after the date on which notice of its confirmation is published in accordance with the provisions of the preceding paragraph make an application for the purpose to the Court of Session, and upon any such application the Court—

- (a) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any order or regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from 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 Session, no appeal shall lie to the House of Lords from a decision of the Court of Session under this Part of this Schedule.

### PART III.

1. For the purposes of this Schedule a notice may be served—

- (i) by registered post or by delivery to or at the residence of the person to whom it is addressed; or

(ii) if the local authority are unable after reasonable inquiry to ascertain the name and address of the person upon whom it should be served, by addressing it to him—

1ST SCH.  
—cont.

(a) by name, if his name is known; or

(b) if his name is not known, 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 thereof to some conspicuous part of the premises.

2. In this Schedule “prescribed” means prescribed by the Secretary of State.

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## SECOND SCHEDULE.

Section 7 (1).

1. The Secretary of State before authorising the execution of any work, shall require the authority to give such public notice as he may deem necessary (a) specifying the operations proposed to be undertaken, and, where the construction of a new or the extension of an existing marine work is involved, the area or extended area within which dues are proposed to be levied; and (b) intimating that objections to the proposals of the authority may be lodged with the Secretary of State within twenty-one days from the date of the notice.

2. The Secretary of State shall consider any objections lodged with him in pursuance of the notice referred to in the immediately preceding paragraph and may after consultation with the Board of Trade thereafter authorise the construction of the work.

3. The provisions of the Lands Clauses Acts in regard to the taking of land by agreement are hereby incorporated with this Schedule.

4. Subject to the provisions of this Schedule, the authority as undertakers may construct the authorised work and accesses thereto.

5. Every person who wilfully obstructs any person acting with the sanction of the authority as undertakers aforesaid in setting out the lines of the work authorised or who pulls up or

2ND SCH.  
—cont.

removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said work or defaces or destroys the said work or any part thereof, shall for every such offence be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds.

6. Any person appointed by the Secretary of State shall from time to time during the construction of the authorised work be entitled to inspect the same in order to his reporting thereon.

Section 31

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### THIRD SCHEDULE.

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The Trustees of the Clyde Navigation.

The Commissioners for the Harbour and Docks of Leith.

The Aberdeen Harbour Commissioners.

The Trustees of the Harbour of Dundee.

The Trustees of the Port and Harbours of Greenock.

The Ardrossan Harbour Company.

The Granton Harbour, Limited.

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### CHAPTER 29.

An Act to amend Part III of the Local Government (Scotland) Act, 1929, and to repeal, so far as relating to Scotland, section forty-five of the Unemployment Assistance Act, 1934.

[6th May 1937.]

**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 :—

Amount of  
General  
Exchequer

1.—(1) The amount of the General Exchequer Contribution to be paid under section fifty-three of the

Local Government (Scotland) Act, 1929 (hereinafter referred to as "the principal Act"), in respect of each year in the third fixed grant period shall be the sum of six million eight hundred and twenty-seven thousand pounds, and in respect of each year of every following fixed grant period such amount as Parliament may hereafter determine with respect to the fixed grant period, so, however, that the General Exchequer Contribution for the fourth or any subsequent fixed grant period, exclusive of any increase made therein in pursuance of any Act relating to maternity services, shall be of an amount bearing to the total amount of rate and grant borne expenditure in the penultimate year of the preceding fixed grant period a proportion not less than twenty-four and six-tenths per cent.

Contributions in respect of third and subsequent fixed grant periods.  
19 & 20  
Geo. 5. c. 25.

(2) In this section—

(a) the expression "rate and grant borne expenditure" means the local expenditure which fell to be borne by rates and by grants made under Part III of the principal Act out of the General Exchequer Contribution; and

(b) if as respects any fixed grant period the Secretary of State certifies that the amount of rate and grant borne expenditure in the penultimate year of that fixed grant period was abnormally increased by reason of an emergency involving the issue of a proclamation under the Emergency Powers Act, 1920, there shall be deemed to be substituted for the reference to the penultimate year of the preceding fixed grant period a reference to the last year preceding the said penultimate year in which no such abnormal expenditure was incurred.

10 & 11  
Geo. 5. c. 55.

(3) Section forty-five of the Unemployment Assistance Act, 1934 (which provides for contributions being made by local authorities to the Unemployment Assistance Fund) shall, in so far as it relates to Scotland, be deemed to have ceased to have effect on the first day of April nineteen hundred and thirty-seven.

24 & 25  
Geo. 5. c. 29.

Amendment  
of rules for  
determining  
weighted  
population.

2. The principal Act shall have effect as if for the provisions contained in Part III of the Seventh Schedule to that Act (which contains rules for determining weighted population) there were substituted the provisions set out in the First Schedule to this Act.

Amendment  
as to reduc-  
tion in  
Additional  
Exchequer  
Grants.

3. In determining in accordance with paragraph (b) of subsection (3) of section fifty-seven of the principal Act any reduction to be made in the standard sum required to be ascertained for the purposes of calculating the Additional Exchequer Grants payable to counties and large burghs, the weighted population of the county or large burgh shall be adjusted as follows :—

- (a) that for the first fixed grant period shall be determined in accordance with the rules set out in the First Schedule to this Act;
- (b) that for the fixed grant period in question shall be increased by a figure equal to two and a half per cent. of the weighted population for the first fixed grant period determined as aforesaid.

Compensa-  
tion for  
losses on  
account of  
special rates  
&c. during  
third fixed  
grant  
period.

4.—(1) Paragraph (b) of subsection (1) of section fifty-nine of the principal Act (which determines the sums to be allocated by county councils for behoof of landward areas during the first and second fixed grant periods in respect of losses on account of special rates) shall have effect as if for the words “ first and second fixed grant periods a sum equal to ” there were therein substituted the words “ third fixed grant period a sum not less than ”.

(2) Paragraph (b) of subsection (2) of section seventy of the principal Act (which authorises payments to authorities other than county or town councils in respect of losses on account of rates levied by those other authorities) shall have effect as if for the words “ first and second fixed grant periods of a sum equal to ” there were substituted the words “ third fixed grant period of a sum not less than ”.

Power to  
modify pro-  
visions as

5.—(1) If, in accordance with regulations made under this section, the council of any county satisfy



the Secretary of State that the reduction provided by paragraph (b) of subsection (1) of section sixty of the principal Act in the amounts to be credited under that paragraph to any separately rated area in the county (that is to say, a reduction equal to one-fifteenth of the amount so credited for the year beginning on the sixteenth day of May nineteen hundred and thirty) would occasion special hardship or difficulty, the Secretary of State may with the consent of the Treasury by order direct that during the fixed grant period in respect of which the order is made the said paragraph shall, in its application to that area, have effect as if for the words "one-fifteenth" there were substituted the words "one-thirtieth".

to Supple-  
mentary  
Exchequer  
Grants to  
counties.

(2) If, in accordance with regulations made under this section, the council of any county satisfy the Secretary of State that, notwithstanding the operation of any order made under the last foregoing subsection with respect to any separately rated area, the reduction of the amounts to be credited as aforesaid under the said paragraph (b) would occasion special hardship or difficulty, the Secretary of State may, after consultation with the county council, direct that during the remaining years of the fixed grant period in which the direction is given, further sums equal to such reductions shall be set aside under subsection (1) of section fifty-eight of the principal Act out of the county apportionment and shall be applied for behoof of the separately rated area.

(3) Subsection (1) of section sixty of the principal Act shall have effect as if for the words "said sixteenth day of May" where first occurring in paragraph (b) of the said subsection, the words "sixteenth day of May nineteen hundred and thirty" were substituted.

(4) The Secretary of State may, after consultation 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, make regulations for the purposes of this section, and any such regulations shall, in particular, prescribe the circumstances in which, and the conditions subject to which, orders may be made under this section.

Investigation of working of rules of Seventh Schedule, Parts III and IV of principal Act.

6.—(1) The Secretary of State shall, in consultation 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, cause an investigation to be made into the working—

- (a) of the rules contained in Part III of the Seventh Schedule to the principal Act; and
- (b) of the rules contained in Part IV of that Schedule;

and shall cause a report of the result of any such investigation to be laid before Parliament.

(2) The said investigations may be made at such times as may be directed by the Secretary of State, so, however, that investigations into both the matters aforesaid shall have been made before the expiration of the fourth fixed grant period.

Short title, construction, citation, repeals and commencement.

7.—(1) This Act may be cited as the Local Government (Financial Provisions) (Scotland) Act, 1937, and the provisions thereof shall be construed as one with Part III of the principal Act, and this Act and the principal Act may be cited together as the Local Government (Scotland) Acts, 1929 and 1937.

(2) References in this Act to any enactment or any provision of any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment, including this 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.

(4) This Act shall come into operation on the sixteenth day of May, nineteen hundred and thirty-seven.

## SCHEDULES.

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### FIRST SCHEDULE.

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Sections 2  
and 3.

#### RULES FOR DETERMINING WEIGHTED POPULATION.

1. The estimated population of the county or large burgh in the appropriate year shall be increased—

- (i) if the estimated number of children under five years of age per thousand of the estimated population exceeds fifty, by the percentage represented by the proportion which that excess bears to fifty;
- (ii) if in the appropriate year the rateable value per head of the estimated population of the county or large burgh is less than twelve pounds ten shillings, by the percentage represented by the proportion which the deficiency bears to twelve pounds ten shillings.

In ascertaining the rateable value of a county or large burgh for the purpose of this paragraph, account shall not be taken of—

- (a) any lands and heritages the occupier of which is exempted from the payment of rates in respect thereof by virtue of a provision contained in a public general Act (other than a provision only empowering the council to grant exemption) and
- (b) such lands and heritages (not being lands and heritages occupied by the council of the county or burgh) as the Secretary of State may by order prescribe, being lands and heritages the occupier of which is exempted from the payment of rates in respect thereof by virtue of any such provision as aforesaid contained in a local Act.

2. There shall be estimated and certified the average numbers during the three calendar years immediately preceding the beginning of each fixed grant period of unemployed insured men and of unemployed insured women resident in each county and large burgh, and there shall be ascertained the percentage (hereafter in this Rule referred to as the "unemployment percentage") represented by the proportion which the number of

1st SCH.  
 —cont.

unemployed insured men increased by ten per cent. of the number of unemployed insured women, bears to the estimated population of the county or large burgh for the calendar year in which the appropriate year begins, and if as respects any county or large burgh the unemployment percentage exceeds one-and-a-half, the estimated population of the county or large burgh in the appropriate year as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased as follows :—

- (i) If the unemployment percentage exceeds one-and-a-half but does not exceed five, by a percentage equal to the amount of the excess over one-and-a-half multiplied by ten; and
- (ii) If the unemployment percentage exceeds five, by a percentage equal to the sum of the two following amounts, that is to say, the excess of the unemployment percentage over one-and-a-half multiplied by ten, and the excess of the unemployment percentage over five multiplied by five.

3. There shall be ascertained and certified the number of miles of road in every county and the estimated population of every such county as increased in accordance with Rules 1 and 2 contained in this Part of this Schedule shall be further increased—

- (a) in the case of a county in which the estimated population per mile of roads is in the appropriate year less than one hundred, by the percentage represented by the proportion which the difference between two hundred and thirty and the estimated population per mile of roads bears to two hundred; and
- (b) in the case of a county in which the estimated population per mile of roads is in the appropriate year one hundred or more, by the percentage represented by the proportion which sixty-five bears to the estimated population per mile of roads.

4. The estimated population of the county or large burgh as increased in accordance with the provisions of the foregoing rules contained in this Part of this Schedule shall be the weighted population of the county or large burgh.

5. For the purposes of this Part of this Schedule the rateable value in the appropriate year for the first fixed grant period shall be the reduced rateable value.

SECOND SCHEDULE.

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Section 7.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.
19 & 20 Geo. 5. c. 25	The Local Government (Scotland) Act, 1929.	Subsection (3) of section fifty-three; in section fifty-seven, in paragraph (b) of subsection (3) thereof, the words "adjusted" as regards unemployment," and subsection (4) thereof; in subsection (1) of section sixty the words "during the period of nineteen years beginning on the sixteenth day of May, nineteen hundred and thirty," and the words "during that period," and in paragraph (b) of the said subsection the word "fourteen".
24 & 25 Geo. 5. c. 29	The Unemployment Assistance Act, 1934.	Section forty-five, so far as relating to Scotland.

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**CHAPTER 30.**

An Act to make further provision with respect to maternity services in Scotland, to amend the Midwives (Scotland) Act, 1915, and to provide for the combination of local authorities for certain purposes under the Notification of Births (Extension) Act, 1915. [6th May 1937.]

**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 :—

Provision of  
maternity  
services.

1.—(1) It shall be the duty of every local authority to make adequate arrangements for the provision to women, by whom or on whose behalf application is made, of the services in their own homes of certified midwives before and during childbirth and from time to time thereafter during a period not less than the lying-in period, and for that purpose the authority may arrange with voluntary associations employing midwives or with midwives in private practice, or they may themselves employ midwives.

(2) Every local authority shall as and when required by the Department of Health for Scotland (in this Act referred to as "the Department") make adequate arrangements to secure that there are available for every woman (not being an in-patient in a hospital), by whom or on whose behalf application is made, facilities for—

- (a) medical examination and treatment during pregnancy;
- (b) medical supervision during childbirth and from time to time thereafter during a period not less than the lying-in period;
- (c) medical examination at least once after the expiry of one month after childbirth;

- (d) the services of an anæsthetist when recommended by the medical practitioner; and
- (e) the services of an obstetrician to advise and assist where necessary and practicable.

(3) Within six months from the commencement of this Act, or such longer period as the Department may in any particular case allow, every local authority shall submit to the Department their proposals for carrying out their duties under subsection (1) of this section, after consultation—

- (a) with any voluntary organisation which, to the knowledge of the authority, employs or undertakes to employ domiciliary midwives in their area; and
- (b) with such local organisation (if any) of midwives as appears to the authority effectively to represent the opinions of midwives practising in their area :

Provided that, where a voluntary organisation has been established for the purpose of co-ordinating the services provided by other organisations referred to in sub-paragraph (a) of this subsection, the authority may consult the organisation so established instead of consulting those other organisations.

(4) The proposals submitted by a local authority under the last foregoing subsection shall secure co-ordination of the arrangements made under subsection (1) of this section with arrangements made under subsection (2) of this section and shall include particulars of—

- (a) the arrangements of the authority for exercising supervision over midwives practising in their area; and
- (b) the arrangements (if any) proposed to be made between the authority and voluntary organisations.

(5) Within six months after intimation to a local authority of any requirement by the Department under subsection (2) of this section or such longer period as the Department may allow, such local authority shall, after consultation with such local organisation (if any) of registered medical practitioners as appears to the authority

effectively to represent the opinions of such practitioners practising in their area, submit to the Department their proposals for carrying out such requirement.

(6) Every local authority shall, not later than the date on which their proposals are submitted to the Department as aforesaid, deliver a copy thereof to every organisation which they have consulted in pursuance of subsection (3) or subsection (5) of this section and to every recognised medical school and institution or other organisation engaged in the training of midwives within the area of the authority and if any such organisation, school or institution is dissatisfied with the arrangements proposed to be made, the organisation, school or institution may, within two months after the proposals of the authority are submitted to the Department, make representations to the Department, and shall, as soon as may be after making any such representations, send a copy thereof to the local authority.

(7) The Department may approve the proposals of a local authority either as submitted, or with such modifications and amendments as the Department, after consultation with the local authority, think proper, and it shall be the duty of the authority to carry their proposals as so approved into effect within the period of six months after the date of the approval or such longer period as the Department may allow.

(8) The Department, before approving proposals under this section, shall satisfy themselves that, so far as reasonably practicable, the proposals make provision for co-operation between the local authority and recognised medical schools and institutions or other organisations engaged in the training of midwives and for reasonable facilities for the teaching of midwifery.

(9) A local authority and the Department in exercising their functions under this section shall have regard to any special circumstances affecting the area including, in particular, difficulties of communication and sparseness of population.

(10) Every local authority may at any time, and shall if and when required by the Department, prepare and submit for the approval of the Department proposals for the revision of any arrangements made and approved



under this section, and the foregoing provisions of this section shall apply as regards such proposals for the revision of arrangements in like manner in all respects as those provisions apply as regards the original proposals.

(11) Any services which, after the commencement of this Act, could be provided either by way of poor relief or under this section, shall be provided exclusively by virtue of this section and not by way of poor relief.

2. A local authority shall recover from any woman to whom they have provided services under section one of this Act, or from the husband or other person liable to maintain such woman, such fees as are appropriate, in accordance with a scale of fees approved by the Department, in respect of the expenses incurred by the authority in providing such services, or, if the authority are satisfied that the person from whom the fees are recoverable is unable by reason of his financial circumstances to pay the whole of such fees, such part thereof, if any, as he is in the opinion of the authority able to pay.

Fees for services provided.

3.—(1) The following provisions of this section shall have effect with a view to fulfilling the intention of the Local Government (Scotland) Act, 1929, as declared by section seventy-eight thereof, namely, that in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new service after the commencement of that Act provision should be made for increased contributions out of moneys provided by Parliament.

Financial provisions.  
19 & 20  
Geo. 5. c. 25.

(2) In respect of each year in the third fixed grant period, a grant calculated in accordance with the First Schedule to this Act shall be paid out of moneys provided by Parliament to every local authority on whom additional expenditure is imposed by section one of this Act in respect of that year.

(3) For the fourth and every subsequent fixed grant period, the General Exchequer Contribution shall include such increased contribution by reason of the additional expenditure imposed on local authorities by section one of this Act as Parliament may hereafter determine.

(4) For the purpose of this section, expenditure imposed as aforesaid on a local authority in respect of any year shall be deemed to be additional if, and to the extent that, it is estimated to exceed the expenditure incurred by that authority in providing in the financial year ended on the fifteenth day of May, nineteen hundred and thirty-six, such services as are specified in or required to be provided under the said section one.

(5) Any such estimate as aforesaid made for the purpose of subsection (2) of this section shall be subject to the approval of the Department, and shall be made in accordance with directions given by them after consultation with such associations of local authorities as appear to the Department to be concerned and with any local authority with which consultation appears to them to be desirable, and in giving such directions the Department shall, so far as reasonably practicable, require that the amount of the expenditure imposed as aforesaid on a local authority in making arrangements for providing any service under subsection (1) or under paragraphs (a) (b) or (c) of subsection (2) of section one of this Act (other than arrangements with voluntary organisations employing midwives or by means of clinics) shall be estimated by reference to the estimated average net annual cost incurred by local authorities in making arrangements of the like nature for providing that service, such cost being calculated on the basis of each birth in respect of which the service is provided or on such other basis as the Department, after such consultation as aforesaid, may with the approval of the Treasury decide to be more appropriate in the circumstances.

(6) In this section the expression "fixed grant period" and "General Exchequer Contribution" have the same meanings as in the Local Government (Scotland) Act, 1929.

(7) For the purpose of section sixty-six of the Local Government (Scotland) Act, 1929 (which empowers the Secretary of State to reduce grants payable under Part III of that Act to a local authority which fails to maintain an efficient service) grants payable under this section shall be deemed to be payable under the said Part III.

(8) Grants payable under this section 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.

(9) Expenses incurred by a local authority under this Act in so far as not defrayed out of grants payable under this section may be defrayed in like manner as expenses under the Notification of Births Acts, 1907 and 1915.

4.—(1) Any certified midwife who, on or after the first day of January, nineteen hundred and thirty-six, and before the fifteenth day of March, nineteen hundred and thirty-seven, has given notice to a local authority of intention to practise and has, before the expiration of three years from the commencement of this Act, surrendered her certificate to the local authority in whose area she is practising at the time of the surrender, shall be entitled to be paid by the last-mentioned authority by way of compensation a sum equal to three times the average net annual emoluments derived from her practice as a midwife or maternity nurse during whichever of the following periods is the shorter, that is to say :—

Compensation to midwives ceasing or required to cease practice.

- (a) the period of three years next before the date on which she surrendered her certificate; or
- (b) the period during which she has practised as a midwife or maternity nurse :

Provided that, where at the date upon which she surrenders her certificate a midwife is practising in the area of more than one local authority, the provisions of this subsection shall have effect subject to the modifications set out in Part I of the Second Schedule to this Act.

(2) If it appears to a local authority that any midwife who, on or at any time after the first day of January, nineteen hundred and thirty-seven, has given notice to that authority of intention to practise is incapable, by reason of age or infirmity of mind or body, of efficiently performing her duties as a midwife, the authority may, by a direction in writing given at any time before the expiration of three years from the commencement of this Act, require her to surrender her certificate to the

authority, and thereupon the following provisions shall have effect :—

- (a) the midwife may within one month from the date of the direction appeal to the Department, who may allow or dismiss the appeal as they think fit;
  - (b) if the midwife does not appeal as aforesaid or if her appeal is dismissed, she shall surrender her certificate in accordance with the direction within one month from the date of the direction or from the date on which the appeal is dismissed, as the case may be, and if she fails to do so the authority shall report the matter to the Board, who shall thereupon remove her name from the roll of midwives;
  - (c) on surrendering her certificate to the authority the midwife shall be entitled to be paid by the authority by way of compensation a sum equal to five times the average net annual emoluments derived from her practice as a midwife or maternity nurse during whichever of the following periods is the shorter, that is to say :—
    - (i) the period of three years next before the date on which the direction was given by the authority; or
    - (ii) the period during which the midwife has practised as a midwife or maternity nurse.
- (3) Where on or at any time after the first day of January, nineteen hundred and thirty-seven, a midwife has given notice of intention to practise to two or more local authorities, the last foregoing subsection shall have effect subject to the modifications set out in Part II of the Second Schedule to this Act.
- (4) The whole or any part of any sum payable by a local authority to a midwife by way of compensation under this section may, if the authority decide that it is in the interests of the midwife so to do, instead of being paid in a lump sum, be laid out by the authority in the purchase of an annuity terminable on the midwife attaining the age of seventy or dying before attaining that age and payable to her at such intervals as the authority may determine.

(5) Any question arising as to the payment of compensation under this section or as to the amount of compensation to be paid or as to the laying out of the whole or any part of the sum payable to a midwife by way of compensation in the purchase of an annuity under the immediately preceding subsection shall be referred to the arbitration of such person as may be agreed upon or, in default of agreement, appointed by the Sheriff.

(6) There shall be paid to every local authority in respect of each financial year out of moneys provided by Parliament a sum equal to one-half of the aggregate amount paid to midwives, or laid out as aforesaid, by the authority in that year by way of compensation under this section.

(7) A local authority shall forward any certificate surrendered to it under this section to the Board, and thereupon the Board shall cancel the certificate by endorsement thereon and return it so endorsed to the midwife to whom it relates and remove the name of that midwife from the roll of midwives.

(8) If any woman whose name has been removed from the roll of midwives under this section receives any remuneration for attending as a nurse on a woman in childbirth or at any time during the fourteen days immediately after childbirth, she shall be liable on summary conviction to a fine not exceeding ten pounds.

(9) Where the name of a midwife is removed from the roll of midwives under this section, her name shall not be restored to the roll.

5. Two or more local authorities shall, if required by the Department, act together for the purpose of making any arrangements under the Notification of Births (Extension) Act, 1915, or under this Act, for attending to the health of expectant mothers, nursing mothers and of children under five years of age, and that on terms to be determined, failing agreement, by the Department.

Combina-  
tion of  
local autho-  
rities.  
5 & 6 Geo. 5.  
c. 64.

6.—(1) If, on or after the date on which this section is applied to the area of any local authority any person who is neither certified under the Midwives (Scotland) Act, 1915, nor registered in the general part of the register

Prohibition  
of un-  
qualified  
persons  
acting as

maternity  
nurses for  
gain.  
5 & 6 Geo. 5.  
c. 91.  
9 & 10  
Geo. 5. c. 95.

of nurses required to be kept under the Nurses Registration (Scotland) Act, 1919, receives any remuneration for attending in that area as a nurse on a woman in childbirth or at any time during the fourteen days immediately after childbirth, that person shall be liable on summary conviction to a fine not exceeding ten pounds :

Provided that the provisions of this subsection shall not apply in the case of—

- (a) any person who, while undergoing training with a view to becoming a duly qualified medical practitioner or a certified midwife, attends on a woman as aforesaid as part of a course of practical instruction in midwifery recognised by the General Medical Council or by the Board; or
- (b) any person who attends on a woman as aforesaid—

17 & 18  
Geo. 5. c. 17.

(i) in any maternity home which is registered under the Midwives and Maternity Homes (Scotland) Act, 1927, or exempt from the operation of that Act under section fifteen thereof; or

(ii) in any hospital maintained or controlled by a Government Department or local authority; or

- (c) a woman who, before the first day of January, nineteen hundred and thirty-eight, has been certified by the authorities of a hospital or other institution, to which the Department have by order applied this proviso, to have been trained in obstetric nursing, and who has given notice in writing to the local authority of the area that she has been so certified.

(2) The Department may by order apply this section to the area of any local authority when they are satisfied that the arrangements made by the authority under subsection (1) of section one of this Act and approved by the Department are in full operation.

(3) An order under the last foregoing subsection shall not come into force until such date after the expiry

of one month after the making of the order, as may be specified therein, and notice of the making of the order shall be given by advertisement in each of two successive weeks during the said month in one or more newspapers circulating in the area to which the order applies.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of subsection (2) of section one of the Midwives (Scotland) Act, 1915.

7.—(1) The power of the Board to frame rules under section five of the Midwives (Scotland) Act, 1915, shall include a power to frame rules requiring midwives to attend from time to time, in accordance with the provision of the rules, a course of instruction approved by the Board.

Attendance of midwives at courses of instruction.

(2) Every local authority shall provide or arrange for the provision of such courses of instruction for midwives practising in its area as may be necessary to enable those midwives to comply with the rules made under subsection (1) of this section, and may make payments to midwives not employed by the authority to enable such midwives to attend the courses so provided.

8.—(1) The scale of fees payable to registered medical practitioners to be fixed by the Department under subsection (1) of section twenty-two of the Midwives (Scotland) Act, 1915, shall be fixed by regulations, and the power to fix the said scale shall include power to prescribe by the regulations conditions subject to which the fees are to be payable.

Miscellaneous amendments of Midwives (Scotland) Act, 1915.

(2) The Department may make regulations prescribing the qualifications of persons appointed by a local authority to exercise supervision over midwives practising within their area, and such qualifications shall include practical experience in midwifery subsequent to training, and, except where owing to the special circumstances of any particular area the Department otherwise agree, no person shall be so appointed whose qualifications are not in accordance with the regulations.

(3) Section thirteen of the Midwives (Scotland) Act, 1915 (which provides for the payment of a fee not exceeding one guinea by women presenting themselves for examination or certificate) shall be amended by

inserting after the words "one guinea" the words "for each examination or certificate."

(4) The power of the Board to frame rules under section five of the Midwives (Scotland) Act, 1915, shall include power to frame rules—

- (a) regulating the grant by the Board of diplomas, being diplomas in the teaching of midwifery, to midwives presenting themselves for examination for such diplomas; and
- (b) providing, in relation to proceedings before the Board for the removal of the name of a midwife from the roll of midwives, for the summoning, attendance and examination of witnesses, the production of documents, the administration of oaths and the taking of affirmations.

Interpreta-  
tion.

9.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them :—

"the Board" means the Central Midwives Board for Scotland;

"certified midwife" means a woman certified under the Midwives (Scotland) Act, 1915;

"county" means a county inclusive of any small burgh within the meaning of the Local Government (Scotland) Act, 1929, situate in the county;

"domiciliary midwife" means a certified midwife who is available for attendance on women in their own homes as a midwife or a maternity nurse;

"local authority" means—

- (a) in the case of a large burgh within the meaning of the Local Government (Scotland) Act, 1929, the town council;
- (b) in the case of counties combined for the purposes mentioned in subsection (7) of section ten of the last mentioned Act the joint county council; and
- (c) in the case of any other county, the county council;



“lying-in period” means the period defined as the lying-in period by any rule for the time being in force under section five of the Midwives (Scotland) Act, 1915;

“obstetrician” means a medical practitioner whose practice is confined to obstetrics or obstetrics and gynecology or who is a fellow or member of the British College of Obstetricians and Gynecologists;

“voluntary organisation” means an organisation which is substantially supported by voluntary contributions.

(2) Unless the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to the enactment as amended or extended or applied by any subsequent Act, including this Act.

10.—(1) This Act may be cited as the Maternity Services (Scotland) Act, 1937, and shall come into operation on the sixteenth day of May, nineteen hundred and thirty-seven. Short title,  
construction  
and  
extent.

(2) The Notification of Births Acts, 1907 and 1915, and the Maternity and Child Welfare Act, 1918, so far as these Acts apply to Scotland, and this Act may be cited together as the Maternity and Child Welfare (Scotland) Acts, 1907 to 1937. 8 & 9 Geo. 5.  
c. 29.

(3) This Act shall extend to Scotland only.

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## SCHEDULES.

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### FIRST SCHEDULE.

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#### RULES FOR CALCULATING THE AMOUNT OF THE GRANTS PAYABLE TO LOCAL AUTHORITIES.

Section 3 (2).

1. The grant to a local authority under subsection (2) of section three of this Act in respect of any financial year shall be calculated as follows:—

(a) the amount of the additional expenditure imposed on the authority in respect of that year by section one of

1st SCH.  
—cont.

this Act as estimated in accordance with the provisions of subsections (4) and (5) of the said section three shall be halved;

- (b) the weighted population of the area of the authority shall be divided by the estimated population of the area;
- (c) the aggregate weighted population of the areas of all the local authorities shall be divided by the aggregate estimated population of those areas;
- (d) the amount ascertained under sub-paragraph (a) of this paragraph shall be multiplied by the amount ascertained under sub-paragraph (b) of this paragraph, and shall be divided by the amount ascertained under sub-paragraph (c) of this paragraph;

and the amount of the grant payable to the authority shall be the amount ascertained under sub-paragraph (d) of this paragraph, calculated to the nearest pound, but shall in no case exceed the amount of the said expenditure.

2. In the foregoing paragraph the expressions "weighted population" and "estimated population" mean respectively the weighted population and the estimated population as determined at the date of the commencement of this Act for the purpose of the apportionment of the General Exchequer Contribution under the Local Government (Scotland) Act, 1929.

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## SECOND SCHEDULE.

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### PART I.

Section 4. **MODIFICATIONS OF SUBSECTION (1) OF SECTION FOUR IN A CASE WHERE A MIDWIFE IS PRACTISING IN THE AREA OF MORE THAN ONE LOCAL AUTHORITY.**

1. The midwife may surrender her certificate to any one of the local authorities in whose areas she is practising on the date of the surrender, and upon surrendering her certificate to any such authority she shall be entitled to be paid by that authority such compensation as is provided by the said subsection (1).

2. The authority by whom the compensation is so paid shall be entitled to recover from any other such authority as aforesaid a sum equal to a proportionate amount of the compensation so paid calculated as hereinafter provided.

3. The sum recoverable from such an authority as aforesaid shall be an amount bearing the same proportion to half the amount of the compensation paid to the midwife as the amount of the average net annual emoluments derived by the midwife from her practice as a midwife or maternity nurse in the area of that authority bears to the total of the amounts of the average net annual emoluments derived by the midwife from her practice in the areas of all the authorities in whose area she is practising on the said date.

2ND SCH.  
—cont.

4. For the purposes of the foregoing paragraph the average net annual emoluments derived by a midwife from her practice as a midwife or maternity nurse in the area of any authority shall be calculated by reference to whichever of the following periods is the shorter, that is to say :—

- (a) the period of three years next before the said date ; or
- (b) the period during which she has practised in the area of that authority.

5. In the event of any disagreement between any authorities as to the sum recoverable from an authority under the provisions of this Part of this Schedule, the question may be referred by any of the authorities concerned to the Department and the decision of the Department shall be final.

## PART II.

### MODIFICATIONS OF SUBSECTION (2) OF SECTION FOUR IN A CASE WHERE A MIDWIFE HAS GIVEN NOTICE OF INTENTION TO PRACTISE TO MORE THAN ONE LOCAL AUTHORITY.

1. The direction mentioned in subsection (2) of section four may be given jointly by any two or more of the local authorities to which the midwife on or at any time after the first day of January, nineteen hundred and thirty-seven, has given notice of intention to practise, as well as by any one of those authorities.

2. Where the direction is given jointly by two or more of the said authorities—

- (a) the direction shall require the midwife to surrender her certificate to such one of those authorities as may be specified in the direction ; and
- (b) the midwife shall be entitled, on surrendering her certificate to the authority so specified, to be paid by that

2ND SCH.  
—cont.

authority such compensation as is provided by the said subsection; and

- (c) the authority by whom the compensation is paid to the midwife as aforesaid shall be entitled to recover from any other authority which joined in giving the direction a sum equal to such proportion of the compensation so paid as may be fixed by agreement between the authorities which gave the direction or, in default of such agreement, by the Department.

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## CHAPTER 31.

An Act to continue until the thirty-first day of March, nineteen hundred and thirty-nine, the Special Areas (Development and Improvement) Act, 1934, and to enable further assistance to be given to the areas specified in the First Schedule to that Act, and to certain other areas.

[6th May 1937.]

**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 :—

Continua-  
tion of  
25 & 26  
Geo. 5. c. 1.  
1 Edw. 8. &  
1 Geo. 6.  
c. 4.

1. The Special Areas (Development and Improvement) Act, 1934 (hereinafter referred to as "the principal Act"), which by the Expiring Laws Continuance Act, 1936, is limited to expire on the thirty-first day of May, nineteen hundred and thirty-seven, shall continue in force until the expiration of this Act.

Power of  
Commis-  
sioners to let  
factories.

2. For the purpose of inducing persons to establish an industrial undertaking in any of the areas specified in the First Schedule to the principal Act (hereinafter referred to as "special areas") the Commissioners may, notwithstanding that the undertaking will be carried on for the purpose of gain, let a factory in any such area for the purpose of its being occupied as such by the undertaking :

Provided that the rent reserved by any lease granted under this section shall be such as, in the opinion of the Commissioner, will produce a return as nearly as may be equivalent to a reasonable rate of interest on the sums expended by him in providing the factory.

**3.—**(1) For the purpose of inducing persons to establish an industrial undertaking in any of the special areas, the Commissioners may agree to provide to the persons who will carry on any industrial undertaking to be established in a place approved by the Commissioners within such an area, financial assistance by means of contributions towards any sums payable in respect of the undertaking by way of rent, income-tax, or rates, notwithstanding that the undertaking is carried on for the purpose of gain.

Financial assistance for new undertakings in special areas.

(2) Contributions shall not be made in pursuance of any agreement made under this section towards any sums payable by way of rent, income-tax or rates in respect of a period later than five years after the date of the agreement.

**4.—**(1) The Commissioners may, notwithstanding the provisions of subsection (5) of section one of the principal Act, make a grant towards any expenses incurred by a local authority in the repair or improvement of streets in any special area, which are certified by the Minister of Transport as being wholly or mainly required for purposes other than those of through traffic.

Contribution by Commissioners to road and drainage expenses in special areas.

(2) The Commissioners may contribute towards any expenses incurred by owners or occupiers of agricultural land in any special area in connection with the execution of works of field drainage for such land, notwithstanding that the land is occupied for the purpose of gain.

**5.—**(1) If a site-company is incorporated for the purpose of providing factories in any area to which this section applies, with a view to inducing persons to establish industrial undertakings in the area, the Treasury may, in accordance with recommendations of an advisory committee appointed by them, provide financial assistance to the company either by subscription to the share capital of the company or by way of loan :

Financial assistance for provision of factories in certain other areas.

Provided that the financial assistance so provided to any company shall not exceed an amount equal to one-third of the share capital of the company which is for

the time being paid up exclusive of any share capital held by the Treasury.

(2) If the Minister of Labour, upon representations made to him, is satisfied as respects any area, not being or forming part of a special area—

- (a) that there is, and has been for a considerable time, severe unemployment in the area;
- (b) that, unless financial assistance is provided under this section to a site-company which will operate in the area, there will be no immediate likelihood of a substantial increase in employment in the area; and
- (c) that employment in the area is mainly dependent on one or more industries which are unable to provide sufficient employment by reason of general depression in those industries;

he may direct that this section shall apply to the area :

Provided that the Minister of Labour shall appoint an advisory committee to whom he may refer any representations made to him under this section, and shall not direct that this section shall apply to any area unless the committee after considering, in accordance with any instructions given by him, the circumstances affecting the area, recommend that this section should apply to the area.

(3) Any sums required for the provision of financial assistance under this section shall be paid out of moneys provided by Parliament, and any sums received by the Treasury in respect of share capital subscribed for, or loans made, by them under this section shall be paid into the Exchequer.

Provision  
by the  
Treasury of  
financial  
assistance  
to certain  
new under-  
takings in  
special and  
other areas.

6.—(1) The Treasury may, in accordance with recommendations of the committee appointed by them under the last foregoing section, provide financial assistance by way of loan—

- (a) to the persons carrying on any industrial undertaking which, after the passing of this Act, becomes established in any special area; or
- (b) to the persons carrying on any industrial undertaking which, after the passing of this Act,

becomes established in any area to which the last foregoing section applies and occupies a factory which has been provided by a site-company.

(2) Any sums required for the provision of financial assistance under this section shall be paid out of moneys provided by Parliament and any sums received by the Treasury in respect of loans made by them under this section shall be paid into the Exchequer :

Provided that the sums so paid shall not in the aggregate exceed two million pounds.

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

Interpretation.

“ Agricultural land ” has the same meaning as it has for the purposes of Part IV of the Land Drainage Act, 1930 ;

20 & 21  
Geo. 5. c. 44.

“ Factory ” means premises suitable for occupation as a factory or workshop as defined by the Factory and Workshop Acts, 1901 to 1920, and means also a site for such premises ;

“ Field drainage ” includes the drainage of moor land ;

“ Industrial undertaking ” means an undertaking of such a character that the factory occupied or to be occupied for the purposes of carrying on the undertaking is or will be an industrial hereditament as defined by the Rating and Valuation (Apportionment) Act, 1928, but does not include any undertaking in which less than ten persons are likely to be employed in normal circumstances ;

18 & 19  
Geo. 5. c. 44.

“ Share capital ” includes stock not being debenture stock ;

“ Site-company ” means any body corporate established for the purpose specified in subsection (1) of section five of this Act, being a body which does not trade for profit, or a body whereof the constitution forbids the payment of any interest or dividend at a rate exceeding such rate as may be for the time being prescribed by the Treasury.

Application  
to Scotland.

20 & 21  
Geo. 5. c. 20.

19 & 20  
Geo. 5. c. 25.

Duration  
of Act.

Short title,  
construc-  
tion and  
citation.

**8.** In the application of this Act to Scotland—

- (a) the expression “ agricultural land ” has the meaning assigned to it in the Land Drainage (Scotland) Act, 1930;
- (b) for any reference to an industrial hereditament as defined by the Rating and Valuation (Apportionment) Act, 1928, there shall be substituted a reference to industrial lands and heritages as defined by the said Act as amended by section forty-six of the Local Government (Scotland) Act, 1929.

**9.** This Act shall continue in operation until the thirty-first day of March, nineteen hundred and thirty-nine, 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) 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.

**10.** This Act may be cited as the Special Areas (Amendment) Act, 1937, and shall be construed as one with the Special Areas (Development and Improvement) Act, 1934, and this Act and that Act may be cited together as the Special Areas (Development and Improvement) Acts, 1934 and 1937.



**CHAPTER 32.**

An Act to make provision for the honour and dignity of the Crown and the Royal Family, and for the payment of certain allowances and pensions; to enable His Majesty to assent to arrangements on behalf of any son of His Majesty being Duke of Cornwall for the payment of certain sums out of the revenues of the Duchy during the minority of the said Duke; and for purposes connected with the matters aforesaid. [10th June 1937.]

**MOST GRACIOUS SOVEREIGN,**

**W**HEREAS Your Majesty has been graciously pleased to signify to Your faithful Commons in Parliament assembled that Your Majesty placed unreservedly at their disposal those hereditary revenues which were so placed by Your Predecessor, and that Your Majesty is desirous that competent provision should be made for Her Majesty the Queen in the event of Her surviving Your Majesty, and for Her Royal Highness the Princess Elizabeth and His Royal Highness the Duke of Gloucester, and that provision should be made for Your Majesty's children, other than Her Royal Highness the Princess Elizabeth, corresponding to the provision which the House of Commons have been willing to make in like circumstances in the past:

And whereas Your Majesty has further been graciously pleased to signify Your Majesty's intention, so long as the Duchy of Cornwall is vested in Your Majesty, to make the said provision for Her Royal Highness the Princess Elizabeth and for His Royal Highness the Duke of Gloucester, and, in so far as the revenues of the Duchy may be sufficient for the purpose, to provide for Your Majesty's Civil List:

Now, therefore, we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, have freely and voluntarily resolved to make such provision as hereinafter appears for

the purposes aforesaid, and we do 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 :—

Payment of hereditary revenues to the Exchequer. 26 Geo. 5. & 1 Edw. 8. c. 15.

1. The hereditary revenues which were by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund shall, during the present reign and a period of six months afterwards, be paid into the Exchequer and be made part of the Consolidated Fund.

Annual payment for the King's Civil List.

2. There shall, during the present reign and a period of six months afterwards, be paid for the King's Civil List the yearly sum of four hundred and ten thousand pounds.

Provision for Her Majesty the Queen in the event of her surviving His Majesty.

3. In the event of Her Majesty Queen Elizabeth surviving His Majesty, there shall be paid to her during her life the yearly sum of seventy thousand pounds.

Provision for Her Royal Highness the Princess Elizabeth and for His Royal Highness the Duke of Gloucester.

4.—(1) There shall be paid to Her Royal Highness the Princess Elizabeth during her life the yearly sum of six thousand pounds and, when Her Royal Highness attains the age of twenty-one years, unless there is at that time a Duke of Cornwall living, the additional yearly sum of nine thousand pounds.

(2) There shall be paid to His Royal Highness the Duke of Gloucester during his life the yearly sum of ten thousand pounds.

(3) The yearly sum to be paid to His Royal Highness the Duke of Gloucester under this section shall be in addition to any sum payable to His Royal Highness by virtue of the provisions of section five of the Civil List Act, 1910.

(4) The yearly sum to be paid to Her Royal Highness the Princess Elizabeth under this section shall, until Her Royal Highness attains the age of twenty-one years, be paid to His Majesty as guardian of Her Royal Highness, and shall be applied by His Majesty for the maintenance and education of Her Royal Highness in such manner as His Majesty may think fit.

5.—(1) No payment shall be made under the foregoing provisions of this Act to Their Royal Highnesses the Princess Elizabeth and the Duke of Gloucester in respect of any period during which the Duchy of Cornwall is vested in His Majesty or any period during which the Duke of Cornwall for the time being is a minor, unless the net revenues of the Duchy for the year fall short, as respects the first period, of the total payments which would, but for this subsection, be required to be so made to Their Royal Highnesses for that year, and as respects the second period, of the said sums with the addition of twenty-five thousand pounds, and in the event of such a deficiency the payment to be so made to His Royal Highness the Duke of Gloucester shall not exceed the amount of the deficiency, and the payment to be so made to Her Royal Highness the Princess Elizabeth shall not exceed the amount of the deficiency less the amount of the payment, if any, so made to His Royal Highness the Duke of Gloucester.

Payments for the King's Civil List and for Their Royal Highnesses the Princess Elizabeth and the Duke of Gloucester to be reduced during certain periods.

(2) The sum payable under the foregoing provisions of this Act for the King's Civil List shall be subject, in respect of any period during which the Duchy of Cornwall is vested in His Majesty, to a reduction of an amount equal to the net revenues of the Duchy for the year less the sums, if any, which would, but for the last preceding subsection, be payable under the foregoing provisions of this Act to Their Royal Highnesses the Princess Elizabeth and the Duke of Gloucester.

6.—(1) There shall be paid to the trustees hereinafter mentioned as a provision for the benefit of His Majesty's children, other than Her Royal Highness the Princess Elizabeth and the Duke of Cornwall for the time being, a yearly sum of ten thousand pounds in respect of each son, other than the Duke of Cornwall for the time being, who attains the age of twenty-one years, and a further yearly sum of fifteen thousand pounds in respect of each such son who marries, and a yearly sum of six thousand pounds in respect of each daughter, other than Her Royal Highness the Princess Elizabeth, who attains the age of twenty-one years or marries :

Provision for His Majesty's younger children.

Provided that the sum payable in respect of any such son or daughter shall cease to be paid in the event of the death of that son or daughter.

P

(2) The trustees shall hold the yearly sums paid to them under this section in trust for all or any one or more of the children of His Majesty, other than Her Royal Highness the Princess Elizabeth and the Duke of Cornwall for the time being, in such shares, at such times, in such manner and subject to such conditions and powers of revocation (including, if it is thought fit, a condition against alienation) as His present Majesty may by order, countersigned by the First Commissioner of His Majesty's Treasury and the Chancellor of the Exchequer, appoint :

Provided that any such appointment may be varied by another order made and countersigned in like manner.

Power of His Majesty to assent to certain payments out of revenues of the Duchy of Cornwall during minority of any future Duke of Cornwall, &c.

7.—(1) Notwithstanding anything in the Duchy of Cornwall Management Acts, 1863 to 1893, or in any other Act or rule of law, it shall be lawful for His present Majesty by order, countersigned by the First Commissioner of His Majesty's Treasury and by the Chancellor of the Exchequer, to assent on behalf of any son of His Majesty being Duke of Cornwall to arrangements whereby during the minority of the said Duke the following payments may be made out of the net revenues of the Duchy, that is to say :—

- (a) payments to Their Royal Highnesses the Princess Elizabeth and the Duke of Gloucester equal to those which, but for the fact that the Duke of Cornwall for the time being is a minor, would be made to Their Royal Highnesses by virtue of the foregoing provisions of this Act, so, however, that in any year in which the net revenues of the Duchy fall short of the said payments with the addition of twenty-five thousand pounds, the payment to be made to His Royal Highness shall be reduced by the amount of the deficiency, and the payment to be made to Her Royal Highness the Princess Elizabeth shall be reduced by the amount of the deficiency less the sum payable under this Act to His Royal Highness the Duke of Gloucester ;
- (b) a payment to the Exchequer computed in each year by applying to the net revenues of the Duchy of Cornwall for the year, reduced by twenty-five thousand pounds, the standard rate

- of income tax for the year of assessment in which that year ends and the higher rates of income tax (less the standard rate) for the preceding year of assessment which would be applicable in the case of an individual having a total income equal to those net revenues so reduced ;
- (c) if the total of the payments made in any year under paragraph (a) of this subsection are less than twenty-five thousand pounds, a further payment to the Exchequer equal to the difference ;
- (d) a yearly payment of twenty-five thousand pounds, to be applied in part for the purpose of the maintenance and education of the said Duke of Cornwall and in part for the purpose of paying sums to the trustees hereinafter mentioned to be accumulated by them for the purpose of making provision for any future wife of the said Duke :

Provided that, if at any time the said payments would exceed in the aggregate the net revenues of the Duchy for the year, the sum payable to the Exchequer may, with the consent of the Treasury, be reduced by an amount not greater than the excess.

(2) The payments referred to in paragraph (d) of the last preceding subsection shall, save in so far as any part thereof is made to the trustees therein mentioned, be made to His Majesty as guardian of the Duke of Cornwall and shall be applied by His Majesty for the maintenance and education of the said Duke in such manner as His Majesty shall think fit.

(3) The sums paid to the said trustees shall not be less than such sums as, in the opinion of the trustees, will, with the accumulations thereof, be sufficient to enable such provision as is specified in the next succeeding subsection to be made therefrom for a future wife of the said Duke, and shall, until in the opinion of the trustees sufficient money has been accumulated to enable that provision to be made, be not less than ten thousand pounds a year.

(4) If the said Duke marries, the trustees shall, out of the income, and to such extent as in their opinion may be necessary or expedient, out of the capital, of the moneys

in their hands by virtue of the arrangements make the following provision for his wife, that is to say—

- (a) an income of ten thousand pounds a year during the joint lives of her and the said Duke;
- (b) an income of thirty thousand pounds a year, to commence on the death of the said Duke, for the remainder of her life;

and in particular they may, if they think fit, make that provision in whole or in part by the purchase of an annuity or annuities for her from the National Debt Commissioners or otherwise :

Provided that, if the moneys in the hands of the trustees are not sufficient to enable the provision as aforesaid to be made in full, the provision to be made for her during the life of the said Duke shall have the priority.

(5) On the death of the said Duke or his accession to the Throne any sums then in the hands of the trustees by virtue of the arrangements shall be paid to the Duchy of Cornwall and dealt with in like manner as gross sums of money received in respect of a sale of any of the possessions of the Duchy of Cornwall are to be dealt with under the Duchy of Cornwall Management Acts, 1863 to 1893 :

Provided that on the death of the said Duke the trustees shall retain such part of any moneys in their hands as aforesaid as may in their opinion be required for making such provision as aforesaid for any wife of his who survives him.

Provisions relating to Her Royal Highness the Princess Elizabeth to apply in certain circumstances to His Majesty's eldest surviving daughter.

8. The provisions of this Act shall, in the event of Her Royal Highness the Princess Elizabeth predeceasing His Majesty, have effect, as respects any period subsequent to that event, as if the references to Her Royal Highness were references to that one of His Majesty's daughters who thereby becomes his eldest surviving daughter.

Constitution of Royal trustees.

9. The persons who are for the time being the First Commissioner of His Majesty's Treasury, the Chancellor of the Exchequer, and the Keeper of His Majesty's Privy Purse shall be the Royal trustees for the purposes of this Act, and shall be a body corporate by that name, and any act of the trustees may be signified under the hands

and seals of the persons who are the trustees for the time being.

**10.**—(1) In the application of the sum paid for the King's Civil List, the amounts specified in the Schedule to this Act shall be appropriated to the classes of expenditure specified therein respectively.

Appropriation of the King's Civil List.

(2) If at the end of any calendar year the sum appropriated to any class of expenditure is not wholly required for expenditure of that class in that year, the Treasury may direct that the amount not required be applied as an addition to the sum available for any other class.

**11.** The Treasury may undertake the payment of any retired allowances granted, on scales and in accordance with conditions approved from time to time by the Treasury, by His Majesty to or in respect of persons who have been members of the Royal Household.

Payments by Treasury in respect of retired allowances.

**12.**—(1) For the purposes of this Act the expression "net revenues of the Duchy of Cornwall" means in relation to any year the sum certified in respect of each year by the joint certificate of the auditor of the Duchy and the auditor of the Civil List to be the surplus in that year of the receipts of the Duchy on revenue account over payments on revenue account.

Meaning of "net revenues of Duchy of Cornwall."

(2) In determining for the purposes of this section what receipts and payments are to be taken to be receipts and payments on revenue account, the two auditors shall follow the ordinary practice of the Duchy as existing immediately before the first day of January, nineteen hundred and thirty-six, and shall include in their certificate a statement that they have complied with the provisions of this subsection.

**13.** The sums required under this Act for the King's Civil List, for the provision for Her Majesty the Queen, for the provision for Her Royal Highness the Princess Elizabeth and His Royal Highness the Duke of Gloucester, for the payment of the retired allowances payable by the Treasury under this Act, and for the payment of Civil List pensions, whether granted before or after the passing of this Act, shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, and shall

Charge of payments under this Act.

be paid at such times and in such manner as the Treasury may direct, and, in particular, effect shall be given to the reductions required by this Act to be made in the sums payable as aforesaid at such times and in such manner as the Treasury may direct.

Adjustments in respect of parts of years.

14. Where any of the yearly payments, or any of the reductions of the yearly payments, mentioned in this Act fall to be made in respect only of a part of a year, such adjustments of and in relation to those payments and reductions shall be made as may in the circumstances of the case appear to the Treasury to be required.

Continuance of enactments, commencement, repeal and short title.  
1 & 2 Vict.  
c. 2.

15.—(1) Sections five and six of the Civil List Act, 1837, which relate to Civil List pensions, shall continue to apply during the present reign and a period of six months afterwards, but Civil List pensions shall not be granted as chargeable on the sum paid for the Civil List :

Provided that in the said section five the words “two thousand five hundred pounds a year” shall be substituted for the words “one thousand two hundred pounds a year” in each place where those words occur and that in the said section six the words “thirty-first day of March” shall be substituted for the words “twentieth day of June” in each place where those words occur.

56 Geo. 3.  
c. 46.

(2) The Civil List Audit Act, 1816, and all other enactments relating to the Civil List of the last reign and not hereby superseded or expressly repealed, shall continue to apply to the Civil List under this Act, and nothing in this Act shall affect any rights or powers for the time being exercisable with respect to any of the hereditary revenues which are by this Act directed to be paid into the Exchequer.

10 Edw. 7. &  
1 Geo. 5.  
c. 28.

(3) The provisions made by this Act shall be in substitution for the provisions made by sections one to seven, section ten and subsections (1) to (4) of section thirteen of the Civil List Act, 1936, and for the provision for His Majesty made under section five of the Civil List Act, 1910, and the amounts payable by and to the trustees under the said section five shall be reduced accordingly and the said sections and subsections of the Civil List Act, 1936, shall cease to have effect.



(4) This Act shall take effect as from the last demise of the Crown, and such adjustments shall be made as appear to the Treasury necessary for giving effect to this subsection.

(5) This Act may be cited as the Civil List Act, 1937.

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## SCHEDULE.

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Section 10.

Classes of Expenditure.	Sum appropriated. £
I. His Majesty's Privy Purse - - - -	110,000
II. Salaries of His Majesty's Household and Retired Allowances - - - -	134,000
III. Expenses of His Majesty's Household - -	152,800
IV. Royal bounty, alms and special services -	13,200
Total - - - -	410,000

*Note.*—Effect shall be given to the reductions in the total of the Civil List which are under this Act to be made in respect of periods during which the Duchy of Cornwall is vested in His Majesty by reducing in the first place the appropriations for the expenditure of Class I, and then, if and so far as may be necessary, the appropriations for the expenditure of Class II.

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## CHAPTER 33.

An Act to prevent the spreading of disease among salmon and freshwater fish in Great Britain.

[10th June 1937.]

**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.—(1) It shall not be lawful to import or bring into Great Britain any live fish of the salmon family.

(2) It shall not be lawful to import or bring into Great Britain any live freshwater fish or live eggs of fish

Restriction on importation of live fish and eggs of fish.

of the salmon family, or of freshwater fish, unless the fish or eggs are consigned to a person licensed under this section and the licence is produced at the time of the delivery under the Customs Acts of the entry of the consignment.

(3) The Minister of Agriculture and Fisheries (in this Act referred to as "the Minister") may grant a licence to any person to have consigned to him such fish or eggs as are mentioned in the last foregoing subsection, and the following provisions shall have effect in relation to such licences, that is to say:—

- (a) a licence may be granted subject to such conditions as the Minister thinks fit as to the quantities or kinds of fish or eggs which may be imported or brought in under the licence, as to the disposal, transport, inspection, cleansing and disinfection of the fish or eggs and of the containers or other vessels in which they are to be transported or kept and otherwise as to the precautions which are to be taken for avoiding the spreading of disease among salmon and freshwater fish;
- (b) a licence may be granted for any period not exceeding twelve months but may be suspended or revoked by the Minister at any time during the currency thereof;
- (c) there shall on the grant of a licence be paid by the person applying therefor to the Minister such fee not exceeding five shillings as the Minister may, with the consent of the Treasury, determine.

(4) If any person in contravention of the provisions of this section imports or brings or procures to be imported or brought into Great Britain any live fish or eggs of fish or, being the holder of a licence under this Act, contravenes any condition subject to which the licence was granted, he shall be guilty of an offence; and any officer of police, officer of Customs and Excise, or inspector may seize any fish or eggs with respect to which he has reason to believe that such an offence has been committed and may detain them pending the determination of any proceedings instituted under this Act in respect of that offence or until the Minister is satisfied that no such proceedings are likely to be instituted.

(5) Notwithstanding the foregoing provisions of this section, where it is shown to the satisfaction of the Commissioners of Customs and Excise that any live fish or eggs of fish, of which the importation or bringing into Great Britain is prohibited or restricted by this section, are being imported or brought solely with a view to the re-exportation thereof after transit through Great Britain or by way of transshipment, the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the fish or eggs of fish to be imported or brought as if the prohibition or restriction did not apply thereto.

2.—(1) If, at any time, the Minister is satisfied as respects any area that any waters therein are infected waters, he may by order declare the area to be an infected area and may, to such extent as he considers necessary for the purpose of preventing the spreading of infection, by the same or a subsequent order prohibit or regulate the transport of live fish, or of eggs of fish or of foodstuff for fish, from that area.

Provisions  
as to in-  
fected areas.

Any order made under this subsection shall be published in the prescribed manner and may be varied or revoked by a subsequent order made under this subsection, and if any person contravenes any provision of such an order, he shall be guilty of an offence.

(2) During a period of three months next after the commencement of this Act the powers of the Minister under the last foregoing subsection may be exercised with respect to any area as to which the Minister is satisfied that any waters therein have within the previous twelve months been infected waters.

(3) The occupier of any waters in an area declared by an order made under this section to be an infected area shall be entitled, on application, to be supplied by the Minister free of charge with a report of the evidence on which the order was made.

(4) Where an order is in force under this section declaring an area to be an infected area, the Minister may by notice in writing served on any occupier of any waters in that area give directions requiring him to take all practicable steps to secure the removal of dead or dying fish from the waters and regulating the manner

in which any fish removed from the waters are to be disposed of :

Provided that no notice shall be served under this subsection in respect of waters in the district of a fishery board, not being a fish farm.

(5) If the Minister is satisfied that any direction contained in a notice served under this section has not been complied with within the time limited by the notice, he may authorise an inspector to carry out the direction, and any expenses reasonably incurred by the inspector in so doing shall be recoverable summarily as a civil debt by the Minister from the person upon whom the notice was served ; and if any person does any act which is prohibited by such a notice, he shall be guilty of an offence unless he shows that he did not know that the act was so prohibited.

(6) Where an order is in force under this section declaring an area to be an infected area, the Minister, if he is satisfied that for the protection against disease of the stock of fish in any waters it is necessary so to do, may, by such a notice as aforesaid or otherwise in writing, authorise any occupier of any waters in that area to remove, notwithstanding anything in any agreement to the contrary, any fish from the waters and to do so by such agents and by such methods (including methods otherwise illegal) as the Minister considers to be most expedient for the purpose :

Provided that the powers conferred by this subsection shall not be exercised in respect of waters in the district of a fishery board, not being a fish farm.

(7) Where an occupier of any waters has in pursuance of an authority conferred under the last foregoing subsection removed any fish from any waters, he shall comply with any directions given to him by the Minister as to the manner in which those fish are to be disposed of, and, if he fails to comply with any such directions, he shall be guilty of an offence.

(8) Where any occupier of any waters in an area which is declared by an order in force under this section to be an infected area—

(a) has removed any dead or dying fish from those waters ; or

(b) has removed any fish from those waters after a notice or authority has been served on or given to him under subsection (6) of this section, he shall, within seven days or such longer time as the Minister may allow, notify the number of the fish so removed to the Minister, or, if the waters are in the district of a fishery board and are not a fish farm, to the fishery board.

**3.—**(1) Any fishery board who have reasonable ground for suspecting that any waters, not being a fish farm, are infected waters, shall forthwith report the facts to the Minister, and may take any practicable steps for securing the removal of dead or dying fish from the waters.

Powers and duties of fishery boards.

The Minister on receiving any such report as aforesaid with respect to any waters, shall forthwith cause an investigation to be made as to whether they are infected waters.

(2) Where any area is declared by an order in force under the last foregoing section to be an infected area, the Minister may authorise any fishery board to remove any fish from any waters in that area (not being a fish farm) and to do so by such agents and by such methods (including methods otherwise illegal) as he considers to be most expedient for the purpose.

(3) Every fishery board—

(a) shall destroy or otherwise properly dispose of all fish removed under any powers conferred on them by or under this section; and

(b) shall at such times as the Minister may direct send to him a return stating the number of fish so removed and the number of fish notified to them by any occupier in accordance with the provisions of the last foregoing section as having been removed by him from any waters.

**4.—**(1) If an inspector has reasonable grounds for suspecting that the waters of any fish farm are infected waters, he shall forthwith serve the prescribed notice upon the occupier of the fish farm and report the facts to the Minister, and no live fish, no eggs of fish, and no foodstuff for fish shall, without the permission of the Minister, be transported from the fish farm until after

Preliminary precautions in suspected places.

the expiration of sixteen days from the service of the notice unless before the expiration of that period the occupier receives from the Minister a written intimation that such permission is no longer required.

(2) In the event of any live fish, eggs of fish, or foodstuff for fish being transported from any fish farm while the transport thereof is prohibited by this section, every person who is privy to the transporting shall be guilty of an offence, unless he shows that he did not know that the transporting was prohibited.

(3) If any person entitled to take fish from any waters, or employed for the purpose of having the care of any waters, has reasonable grounds for suspecting that those waters are infected waters, it shall be his duty forthwith to report the facts by letter or telegram addressed to the Minister, or, if the waters are situate in the district of a fishery board and are not a fish farm, to the board, and if without reasonable excuse he fails to do so, he shall be guilty of an offence.

Duty of  
Minister to  
examine  
waters on  
demand of  
a fishery  
board or  
occupier.

5. It shall be the duty of the Minister, on the demand of any fishery board, or of an occupier of any waters, to cause an inspector to make an examination of any waters within their district, or in his occupation, as the case may be, with a view to discovering whether or not they are infected waters, and to cause a report of the result of the examination to be furnished to the said fishery board or occupier free of charge; and if at any such examination the waters are found to be infected waters, the Minister shall cause an inspector to make a further examination thereof when required so to do by the fishery board or occupier, as the case may be:

Provided that the Minister shall not be bound to cause an examination to be made of any waters if the period which has elapsed since the conclusion of any previous examination of those waters undertaken in accordance with a demand made under this section is so short that in his opinion a further examination is not yet necessary.

Powers of  
entry on  
land and  
inspection.

6.—(1) Any justice of the peace, upon an information on oath that there is reasonable cause to suspect an offence under this Act to have been committed, may, by warrant under his hand authorise any person named in the warrant to enter on any land mentioned in the

warrant at such times as are so mentioned and to seize any fish, eggs of fish, or foodstuff or article which that person suspects to have been imported or brought into Great Britain, removed or otherwise dealt with, or to be about to be removed or otherwise dealt with, in contravention of this Act or of any licence granted, order made, or notice served thereunder :

Provided that a warrant under this subsection shall not continue in force for more than one week from the date of the granting thereof.

(2) Any inspector shall have power—

(a) to inspect any waters in which fish of the salmon family or freshwater fish or the eggs of such fish or foodstuff for fish are likely to be found, and to take therefrom samples of any such fish, eggs, or foodstuff, or of water, mud, vegetation or other matter ;

(b) for the purpose of exercising any powers or performing any duties under this Act, to enter, upon production on demand of his authority, on any land ;

and any person who refuses to admit or obstructs an inspector in the exercise or performance of any of the said powers and duties shall be guilty of an offence.

(3) If in any sample of fish taken from any waters by an inspector under the powers conferred by the last foregoing subsection none is found to be infected, the Minister shall pay to the occupier of the waters, or where there is more than one occupier of the waters, to such of the occupiers as he considers equitable, a sum equal to the market value of the fish taken in that sample.

(4) Any person authorised in writing in that behalf by a fishery board may, for the purpose of performing any duties imposed on him by the board in exercise of their functions under this Act, enter, upon production on demand of his authority, on any land situate within the district of the board not being part of a fish farm, and any person who refuses to admit him or obstructs him in the carrying out of any of those duties shall be guilty of an offence.

(5) Any person exercising powers conferred on him by or under this section on land owned or used for the

purposes of any railway or canal undertaking shall conform to such reasonable requirements of the undertakers as are necessary to prevent obstruction to, or interference with, the working of the traffic on their railway or canal, as the case may be, and the undertakers shall not be liable for any accident or injury happening to any person while exercising such powers—

- (a) in the case of a railway undertaking, upon any railway or land carrying a railway belonging to them ; and
- (b) in the case of a canal undertaking, upon any canal or reservoir or the banks of any canal or reservoir belonging to them.

Service of notices, and authority of agents.

7.—(1) Any notice required or authorised to be served for the purposes of this Act upon an occupier of any waters may be served by delivering it to him, or to any servant or agent employed by him for the purpose of having the care of any of the waters, or by sending it by registered post to the usual or last-known address of the occupier, or, if his address is not known and cannot reasonably be ascertained, by exhibiting the notice addressed to him in some conspicuous place at or near the waters, and, where the identity of the occupier of the waters cannot reasonably be ascertained, the notice, if so exhibited as aforesaid, shall be deemed to be addressed to every person who is an occupier of the waters if it is addressed "The Occupier" without further name or description.

(2) Where a notice requiring anything to be done by an occupier of any waters has been served under this section by delivering it to a servant or agent having the care of any of the waters, that servant or agent shall be deemed to have authority from that occupier to do on his behalf and at his expense whatever is required by the notice to be done in relation to any of the waters.

Penalties and legal proceedings.

8.—(1) Any person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding twenty pounds, or, in the case of a second or subsequent conviction of such an offence, to a fine not exceeding one hundred pounds ; and the court by whom any person is convicted of an offence under this Act may order to be forfeited any fish, eggs of fish, foodstuff or article in respect of which the offence was committed.



(2) In England, any fishery board shall have power to take legal proceedings to enforce the provisions of this Act as respects waters in their district.

9. The Minister may make regulations for giving effect to the provisions of this Act and in particular for prescribing— Power to make regulations.

- (a) the form of licences to be granted under this Act and the manner in which application is to be made for such licences;
- (b) the manner in which orders made under this Act are to be published;
- (c) the form of notice to be served by an inspector upon the occupier of any waters where the inspector has reasonable grounds for suspecting that the waters are infected waters;
- (d) the manner in which any fish, eggs of fish, foodstuff or articles seized or forfeited under this Act are to be dealt with.

10.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“fish farm” means any pond, stew, fish hatchery or other place used for keeping, with a view to their sale or to their transfer to other waters (including any other fish farm), live fish of the salmon family, live freshwater fish, live eggs of fish, or foodstuff for fish, and includes any buildings used in connection therewith, and the banks and margins of any water therein;

“fish of the salmon family” includes all fish of whatever genus or species belonging to the family Salmonidæ;

“fishery board” has the same meaning as in the Salmon and Freshwater Fisheries Act, 1923, and, in relation to any waters, means the fishery board within whose district those waters are situated; 13 & 14  
Geo. 5. c. 16.

“foodstuff for fish” means any substance used, or intended or likely to be used, as food for fish, including natural food;

“freshwater fish” does not include fish of the salmon family, or any kinds of fish which

migrate to and from tidal waters, but save as aforesaid includes any fish living in fresh water;

“infected” means in relation to fish infected with the disease known as furunculosis;

“infected waters” means waters in which the disease known as furunculosis exists among fish, or in which the causative organisms of that disease are present;

“inspector” means a person authorised by the Minister to act as an inspector under this Act, either generally or for the particular purpose in question;

“land” includes land covered with water;

“occupier” means in relation to any waters a person entitled, without the permission of any other person, to take fish from the waters;

“prescribed” means prescribed by regulations made under this Act;

“waters” means any waters (including any fish farm) which are frequented by, or used for keeping, live fish of the salmon family or live freshwater fish, live eggs of fish, or foodstuff for fish, and includes the banks and margins of any such waters and any buildings used in connection therewith.

(2) Notwithstanding anything in the foregoing definition of the expression “occupier,” where the persons entitled without the permission of any other person to take fish from any waters are so entitled only by reason of their membership of a club or association, the person having the management of the waters on behalf of the club or association shall, to the exclusion of any members of the club or association (other than himself if a member), be deemed to be the occupier of the waters; and where a person is entitled, without the permission of any other person, to take fish from any waters only by virtue of a right acquired for a period not exceeding one year, not he, but the person from whom the right was acquired, shall be deemed to be the occupier of the waters.

(3) For the purposes of this Act, the Commissioners appointed under the Tweed Fisheries Act, 1857, shall be deemed to be a fishery board, and the river as defined

by the Tweed Fisheries (Amendment) Act, 1859, and any byelaw amending that definition shall be deemed to be their district. 22 & 23 Vict.  
c. lxx.

**11.** This Act shall, in its application to Scotland, be subject to the following modifications:— Application  
to Scotland.

- (a) for references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State;
- (b) for references to a fishery board there shall be substituted references to a district board within the meaning of the Salmon Fisheries (Scotland) Acts, 1828 to 1868;
- (c) any report required by subsection (3) of section four of this Act, not being a report thereby required to be made to such a district board as aforesaid, shall be made by letter or telegram addressed to the Secretary of the Fishery Board for Scotland;
- (d) the Secretary of State may delegate to the Fishery Board for Scotland all or any of the powers exercisable by him under this Act;
- (e) any provision with regard to the recovery of expenses summarily as a civil debt shall have effect as if the word "summarily" were omitted therefrom.

**12.** Any expenses incurred by the Minister in connection with the execution of this Act, or in connection with any arrangements made by him with the consent of the Treasury for the carrying on of scientific investigation or laboratory diagnosis as to diseases affecting fish of the salmon family or freshwater fish, shall be defrayed out of moneys provided by Parliament. Expenses of  
Minister.

**13.** His Majesty may by Order in Council direct that the provisions of this Act shall apply with respect to other diseases affecting fish of the salmon family or freshwater fish, as those provisions apply with respect to furunculosis, and may modify accordingly the definitions contained in this Act of the expressions "infected" and "infected waters": Power to  
extend Act  
to diseases  
other than  
furuncou-  
losis.

Provided that, before a draft of any such Order is presented to His Majesty, a copy of the draft shall be laid before Parliament, and if either House of Parliament

within the next subsequent twenty-one days on which that House has sat after such a copy is laid before it resolves that the draft shall not be presented to His Majesty, no further proceedings shall be taken thereon.

Short title,  
commence-  
ment and  
extent.

14.—(1) This Act may be cited as the Diseases of Fish Act, 1937.

(2) This Act shall come into operation on the first day of November, nineteen hundred and thirty-seven.

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

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## CHAPTER 34.

An Act to amend the law with respect to valuations of sheep stock in Scotland. [10th June 1937.]

**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 :—

Awards as  
to value of  
sheep  
stock to  
give particu-  
lars.

1.—(1) Where in pursuance of any lease of an agricultural holding whether entered into before or after the passing of this Act the tenant is required at the termination of the tenancy to leave the stock of sheep on the holding to be taken over by the landlord or the incoming tenant at a price or valuation to be fixed by arbitration, the arbiter shall in his award, show the basis of valuation of each class of stock and state separately any amounts included in respect of acclimatisation or hefting or of any other consideration or factor for which he has made special allowance.

(2) Where an arbiter fails to comply with any requirements of the foregoing subsection, his award may be set aside by the sheriff.

Submission  
of questions  
of law for  
decision of  
sheriff.

2.—(1) In any arbitration in pursuance of a lease entered into after the passing of this Act as to the price or value of sheep stock to be taken over at the termination of the tenancy by the landlord or incoming tenant, the arbiter may, at any stage of the

proceedings and shall, if so directed by the sheriff (which direction may be given on the application of either party) submit, in the form of a stated case for the decision of the sheriff, any question of law arising in the course of the arbitration.

(2) The decision of the sheriff on any question submitted in pursuance of the foregoing subsection shall be final unless within such time, and in accordance with such conditions, as may be prescribed by Act of Sederunt, either party appeals to the Court of Session, from whose decision no appeal shall lie.

(3) Where any question is submitted in pursuance of subsection (1) of this section for the decision of the sheriff, and the arbiter is satisfied that, whatever the decision on the question may be, the sum ultimately to be found due will be not less than a particular amount, it shall be lawful for the arbiter, pending the decision of such question, to make an order directing payment to the outgoing tenant of such sum, not exceeding that amount, as the arbiter may think fit, to account of the sum that may ultimately be awarded.

3.—(1) Any question or difference as to the price or value of sheep stock required in terms of any lease (whether entered into before or after the passing of this Act) to be taken over at the termination of the tenancy by the landlord or incoming tenant, may, if both parties agree, in lieu of being determined in the manner provided in the lease, be determined by the Land Court, and the Land Court shall, on the joint application of the parties, determine such question or difference accordingly.

Determina-  
tion by  
Land Court  
of questions  
as to value  
of sheep  
stock.

(2) The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any such question or difference as aforesaid in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.

4. In this Act, unless the context otherwise requires—

Inter-  
pretation

the expression "agricultural holding" means a piece of land held by a tenant which is wholly or in part pastoral, and which is not let to the

tenant during his continuance in any office, appointment, or employment held under the landlord;

the expression "arbiter" includes an oversman and any person required to determine the value or price of sheep stock in pursuance of any provision in the lease of an agricultural holding, and the expression "arbitration" shall be construed accordingly;

the expressions "lease," "landlord," and "tenant," have the like meaning as in the Agricultural Holdings (Scotland) Act, 1923.

13 & 14  
Geo. 5. c. 10.

Short title  
and extent.

5.—(1) This Act may be cited as the Sheep Stocks Valuation (Scotland) Act, 1937.

(2) This Act shall extend to Scotland only.

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## CHAPTER 35.

An Act to make further provision as to the amount of the salaries payable in respect of certain offices; and to make consequential amendments in the enactments relating thereto.

[1st July 1937.]

**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 :—

Amend-  
ments as to  
certain  
salaries  
payable out  
of the  
Consoli-  
dated Fund.

1.—(1) The annual salaries charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof in respect of the offices specified in the first column of the First Schedule to this Act shall be increased to the amounts specified, in relation to those offices respectively, in the second column of that Schedule.

(2) The annual salaries charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof in respect of the offices

of the chairman and of the other members of the Scottish Land Court shall be of such amounts as may be determined by the Treasury.

**2.**—(1) The annual salaries payable out of moneys provided by Parliament in respect of the offices of the Commissioners of Crown Lands (other than the Minister of Agriculture and Fisheries), of the Lyon King of Arms, of the Secretary to the Registrar-General of Births, Deaths and Marriages, in Scotland, and of the Lyon Clerk, shall be of such amounts as may be determined by the Treasury. Amendments as to certain salaries payable out of moneys provided by Parliament.

(2) The annual salaries payable out of moneys provided by Parliament to the clerks attached to the judges of the Supreme Court shall be of such amounts as may be determined by the Lord Chancellor with the concurrence of the Treasury.

**3.** Any salary of which the amount is in accordance with the provisions of this Act to be determined by the Treasury, or by the Lord Chancellor with the concurrence of the Treasury shall, so long as it continues to be payable to the person to whom it was payable at the passing of this Act, be at an annual rate not less than that of the total remuneration then paid to him in respect of the office or employment for which the salary is payable. Saving for present holders of offices, &c.

**4.** The enactments specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule. Consequential amendment of enactments.

**5.**—(1) This Act may be cited as the Statutory Salaries Act, 1937. Short title and extent.

(2) It is hereby declared that this Act shall not extend to Northern Ireland except in so far as it relates to the offices of the recorder of Londonderry, of the county court judge and chairman of quarter sessions for the counties of Armagh and Fermanagh and of the county court judge and chairman of quarter sessions for the county of Down.

## SCHEDULES.

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## Section 1.

### FIRST SCHEDULE.

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#### SALARIES FIXED BY ACT.

Office.	Annual salary.
County court judge - - - - -	£2,000.
Chief of the metropolitan police magistrates - - - - -	£2,300.
Metropolitan police magistrate (other than that of the Chief of them) - - -	£2,000.
Recorder of Londonderry, county court judge and chairman of quarter sessions for the counties of Armagh and Fermanagh, and county court judge and chairman of quarter sessions for the county of Down, so long (in each case) as the office continues to be held by the person who held it at the passing of this Act.	Such amount as is equal to the total annual remuneration paid in respect of the office at the passing of this Act.

## Section 4.

### SECOND SCHEDULE.

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#### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS.

Enactments Amended.	Amendments.
The Crown Lands Act, 1829 (10 Geo. 4. c. 50).	Section eleven is hereby repealed.
The Crown Lands Act, 1832 (2 & 3 Will. 4. c. 1).	Section seven is hereby repealed.
The Registration of Births, Deaths and Marriages (Scotland) Act, 1860 (23 & 24 Vict. c. 85).	In section four the words "not exceeding five hundred pounds per annum" are hereby repealed.



## Enactments Amended.

## Amendments.

2ND SCH.  
—cont.

- The Lyon King of Arms Act, 1867 (30 & 31 Vict. c. 17). In section three the words "not exceeding six hundred pounds per annum" and in section five the words "not exceeding two hundred and fifty pounds per annum" are hereby repealed.
- The Metropolitan Police Magistrates Act, 1875 (38 & 39 Vict. c. 3). In section one for the words "eighteen hundred pounds" there shall be substituted the words "two thousand three hundred pounds" and for the words "fifteen hundred pounds" there shall be substituted the words "two thousand pounds."
- The Small Landholders (Scotland) Act, 1911 (1 & 2 Geo. 5. c. 49). In subsection (9) of section three the words "a salary not exceeding two thousand pounds a year" and the words "a salary not exceeding twelve hundred pounds a year" shall be omitted, and after the word "members" there shall be inserted the words "such salary as may be determined by the Treasury."
- The Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. 5. c. 49). In subsection (1) of section one hundred and twenty-one for the words "whose salary shall be four hundred pounds per annum" (in both places where those words occur) there shall be substituted the words "whose salary shall be of such amount as may be determined by the Lord Chancellor with the concurrence of the Treasury."
- The County Courts Act, 1934 (24 & 25 Geo. 5. c. 53). In subsection (1) of section eight for the words "one thousand five hundred pounds" there shall be substituted the words "two thousand pounds."

**CHAPTER 36.**

An Act to make provision for the payment of the travelling expenses incurred by persons in discharging their duties in connection with assessment and other committees.

[1st July 1937.]

**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 :—

Travelling expenses.

1.—(1) An assessment committee for an assessment area comprising two or more rating areas and a joint committee may defray any expenses necessarily incurred by members of the committee or of any sub-committee thereof in travelling to and from meetings of the committee or sub-committee or in travelling by the direction of the committee or sub-committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the committee.

23 & 24

Geo. 5. c. 51.

(2) Section two hundred and ninety-four of the Local Government Act, 1933, which relates to travelling expenses of members of county councils and of committees thereof, shall apply to a guardians committee and to any sub-committee thereof appointed for the discharge of functions throughout the whole area for which the guardians committee are charged with those functions.

(3) Nothing in this section shall affect any power which a local authority or a joint committee may have, apart from this section, to defray any expenses incurred by a member of the authority or joint committee.

(4) In this section the expression "joint committee" means any joint committee or joint board of which all the constituent authorities are councils of counties or county boroughs or county districts.

Short title and extent.

2.—(1) This Act may be cited as the Local Government (Members' Travelling Expenses) Act, 1937.

(2) This Act shall not extend to Scotland, Northern Ireland or London.

**CHAPTER 37.**

An Act to consolidate in their application to Scotland certain enactments relating to persons under the age of eighteen years.

[1st July 1937.]

**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.****CHILD LIFE PROTECTION.**

**1.**—(1) Where a person undertakes for reward the nursing and maintenance of a child under the age of nine years apart from his parents, or having no parents, he shall give notice in writing thereof to the local authority—

Notices  
to be given  
by persons  
receiving  
children for  
reward.

- (a) in the case of a child not already in his care, being the first child proposed to be received by him for reward in the dwelling occupied or proposed to be occupied for the purpose, not less than seven days before he receives the child;
- (b) in the case of any other child not already in his care, not less than forty-eight hours before he receives the child; and
- (c) in the case of a child already in his care without reward, within forty-eight hours after entering into the undertaking:

Provided that, in any proceedings in respect of a failure to give such notice as aforesaid, it shall be a defence for the accused person to prove that the child was received by him upon an emergency and that notice was given by him within twelve hours thereafter.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there

PART I.  
—*cont.*

is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) The notice required by the preceding subsection shall state the name and sex of the child, the date and place of his birth, the name of the person undertaking his nursing and maintenance, the dwelling within which he is to be, or is being, kept and the name of the person from whom he is to be, or was, received.

(3) Any reference in the following provisions of this Part of this Act to a child in respect of whom such a notice as aforesaid is required to be given shall be construed as including a reference to a child under the age of nine years in respect of whom such a notice has been given and who is still living apart from his parents, if any, with the person by whom the notice was given.

(4) If a person who is maintaining a child in respect of whom notice is required to be given under this Part of this Act changes his residence, he shall at least seven days before so doing give to the local authority notice in writing of the change, and, where the residence to which he moves is situate in the area of another local authority, he shall at least seven days before so moving give to that local authority the like notice as respects each child in his care as is by this section required to be given on the first reception of a child:

Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

(5) If any such child dies or is removed from the care of the person who has undertaken his nursing and maintenance, that person shall, within twenty-four hours thereof, give to the local authority and to the person from whom the child was received notice in writing of the death or removal, and in a case of removal the notice shall also state the name and address of the person to whose care the child has been transferred.

(6) If any person required to give a notice under this section fails to give the notice before the latest time specified for giving the notice, he shall be guilty of an

offence under this Part of this Act, and, if the consideration for the nursing and maintenance of the child in respect of which notice ought to have been given consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part of this Act, be liable to forfeit that sum or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the child in such manner as the court may direct.

PART I.  
—cont.

For the purposes of any enactment by which the time for taking proceedings is limited, an offence under this subsection shall be deemed to continue so long as the child in respect of whom a notice ought to have been given remains in the care of the offender without any notice having been given.

(7) Any reference in this Part of this Act to a notice required to be given thereunder or by or under any provision thereof shall be construed as including a reference to a notice required to be given under any enactment relating to infant life protection repealed by this Act, and any person who at the commencement of this Act is nursing and maintaining for reward a child in respect of whom a notice required to be given under any such enactment so repealed has not been given before the latest time specified for giving such notice shall be deemed to be guilty of an offence under the last foregoing subsection.

2.—(1) It shall be the duty of every local authority to provide for the execution of this Part of this Act within their area, and for that purpose they shall from time to time make inquiry whether there are any persons residing therein who undertake the nursing and maintenance of children in respect of whom notice is required to be given under this Part of this Act.

Appoint-  
ment and  
powers of  
inspectors,  
&c.

(2) If in the area of any local authority any persons are found to undertake the nursing and maintenance of such children as aforesaid, the local authority shall appoint one or more persons to be child protection visitors, whose duty it shall be from time to time to visit any children in respect of whom notice is required to be given under this Part of this Act, and the premises in which they are kept, in order to satisfy themselves as

PART I.  
—cont.

to the health and well-being of the children or to give any necessary advice or directions as to the care of their health and their maintenance :

Provided that the local authority may, either in addition to or in lieu of appointing child protection visitors, authorise in writing one or more suitable persons to exercise the powers of such visitors, subject to such terms and conditions as may be stated in the authorisation, and, where any children have been placed out to nurse in the area of the authority by any philanthropic society, may, if satisfied that the interests of the children are properly safeguarded, so authorise the society to exercise those powers as respects those children, subject, however, to the obligation to furnish periodical reports to the local authority.

Where a local authority appoint or authorise one person only to act under this subsection, that person and, where they so appoint or authorise two or more persons, one at least of those persons, shall be a woman.

(3) A local authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their area which appear to them to be so conducted that it is unnecessary that they should be visited.

(4) If any person undertaking the nursing and maintenance of any such children as aforesaid refuses to allow any such visitor or other person to visit or examine the children or the premises in which they are kept, he shall be guilty of an offence under this Part of this Act.

(5) If any such visitor or other person is refused admittance to any premises in contravention of this Part of this Act, or has reason to believe that any children under the age of nine years are being kept in premises in contravention of this Part of this Act, he may apply to a justice, who, on being satisfied, on information on oath, that there is reasonable ground for believing that an offence under this Part of this Act has been committed, may grant a warrant authorising the visitor or other person to enter the premises for the purpose of ascertaining whether any offence under this Part of this Act has been committed, and if the occupier of the premises or any other person obstructs or causes or procures to be obstructed any visitor or other person

acting in pursuance of such a warrant, he shall be guilty of an offence under this Part of this Act. PART I.  
—cont.

- 3.** A child in respect of whom notice is required to be given under this Part of this Act, shall not, without the written sanction of the local authority, be kept—
- (a) by any person from whose care any child has been removed under this Part of this Act, or Part I of the Children Act, 1908, or the Infant Life Protection Act, 1897; or Persons prohibited from receiving children for reward.  
8 Edw. 7. c. 67.  
60 & 61 Vict. c. 57.
  - (b) in any premises from which any child has been removed under this Part of this Act, or Part I of the Children Act, 1908, by reason of the premises being dangerous or insanitary, or has been removed under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger his health; or
  - (c) by any person who has been convicted of any offence under sections twelve, thirteen, fourteen, fifteen, or twenty-two of this Act or under Part II of the Children Act, 1908, or of any offence of cruelty under the Prevention of Cruelty to Children Act, 1904; 4 Edw. 7. c. 15.

and any person keeping a child contrary to this section, or causing a child to be so kept, shall be guilty of an offence under this Part of this Act.

**4.** The local authority may fix the maximum number of children under the age of nine years who may be kept in any dwelling in which there is any child in respect of whom notice is required to be given under this Part of this Act and may also impose conditions to be complied with so long as the number of children kept in the dwelling exceeds a specified number. Powers of local authority to prevent overcrowding.

If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps in that dwelling a child with respect to whom such a notice is required to be given as aforesaid, shall be guilty of an offence under this Part of this Act.

**5.—(1)** If a child in respect of whom notice is required to be given under this Part of this Act is about to be received or is being kept— Removal of children kept in unsuitable premises, or by

- (a) in any premises which are overcrowded, insanitary or dangerous; or

PART I.  
—*cont.*  
unsuitable  
persons.

- (b) by any person who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of him; or
- (c) in any premises or by any person in contravention of any of the provisions of this Part of this Act; or
- (d) in an environment which is detrimental to the child;

the sheriff may, on the application of the local authority, make an order directing the removal of the child to a place of safety until he can be restored to his relatives, or until other arrangements can be made with respect to him; and, upon proof that there is imminent danger to the health or well-being of the child concerned, a justice may exercise the like power on the application of a visitor or other person appointed or authorised to execute the provisions of this Part of this Act, and, if need be, may exercise that power *ex parte*.

(2) An order made under the foregoing subsection may be enforced by a constable, or by a visitor or other person appointed or authorised as aforesaid; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence under this Part of this Act.

Notice to  
procurator  
fiscal.

6.—(1) In the case of the death of a child in respect of whom notice is required to be given under this Part of this Act, the person who had the care of the child shall, within twenty-four hours of the death, give notice in writing thereof to the procurator fiscal of the district within which the body of the child lies, and the procurator fiscal shall hold an inquiry into the cause of death, unless there is produced to him a certificate under the hand of a duly qualified medical practitioner certifying that that practitioner has personally attended the child during his last illness, and specifying the cause of death, and the procurator fiscal is satisfied that there is no ground for holding an inquiry.

(2) If any person required to give a notice under this section fails to give the notice within the time specified



for the purpose, he shall be guilty of an offence under this Part of this Act.

PART I.  
—cont.

7. A person who keeps a child in respect of whom notice is required to be given under this Part of this Act shall be deemed to have no interest in the life of the child for the purposes of the Life Assurance Act, 1774, and, if any such person directly or indirectly insures or attempts to insure the life of such a child, he shall be guilty of an offence under this Part of this Act, and, if any company, society, or person knowingly issues, or procures or attempts to procure to be issued, to or for the benefit of such a person as aforesaid or to any person on his behalf, a policy on the life of such a child, the company, society, or person shall be guilty of an offence under this Part of this Act.

Avoidance  
of policies  
of life  
insurance  
of children  
kept for  
reward.  
14 Geo. 3.  
c. 48.

8.—(1) If any person required to give a notice under this Part of this Act knowingly or wilfully makes, or causes or procures any other person to make, any false or misleading statement in any such notice, he shall be guilty of an offence under this Part of this Act.

Provisions  
as to  
notices.

(2) Any notice by this Part of this Act required to be given to a local authority may be sent by post in a registered letter addressed to them or their clerk at their offices or to some other officer of the local authority, duly authorised in that behalf: any notice so required to be given to a procurator fiscal may be sent by post in a registered letter addressed to him at his office or at his residence, and any notice so required to be given to any other person may be sent by post in a registered letter addressed to him at his last known place of abode or permanent address.

9.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of a child under the age of nine years shall be published unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

Prohibition  
of anony-  
mous adver-  
tisements  
offering to  
undertake  
care of  
children.

(2) Every person who knowingly publishes any advertisement in contravention of the provisions of this section shall be guilty of an offence under this Part of this Act.

PART I.  
—*cont.*  
Prosecution  
of offences.

10. Every person guilty of an offence under this Part of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds, and the court may order any child in respect of whom the offence was committed to be removed to a place of safety.

Exemp-  
tions.

11.—(1) The foregoing provisions of this Part of this Act shall not extend to any relative or legal guardian of a child who undertakes the nursing and maintenance of the child, or to any person who undertakes the nursing or maintenance of a child under the provisions of any Act for the relief of the poor; or to any hospital, convalescent home, or institution—

- (a) which is maintained by a Government department, local authority, or any other authority or body constituted by special Act of Parliament or Royal Charter; or
- (b) to which a certificate of exemption from the said provisions has been granted by the local authority; or
- (c) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of the Part of this Act relating to voluntary homes; or
- (d) which is an institution or house certified by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913, and in which no children or young persons who are not mental defectives within the meaning of that Act are received;

3 & 4 Geo. 5.  
c. 38.

nor shall the said provisions apply in relation to any mental defective who is under guardianship in pursuance of an order under the Mental Deficiency and Lunacy (Scotland) Act, 1913.

(2) For the purposes of this section, the expression “relatives” means grandparents, brothers, sisters, uncles, and aunts, by consanguinity or affinity, and in the case of illegitimate children the persons who would be so related if the child were legitimate.

## PART II.

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL  
AND PHYSICAL DANGER.*Offences.*

12.—(1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence, and shall be liable—

Cruelty to  
persons  
under  
sixteen.

- (a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;
  - (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—

- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Acts relating to the relief of the poor;
- (b) where it is proved that the death of a child under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the

PART II.  
--cont.

throat or air passages of the child) while the child was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the child in a manner likely to cause injury to his health.

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.

(4) Where any person who has attained the age of sixteen years is tried on indictment for the culpable homicide of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that that sum of money was accruing or becoming payable, then—

- (a) in the case of a conviction on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of inflicting any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and
- (b) in the case of a summary conviction, the court in determining the sentence to be pronounced shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing subsection—

PART II.  
—*cont.*

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and
- (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

**13.**—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for any term not exceeding two years, or on summary conviction to imprisonment for any term not exceeding three months.

Causing,  
encouraging  
or favouring  
seduction or  
prostitution  
of girl under  
sixteen.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) The foregoing provisions of this section shall apply to a contravention of section four of the Criminal Law Amendment Act, 1922, in like manner as they apply

12 & 13  
Geo. 5. c. 56.

PART II.  
—cont.

to an indecent assault, and any reference to the commission of such an assault or to being indecently assaulted shall be construed accordingly.

Allowing  
persons  
under  
sixteen to be  
in brothels.

14.—(1) If any person having the custody, charge, or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of an offence and shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

48 & 49 Vict.  
c. 69.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Causing or  
allowing  
persons  
under six-  
teen to be  
used for  
begging.

15.—(1) If any person causes or procures any child or young person under the age of sixteen years or, having the custody, charge, or care of such a child or young person, allows him, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months.

(2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place

has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

PART II.  
—*cont.*

**16.** If any person gives, or causes to be given, to any child under the age of five years any exciseable liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Giving exciseable liquor to children under five.

**17.—(1)** The holder of the certificate of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises during the permitted hours.

Causing or allowing children to be in bars of licensed premises.

(2) If the holder of a certificate acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the certificate shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child being admitted to the bar or that the child had apparently attained the age of fourteen years.

(4) Nothing in this section shall apply in the case of any child who is—

- (a) a child of the certificate holder ; or
- (b) resident but not employed in the licensed premises ; or
- (c) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which there is no other convenient means of access or egress and not being itself a bar ; or

PART II.  
—cont.

(d) in any railway refreshment rooms or other premises constructed, fitted and intended to be used in good faith for any purpose to which the holding of a certificate is merely auxiliary.

Sale of  
tobacco, &c.  
to persons  
under  
sixteen.

18.—(1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds :

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) If on application to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court may order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.



(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

19. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872.

Taking pawns  
from persons  
under  
fourteen.

35 & 36 Vict.  
c. 93.

20.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

Purchase of  
old metals  
from  
persons  
under  
sixteen.  
34 & 35 Vict.  
c. 112.  
57 & 58 Vict.  
c. 60.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

21.—(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years, he shall, unless he proves that the child is totally exempted from school attendance or that the child is not, by being so taken with him, prevented from receiving efficient education, be liable on summary conviction to a fine not exceeding with expenses twenty shillings.

Punishment  
of vagrants  
preventing  
children  
from  
receiving  
education.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him

PART II.  
—*cont.*

without a warrant, and may take the child to a place of safety in accordance with the provisions of this Act.

(3) Without prejudice to the requirements of the Education (Scotland) Acts, 1872 to 1936, as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public school during the months of October to March immediately preceding.

Exposing  
children  
under seven  
to risk of  
burning.

22. If any person who has attained the age of sixteen years, having the custody, charge, or care of any child under the age of seven years, allows the child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds :

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

Failing to  
provide for  
safety of  
children at  
entertain-  
ments.

23.—(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose

of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

PART II.  
—cont.

(3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence, fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.

9 Edw. 7.  
c. 30.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) It shall be the duty of the council of any county or burgh to institute proceedings for any contravention of this section in a building within such county or burgh.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

*Special Provisions as to Prosecutions for Offences  
specified in First Schedule.*

24.—(1) Any constable may take into custody, without warrant—

Power to  
take  
offenders  
into  
custody.

(a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and address;

(b) any person who has committed, or whom he has reason to believe to have committed, any of

PART II.  
—cont.

the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and address or has reasonable ground for believing that he will abscond.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which the person is brought, shall, unless in his belief the release of the person would tend to defeat the ends of justice; or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into an obligation to attend at the hearing of the charge or on his finding bail for such amount as may in the judgment of the officer of police be required to secure his attendance.

Mode of  
charging  
offences and  
limitation  
of time.

**25.**—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same complaint or indictment may charge the offence in respect of all or any of them, but the person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate complaints.

(2) The same complaint or indictment may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the proceedings against him in respect of the offence were commenced; but, subject as aforesaid,

evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

PART II.  
—*cont.*

(4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the complaint or indictment the date of the acts constituting the offence.

**26.** As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if the Schedule to that Act included references to the enactment under which the proceedings are taken.

Evidence of  
husband or  
wife of  
accused  
person.  
61 & 62 Vict.  
c. 36.

*Supplemental.*

**27.** For the purposes of this Part of this Act—

Interpre-  
tation of  
Part II.

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person;

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

PART III.

EMPLOYMENT.

*General Provisions as to Employment.*

**28.**—(1) Subject to the provisions of this section and of any byelaws made thereunder, no child shall be employed—

Restrictions  
on employ-  
ment of  
children.

(a) so long as he is under the age of twelve years; or

PART III.  
—cont.

- (b) before the close of school hours on any day on which he is under obligation to attend school; or
- (c) before six o'clock in the morning on any day or after seven o'clock in the evening on any day during the period from the first day of October to the thirty-first day of March, or after eight o'clock in the evening on any day during the period from the first day of April to the thirtieth day of September; or
- (d) for more than two hours on any day on which he is under obligation to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.

(2) An education authority may make byelaws with respect to the employment of children, and any such byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

## (a) authorising—

(i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work;

(ii) the employment of children (notwithstanding anything in paragraph (b) of the last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are under obligation to attend school;

## (b) prohibiting absolutely the employment of children in any specified occupation;

## (c) prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

PART III.  
—cont.

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment;

so, however, that no such byelaws shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such byelaws shall have effect in addition to the said restrictions.

(3) Nothing in any byelaw made under this section shall prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under the provisions of this Part of this Act.

29.—(1) Subject to the provisions of this section, an education authority may make byelaws with respect to the employment of persons under the age of eighteen years other than children, and any such byelaws may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

Power of education authority to make byelaws with respect to employment of persons under eighteen other than children.

(a) the number of hours in each day or in each week for which, and the time of day at which, they may be employed;

(b) the intervals to be allowed to them for meals and rest;

(c) the holidays or half-holidays to be allowed to them;

(d) any other conditions to be observed in relation to their employment.

PART III.  
—cont.

(2) Nothing in this section shall empower an education authority to make byelaws with respect to—

- (a) employment in or about the delivery, collection, or transport of goods, except in the capacity of van boy, errand boy, or messenger;
- (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger;
- (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger;
- (d) employment in agriculture;
- (e) employment in domestic service, except as non-resident daily servant;
- (f) employment in any ship or boat registered in the United Kingdom as a British ship or in any British fishing boat entered in the fishing boat register.

(3) This section shall not come into operation until such date as may be appointed by an order of the Secretary of State, and the Secretary of State shall not make such an order until a draft thereof has been laid before both Houses of Parliament and has been approved by resolutions passed in the same session of Parliament by both Houses.

Street  
trading.

**30.**—(1) No person under the age of seventeen years shall engage or be employed in street trading:

Provided that byelaws made under this section may permit young persons who have not attained the age of seventeen years to be employed by their parents in street trading.

(2) An education authority may make byelaws regulating or prohibiting street trading by persons under the age of eighteen years, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

- (a) forbidding any such person to engage or be employed in street trading unless he holds a



licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked;

PART III.  
—cont.

- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;
- (c) requiring such persons so engaged or employed to wear badges;
- (d) regulating in any other respect the conduct of such persons while so engaged or employed.

**31.**—(1) If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds:

Penalties and legal proceedings in respect of general provisions as to employment.

Provided that, if proceedings are brought against the employer, the employer, upon complaint duly laid by him and on giving to the prosecutor not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection—

- (a) the prosecutor shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and

PART III.  
—cont.

(b) the court may make such order as it thinks fit for the payment of expenses by any party to the proceedings to any other party thereto.

(3) A person under the age of eighteen years, who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

*Entertainments and Performances.*

Restrictions  
on children  
taking part  
in enter-  
tainments.

**32.**—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, a licence under this section shall not be necessary for a child to take part in an entertainment if—

- (a) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made; and
- (b) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters :

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any exciseable liquor unless either—

- (i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or

- (ii) special authority for the child to take part in the entertainment has been granted in writing under the hands of two justices of the peace. PART III.  
—cont.

(3) Subject to such restrictions and conditions as may be prescribed by rules made by the Scottish Education Department, and without prejudice to the provisions of this Part of this Act with respect to employment, an education authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

Provided that—

- (a) no licence shall be granted unless the education authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and
- (b) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the education authority within whose area the entertainment is to take place particulars of the licence and such other information as the Scottish Education Department may by rules prescribe and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(5) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any education authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Scottish Education Department, any such licence may at the request of the holder of the licence be varied or extended by any such education authority as aforesaid.

(6) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of an education

S

PART III.  
—*cont.*

authority, he may appeal to the Scottish Education Department, who may thereupon exercise any of the powers conferred on an education authority by this section.

Prohibition  
of persons  
under six-  
teen taking  
part in per-  
formances  
endangering  
life or limb.

**33.** No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or, being his parent or guardian, allows him, to take part in such a performance, shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds.

Restrictions  
on training  
for perform-  
ances of a  
dangerous  
nature.

**34.**—(1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) An education authority may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief constable for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that officer may appear, or instruct some person to appear, before the authority and show cause why the licence should not be granted, and no licence shall be granted unless the authority are satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the authority, necessary for his protection, but a licence shall not be refused if the authority are satisfied that the

person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

PART III.  
—cont.

(5) A licence under this section may, on cause being shown by any person, be revoked by the education authority which granted it.

*Supplemental.*

**35.**—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the education authority have published it in such manner as the Secretary of State directs. Byelaws.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local inquiry to be held, and where such an inquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the inquiry shall be paid by the education authority.

(3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health (Scotland) Act, 1897, by a local authority may be proved, and section one hundred and eighty-seven of that Act shall apply accordingly. 60 & 61 Vict.  
c. 38.

**36.**—(1) If it is made to appear to a justice by the education authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act or of a byelaw made thereunder are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the education authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make inquiries therein with respect to that person. Powers of  
entry.

PART III.  
—*cont.*

(2) Any authorised officer of the education authority or any constable may at any time during the currency of a licence granted under this Part of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make inquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any inquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Interpreta-  
tion of  
Part III.

**37.** For the purposes of the foregoing provisions of this Part of this Act and of any byelaws made thereunder—

- (a) The expression “child” shall, as from the first day of September, nineteen hundred and thirty-nine, mean instead of a person under fourteen years of age, a person under fifteen years of age;
- (b) The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;
- (c) The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;
- (d) A child under obligation to attend school shall be deemed to attain the age of fourteen or fifteen on the date prescribed for terminating school attendance next succeeding the fourteenth or fifteenth anniversary of his birth, as the case may be;
- (e) A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour; and
- (f) A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed.

**38.**—(1) The provisions of this Part of this Act imposing restrictions on employment or on the taking part by children in entertainments, and the provisions of any byelaws made thereunder shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

PART III.  
—cont.  
Savings.

(2) The said provisions shall not affect the provisions of the Education (Scotland) Acts, 1872 to 1936, with respect to attendance at school or continuation classes.

(3) The said provisions shall not apply to a person detained in an approved school.

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

(5) The said provisions shall, in their application to a person born on or before the first day of September, nineteen hundred and twenty-five, have effect as if paragraph (a) of the last foregoing section were omitted.

(6) Sections twenty-eight and thirty-two of this Act shall not apply to a child in respect of whom an employment certificate granted under section two of the Education (Scotland) Act, 1936, is in force.

26 Geo. 5. &  
1 Edw. 8.  
c. 42.

(7) The provisions of paragraph (c) of subsection (1) of section twenty-eight of this Act as to the hour after which a child may not be employed shall not apply to employment in entertainments, in accordance with a licence granted under section thirty-two of this Act, of a child who has attained the age of fourteen years.

#### PART IV.

##### PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL PROCEEDINGS.

###### *General Provisions as to Preliminary Proceedings.*

**39.** Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal

Separation  
of children  
and young  
persons  
from adults

PART IV.  
—*cont.*  
in police  
station,  
courts, &c.

court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that a girl (being a child or young person) shall, while so detained, being conveyed, or waiting, be under the care of a woman.

Liberation  
or detention  
of children  
and young  
persons  
arrested.

**40.**—(1) Where a person apparently under the age of seventeen years is apprehended, with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, shall inquire into the case, and may liberate him on an obligation that he will attend at the hearing of the charge being entered into by him or his parent or guardian or on bail being found by him or his parent or guardian, for such an amount as will, in the opinion of the officer, secure his attendance at the hearing of the charge, and shall so liberate him unless—

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer has reason to believe that his liberation would defeat the ends of justice.

(2) Where a person apparently under the age of seventeen years having been apprehended is not so liberated as aforesaid, the officer of police shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless the officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him;

and the certificate shall be produced to the court before which he is brought.

Committal  
to custody  
in remand  
home.

**41.**—(1) Any court, on remanding or committing for trial a child or young person who is not liberated on bail, shall, instead of committing him to prison, commit



him to custody in a remand home named in the commitment, to be there detained for the period for which he is remanded or until he is liberated in due course of law :

PART IV.  
—cont.

Provided that, in the case of a young person, it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to prison.

**42.**—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance  
at court of  
parent of  
child or  
young  
person  
charged  
with an  
offence, &c.

(2) Where the child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section sixteen of the Summary Jurisdiction (Scotland) Act, 1908, for applying, with the necessary adaptations and modifications, such of the

8 Edw. 7.  
c. 65.

PART IV. provisions of the Summary Jurisdiction (Scotland) Acts  
—cont. as appear appropriate for the purpose.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that, if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Notice to  
probation  
officer and  
education  
authority  
of charges  
against and  
applications  
relating to  
children  
and young  
persons.

43.—(1) Where a child or young person is to be brought before a court of summary jurisdiction in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as being in need of care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court—

- (a) to the probation officer, or one of the probation officers, for the probation area in which the court will sit; and
- (b) to the education authority for the area in which the child or young person is resident, or, if it is not known where he is resident, to the education authority for the area, or for any one of the areas, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen :

Provided that no such notification need be given to an education authority where the child or young person is charged or brought before the court by an education or poor law authority.

For the purposes of this subsection, the expression “responsible person” means, in a case where the child or young person is accused of an offence, the chief

constable, and in any other case, the person bringing the child or young person before the court.

PART IV.  
—cont.

(2) An education authority who have received a notification under the last foregoing subsection, and an education or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court :

Provided that an education authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any probation area in which by direction of the probation committee arrangements have been made for such investigations to be made by a probation officer.

*General Provisions as to Proceedings in Court.*

44. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed :

Prohibition on children being present in court during the trial of other persons.

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

45.—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness :

Power to clear court while child or young person is giving evidence in certain cases.

PART IV.  
—cont.

Provided that nothing in this section shall authorise the exclusion of bonâ fide representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camerâ.

Power to prohibit publication of certain matter in newspapers.

**46.**—(1) In relation to any proceedings in any court which arise out of any offence against, or any conduct contrary to, decency or morality, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Special Procedure with regard to Offences specified  
in First Schedule.*

Warrant to search for or remove a child or young person.

**47.**—(1) If on an application to a justice by any person who, in the opinion of the justice, is acting in the interests of a child or young person, it appears to the justice on information on oath that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering, or injury to health; or

- (b) that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of the child or young person,

PART IV.  
—cont.

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court, or authorising any constable to remove him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before the sheriff, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person making the application if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any application, information or warrant under this section to name the child or young person.

48. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Power to proceed with case in absence of child or young person.

PART IV.  
—cont.*Principles to be observed by all Courts in dealing with  
Children and Young Persons.*General  
considera-  
tions.

**49.**—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

(2) A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

*Juvenile Courts.*Jurisdiction  
of juvenile  
courts.

**50.**—(1) Courts of summary jurisdiction constituted in accordance with the provisions of the next following section shall sit so often as is necessary for the following purposes, that is to say—

- (i) to hear charges against children and young persons;
- (ii) to hear proceedings under section seventy of the Education (Scotland) Act, 1872, or under section four of the Day Industrial Schools (Scotland) Act, 1893;
- (iii) to exercise any other jurisdiction conferred on juvenile courts by this or any other Act;

and such courts so constituted and sitting for any such purpose shall be known as juvenile courts and, in whatever place sitting, shall for the purposes of such charges and proceedings have the like jurisdiction as the sheriff sitting as a court of summary jurisdiction, but as regards power to award imprisonment, to impose a fine or to ordain the finding of caution and in all other respects shall be deemed to be justice of the peace courts of summary jurisdiction.

A charge made jointly against a child or young person and a person who has attained the age of seventeen years shall not, for the purposes of this section, be treated as a charge against a child or young person.

35 & 36 Vict.  
c. 62.  
56 & 57 Vict.  
c. 12.

(2) Subject as hereinafter provided no such charge or proceeding as is mentioned in the last foregoing subsection shall be heard by a court of summary jurisdiction which is not a juvenile court :

Provided that—

- (i) this subsection shall not apply where a child or young person is charged with an offence, and a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (ii) nothing in this subsection shall affect the power of the Lord Advocate to order proceedings to be taken in the High Court of Justiciary or the sheriff court on any such charge as aforesaid.

(3) A juvenile court shall have jurisdiction to make an adoption order under the Adoption of Children (Scotland) Act, 1930, if either the applicant or the child resides at the date of the application within the area for which the court acts, and the provisions of the said Act shall apply as regards the juvenile court in like manner as they apply as regards the sheriff court. 20 & 21  
Geo. 5. c. 37.

(4) (a) This section shall not apply except in any area (being a county or a part of a county) to which the Secretary of State by order under his hand directs that the section shall apply. Any such order may be varied or revoked by a subsequent order.

(b) In this subsection the expression “county” includes a county of a city, and any burgh (not being a county of a city) shall be deemed to be included in and form part of the county in which it is situated.

(5) In any place in which this section does not apply, any power or duty conferred or imposed on a juvenile court may be exercised or performed by any court of summary jurisdiction having jurisdiction in that place, and the provisions of this Act with regard to juvenile courts (other than those relating to the constitution of such courts) shall apply to any court of summary jurisdiction sitting for the purpose of hearing any such charge or proceeding as is mentioned in

PART IV. subsection (1) of this section, and as regards any such  
—*cont.* place the expression “juvenile court” shall mean a  
court of summary jurisdiction sitting for such purpose.

Constitution  
of juvenile  
courts.

**51.**—(1) Subject to the provisions of the next following subsection, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Act in every area in which section fifty of this Act applies, and no justice shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

(2) The Secretary of State, after considering any representations made to him by the justices for any such areas as aforesaid, may by order direct that there shall be only one panel for any two or more such areas and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the area for which the court is for the time being acting, as may be specified in the order.

An order under this subsection may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(3) Rules made by the Lord Chancellor shall provide—

- (a) for the formation and periodical revision of panels of justices;
- (b) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;
- (c) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

(4) Any rule purporting to be made by the Lord Chancellor under this section shall be laid before both Houses of Parliament as soon as may be after it is made, if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next Session of Parliament, and shall be judicially noticed.



**52.**—(1) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) bonâ fide representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present.

(2) The Lord Justice General may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction (Scotland) Acts as regulate procedure shall have effect subject to any rules so made.

**53.**—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

(2) Where in the course of any proceedings in any court of summary jurisdiction other than a juvenile court it appears that the person charged or to whom the proceedings relate is under the age of seventeen years, nothing in the foregoing provisions of this Part of this Act shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(3) Where the court before which any person is bound by his bond under the Probation of Offenders Act, 1907, to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his bond or of jurisdiction to vary or discharge the bond.

PART IV.  
—*cont.*  
Procedure  
in juvenile  
courts.

Miscellaneous  
provisions  
as to powers  
of juvenile  
and other  
courts.

7 Edw. 7.  
c. 17.

PART IV.  
—cont.

(4) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice at least once in every twenty-one days;
- (b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining the manner in which he should be dealt with.

(5) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court, shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

Restrictions  
on news-  
paper  
reports of  
proceedings  
in juvenile  
courts.

**54.**—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid :

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Juvenile Offenders.*PART IV.  
—cont.

**55.** It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

Age of criminal responsibility.

**56.**—(1) A child shall not be ordered to be imprisoned or be sent to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages, or expenses.

Restrictions on punishment of children and young persons.

(2) A young person shall not be sent to penal servitude for any offence.

(3) A young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, damages, or expenses, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or that he is of so depraved a character that he is not a fit person to be so detained.

**57.**—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct.

Punishment of certain grave crimes.

(2) Where a child or young person is convicted on indictment of an attempt to murder, or of culpable homicide, or of wounding with intent to do grievous bodily harm, and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed, the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

T

PART IV.  
—cont.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Secretary of State on licence.

Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

Where a licence has been revoked, the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution  
of custody  
in remand  
home for  
imprison-  
ment.

**58.** Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or expenses, the court may, if it considers that none of the other methods by which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

Power to  
order parent  
to pay fine,  
&c. instead  
of child  
or young  
person.

**59.**—(1) Where a child or young person is charged with an offence for the commission of which a fine, damages, or expenses may be imposed or awarded, if the court is of opinion that the case would be best met by the imposition or award of a fine, damages, or expenses, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or expenses imposed or awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

PART IV.  
—cont.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian may be recovered from him by civil diligence or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

**60.**—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

Power of  
other courts  
to remit  
juvenile  
offenders  
to juvenile  
courts.

(2) No appeal shall lie against an order remitting a case to a juvenile court under this section, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his liberation on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

**61.**—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in

Power to  
send  
juvenile  
offenders

PART IV. addition to any other powers exercisable by virtue of  
 —*cont.* this or any other Act, have power—  
 to approved (a) to order him to be sent to an approved school;  
 schools or (b) to commit him to the care of a fit person, whether  
 to commit a relative or not, who is willing to undertake  
 them to fit the care of him.  
 persons.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

Power of Secretary of State to send certain juvenile offenders to approved schools.

**62.** The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or
- (b) a child or young person with respect to whom he is authorised to give directions under subsection (2) of section fifty-seven of this Act; or
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order :

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was undergoing detention in a Borstal institution, or was sentenced to detention under the said subsection (2), than the date on which his detention would have expired; or
- (b) in the case of a young person who has been ordered to be imprisoned and has been pardoned as aforesaid, than three years from the date as from which the order for his imprisonment began to run.

**63.**—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

PART IV.  
—cont.  
Miscellaneous provisions as to summary proceedings against juvenile offenders.

(2) Where a child or young person is himself ordered by a court of summary jurisdiction to pay expenses in addition to a fine, the amount of the expenses so ordered to be paid shall in no case exceed the amount of the fine.

(3) In addition to any other register required by law, a separate register of juvenile offenders found guilty of offences and of juvenile offenders discharged on bond or put on probation under the Probation of Offenders Act, 1907, shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to offenders of such age, and shall include such particulars, as may be directed by the Secretary of State, and it shall be the duty of the keeper of the register, within seven days after any such offender has been dealt with by the court, to transmit a copy of the entry relating to the offender to the education authority for the area in which the offender resides.

**64.**—(1) In subsection (5) of section six of the Probation of Offenders Act, 1907 (which, as it applies to Scotland, relates to the powers of the court in a case where a person bound by a bond under the said subsection has failed to observe a condition of the bond) for the words “if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school and the offender is still apparently under the age of twelve years,” there shall be substituted the words “if the case was one in which the court had power to make an order sending him to an approved school, and he is still under the age of seventeen.”

Amendment of certain Acts in relation to child or young person.  
29 & 30 Vict. c. 118.

PART IV.  
—*cont.*  
4 & 5 Geo. 5.  
c. 58.

(2) Notwithstanding anything in subsection (2) of section two of the said Act (as amended by section eight of the Criminal Justice Administration Act, 1914) it shall not be made a condition of a bond under the said Act that a child or young person shall reside in any institution which is not subject to inspection by the Secretary of State unless he is while residing in the institution to be employed, or to seek employment, outside it.

(3) Where it is made a condition of a bond under the said Act that a child or young person shall reside in any institution, the court by which the probation order is made shall forthwith give notice of the terms of the order to the Secretary of State.

(4) Where the residence of a child or young person in any institution has been made a condition of a bond under the said Act, the Secretary of State may at any time, if he considers that it is in the interests of the child or young person so to do, cause an application to be made to the court before which the child or young person is bound by his bond to appear, and thereupon that court may vary the conditions of the bond by excluding therefrom the condition as to residence, or by substituting the name of some other institution.

*Children and Young Persons in need of Care or  
Protection.*

Definition  
of "in need  
of care or  
protection."

**65.**—(1) For the purposes of this Act, a child or young person in need of care or protection means a person who comes within any of the descriptions herein-after mentioned, that is to say—

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is falling into bad associations, or exposed to moral danger, or beyond control; or
- (b) a child or young person—
  - (i) in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or



(ii) who is a member of the same household as a child or young person in respect of whom such an offence has been committed; or

PART IV.  
—*cont.*

(iii) who is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) who, being a female, is a member of the same household as a female in respect of whom an offence which constitutes the crime of incest has been committed by a member of that household,

and who, in any such case as aforesaid, requires care or protection; or

(c) a child in respect of whom an offence has been committed under section twenty-one of this Act (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the words of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger.

**66.**—(1) Any education authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of an education authority to bring before a juvenile court any child or young person residing or found in their area who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

Powers of  
juvenile  
courts in  
respect of  
children and  
young  
persons in  
need of  
care or  
protection.

PART IV.  
—cont.

(2) If a juvenile court is satisfied that any person brought before it under the last foregoing subsection is a child or young person in need of care or protection, the court may—

- (a) order him to be sent to an approved school; or
- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a bond to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(3) The Summary Jurisdiction (Scotland) Acts shall apply in relation to bonds under subsection (2) of this section as they apply in relation to bonds to be of good behaviour, and where a bond under the said subsection (2) is adjudged to be forfeited, the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression “authorised person” means any officer of a society which is authorised by general or special order of the Scottish Education Department to institute proceedings under this section, and any person who is himself so authorised.

Powers of  
other courts  
with respect  
to last  
foregoing  
section.

**67.**—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act or any offence under section twenty-one of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that

court making such order under the last foregoing section as may be proper; or

PART IV.  
—cont.

- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which the juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court, it shall be the duty of the education authority in whose area he was residing or found to bring him before such a court under subsection (1) of the last foregoing section.

#### *Refractory Children and Young Persons.*

**68.** Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

Power of  
parent or  
guardian  
to bring  
child or  
young  
person  
before  
juvenile  
court.

- (a) that it is expedient so to deal with the child or young person; and
- (b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court :

Provided that an order that the child or young person be sent to an approved school shall not be made unless the education authority within whose area he is resident agree.

**69.** Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

Power of  
poor law  
authority to  
bring child  
or young  
person be-  
fore juvenile  
court.

## PART IV.

—cont.

Supervision  
by proba-  
tion  
officers  
or other  
persons.*Supplemental.*

**70.**—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

21 & 22  
Geo. 5. c. 30.

(3) For the purposes of the provisions of the Probation of Offenders (Scotland) Act, 1931, relating to the salaries, remuneration and expenses of probation officers, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Interim  
detention of  
child or  
young  
person in  
place of  
safety.

**71.**—(1) A constable, or any person authorised by any court or by any justice, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last five foregoing sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before which any child or young person is brought is not in a position to decide

whether any and, if so, what, order ought to be made under the last five foregoing sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

PART IV.  
—cont.

An interim order under this subsection shall not remain in force for more than twenty-eight days; but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order.

**72.**—(1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

Regard to be had to religious persuasion of person sent to approved school.

(2) A court, or the Scottish Education Department, in determining the approved school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same place; and

(b) in any other case, to the Scottish Education Department,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Scottish Education Department shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this subsection shall empower a court, or impose an obligation upon the Scottish Education Department, to comply with any such request as aforesaid unless the applicant has—

(i) made his application before, or within thirty days after, the person's arrival at the school; and

PART IV.  
—*cont.*

- (ii) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Scottish Education Department that the managers thereof have accommodation available.

Coming into  
force of  
approved  
school  
orders.

**73.**—(1) An approved school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act :

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If an approved school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order :

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this subsection.

Any order made under this subsection may be made in the absence of the child or young person concerned.

Contents of  
approved  
school  
orders.

**74.**—(1) Every approved school order shall contain a declaration—

(a) as to the age ; and

(b) as to the religious persuasion

of the child or young person with respect to whom it is made.

PART IV.  
—cont.

(2) Every approved school order, other than an order made on the application of a poor law authority in their capacity as such or made by reason of the commission of an offence under section twenty-one of this Act (which relates to the punishment of vagrants preventing children from receiving education), shall name the education authority within whose area the child or young person was resident, or if that is not known, the education authority or one of the education authorities within whose area the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved school :

Provided that—

- (a) in determining for the purposes of this subsection the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by an education authority to whose care he has been committed, or in accordance with the conditions of a bond, shall be disregarded; and
- (b) in the case of a child or young person not resident in Scotland, the order shall, instead of naming an education authority, state that he was resident outside Scotland.

(3) Every approved school order which is made to take effect immediately shall—

- (a) specify the approved school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the education authority concerned, considers to be most suitable to the case; and
- (b) state whether the education or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying to his school the child or young person with respect to whom the order is made.

PART IV.  
—cont.

(4) Where an approved school order is not made to take effect immediately, then, if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, as the case may be, shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom an approved school order has been made cannot be received into the approved school specified in or endorsed upon the order, another school may be specified by an endorsement or further endorsement thereon, as the case may be.

(6) An endorsement under the foregoing provisions of this section may be made—

- (a) by the court which made the approved school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved school order made on the application of a poor law authority in their capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section twenty-one of this Act (which relates to the punishment of vagrants preventing children from receiving education) shall state that it is so made.

Duration of  
approved  
school  
orders.

**75.**—(1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and,



if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

(a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

(b) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

**76.**—(1) The court which makes, or makes any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge of the school. Conveyance of children or young persons to approved schools.

(2) The court by which an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

(3) The education or poor law authority, probation officer or police authority, stated by any approved school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the education or poor law authority, the probation committee, or police authority, as the case may be.

(4) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

PART IV.  
—*cont.*

(5) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, make an order requiring the person so named to attend at the court on such day as may be specified in the order and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

Extension  
of period of  
detention in  
approved  
schools.

**77.** If the managers of an approved school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment, they may, if in the case of a person detained by order of a court the Scottish Education Department consent, and if in any other case the Secretary of State consents, detain such person for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal institution or sentenced to detention under subsection (2) of section fifty-seven of this Act, is detained in an approved school by order of the Secretary of State.

Supervision  
and recall  
after  
expiration  
of order.

**78.**—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

- (a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years ;
- (b) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Scottish Education Department so direct, shall, by notice in writing recall to

the school any person under their supervision who is at the date of the recall under the age of nineteen years :

PART IV.  
—cont.

Provided that a person shall not be so recalled, unless in the opinion of the managers, or, as the case may be, of the Scottish Education Department, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

- (a) after the expiration of a period of three months, or of such longer period not exceeding six months as the Scottish Education Department may, after considering the circumstances of his case, direct; or
- (b) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Scottish Education Department of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Scottish Education Department that they have done so.

(5) For the purposes of this Act, a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

**79.**—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and, in selecting the person to whose care the child or young person is to be committed, the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Provisions  
as to  
making,  
duration,  
and effect  
of orders  
of com-  
mittal to fit  
persons.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

- (a) as to the age; and
- (b) as to the religious persuasion

of the child or young person with respect to whom it is made.

U

PART IV.  
—cont.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the child or young person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

Committal to local and other authorities as "fit persons."

80.—(1) The education authority shall for the purposes of the provisions of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

8 & 9 Geo. 5.  
c. 57.

(2) An order may be made under this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Act.

## PART V.

### REMAND HOMES, APPROVED SCHOOLS AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED.

#### *Remand Homes.*

Provision of remand homes by local authorities.

81.—(1) It shall be the duty of every local authority to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish or join with another local authority in establishing such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject, in the case of an institution supported wholly or partly out of public funds, to the consent of the Government department concerned, arrange with a local authority for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within the area of a local authority may be so remanded to any remand home, wherever situate, which is provided under this section for that area.

(4) Nothing in this section shall be construed as requiring a local authority to provide additional remand homes for their area so long as any places of detention provided under the Children Act, 1908, and available for use by the authority as remand homes remain suitable for that purpose and sufficient for the needs of the area.

**82.**—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the tenor thereof.

Provisions  
as to  
custody of  
children  
and young  
persons in  
remand  
homes.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The Secretary of State shall cause remand homes to be inspected, and may make rules as to the places to be used as remand homes, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a remand home, and for the children and young persons while so detained being visited from time to time by persons appointed in accordance with those rules.

(4) A child or young person who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from

PART V.  
—*cont.*

returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

*Approved Schools.*

Approval  
of schools.

**83.**—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Scottish Education Department to approve the school for that purpose, and the Scottish Education Department may, after making such inquiries as they think fit, approve the school for that purpose and issue a certificate of approval to the managers.

(2) If at any time the Scottish Education Department are dissatisfied with the condition or management of an approved school, or consider its continuance as an approved school unnecessary, they may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school :

Provided that the Scottish Education Department, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Scottish Education Department of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of

intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

PART V.  
—*cont.*

(5) The Scottish Education Department shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the Edinburgh Gazette.

84.—(1) An education authority may, with the approval of the Scottish Education Department, undertake, or combine with any other education authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, re-building or management of an approved school :

Provision  
of approved  
schools by  
education  
authorities.

Provided that, before giving their approval, the Scottish Education Department shall satisfy themselves that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every education authority concerned to take, either alone or in combination with other education authorities, appropriate steps under this section to remedy the deficiency.

85.—(1) The Scottish Education Department may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as they think best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

Classifica-  
tion, admin-  
istration  
and man-  
agement.

(2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

PART V.  
—cont.

- (b) the school is a school provided by an education authority which is not, or by a combination of education authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Scottish Education Department that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Second Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

Escapes  
from  
approved  
schools,  
&c.

**86.**—(1) Any person who has been ordered to be sent to an approved school and who—

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.



(2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

PART V.  
—cont.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

(a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or

(b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may make an order requiring that person to attend at the court on such day as may be specified in the order, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

**87.**—(1) Any person detained in a school under the law in force in England or Northern Ireland may, with the consent of the Scottish Education Department, be transferred by order of the competent authority in England or Northern Ireland to an approved school in Scotland designated for the purpose by the Scottish Education Department, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in England or Northern Ireland were an

Power to  
send  
children  
and young  
persons  
from  
England,  
Northern  
Ireland,  
Isle of Man  
and Channel  
Islands to

PART V.  
—cont.  
approved  
schools in  
Scotland.

approved school order made upon the same date by a juvenile court.

(2) The Scottish Education Department may at any time by order direct that a person who under the last foregoing subsection has been transferred to an approved school in Scotland from a school in England or Northern Ireland shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in England or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age to be sent to approved schools in Scotland and if by that law provision satisfactory to the Scottish Education Department is made—

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
- (b) for contributions towards the expenses of the managers of the school; and
- (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Scottish Education Department may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in England or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be transferred or sent to an approved school in Scotland, or so ordered by the Scottish Education Department to be retransferred to a school in England or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority

in England or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Scottish Education Department, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression "competent authority" means, in relation to England, the Secretary of State, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

PART V.  
—cont.

*Fit Persons.*

**88.**—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions "child" and "young person" mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

General provisions as to children and young persons committed to the care of fit persons.

(2) The Secretary of State may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed and may cause any children or young persons committed to the care of an education authority to be visited from time to time.

(3) An education authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit :

Provided that—

- (a) the power of an education authority under this subsection shall be exercised in accordance with any rules made under the last foregoing subsection as to the persons with whom and the conditions under which children and young persons committed to the care of an education authority may be so boarded out ;

PART V.  
—cont.

(b) in selecting the person with whom any child or young person is to be boarded out, the education authority shall, if possible, select a person who is of the same religious persuasion as the child or young person, or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Secretary of State may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Secretary of State in any case where it appears to him to be for the benefit of a child or young person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Secretary of State no person to whose care a child or young person has been committed shall arrange for his emigration :

Provided that the Secretary of State shall not empower such a person to arrange for the emigration of a child or young person, unless he is satisfied that the child or young person consents and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

(a) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same place ;

(b) in any case, by a juvenile court acting for the place within which the child or young person is residing.

(7) If, on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid, any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it

in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

PART V.  
—cont.

(8) Where the education authority are of opinion that any child or young person who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

89.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

Escapes  
from care of  
fit persons.

- (a) if the order committing him to the care of that person was made by a court of summary jurisdiction, before a juvenile court acting for the same place as that court; or
- (b) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by an education authority under this Act may be apprehended without warrant and brought back to that person, or to such other person as the education authority direct.

(3) Any person who knowingly—

- (a) assists or induces a child or young person to run away from a person to whose care he has been committed, or with whom he has been boarded out by an education authority, under this Act; or
- (b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

PART V.  
—cont.

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

*Provisions as to Contributions towards Expenses.*

Contribu-  
tions to be  
made by  
parents, &c.  
of children  
and young  
persons  
committed  
to the care  
of fit  
persons,  
or to  
approved  
schools.

90.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him, that is to say :—

- (a) his father or stepfather ;
- (b) his mother or stepmother ; and
- (c) any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his father or not.

(2) Where the child or young person has been committed to the care of a fit person not being an education authority, contributions under this section shall (except where a direction for payment to an education authority is given under subsection (4) of the next following section) be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of an education authority, or ordered to be sent to an approved school, the contributions shall be payable to the education authority within whose area the person liable to make the contributions is for the time being residing, and shall be paid over by the authority to the Scottish Education Department at such times and in such manner, but subject to such deductions in respect of the services rendered by the authority, as may be prescribed.

(4) Any sums received by the Scottish Education Department under the last foregoing subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

91.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last foregoing section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means thinks fit :

PART V.  
—cont.

Enforce-  
ment of  
duty of  
parent, &c.  
to make  
contribu-  
tions.

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under a decree for aliment with respect to which an order under the next following section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being an education authority, be made on the application of that person and may, if the child or young person is committed to the care of an education authority, or ordered to be sent to an approved school, be made on the application—

- (a) in the case of an order applied for at the time when the child or young person is so dealt with, of the education authority to whose care he has been committed, or who are named in the approved school order, as the case may be ;
- (b) in the case of an order applied for subsequently, of the education authority entitled to receive contributions.

(3) Where a contribution order has been made on any person to whom any pension or income capable of being arrested is payable, the court making the order may at the same time, and any court of summary jurisdiction having jurisdiction in the place where such

PART V.  
—cont.

person is for the time being resident, may subsequently at any time, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part as the court may see fit of the pension or income be paid to the person who is for the time being entitled to receive the contributions under the contribution order. Any order made under this subsection shall be an authority to the person by whom the pension or income is payable to make the payment so ordered and the receipt of the person for the time being entitled to receive the contributions shall be a good discharge to the person by whom the pension or income is payable.

(4) Where a contribution order has been made in respect of a child or young person committed to the care of a fit person, not being an education authority, the court making the contribution order may at the same time, on the application of that person, and any court of summary jurisdiction having jurisdiction in the place where the person liable in payment of the contributions is for the time being resident, may subsequently at any time, on the like application, direct that the contributions shall, in lieu of being payable to the person to whose care the child or young person has been committed, be payable to the education authority within whose area the person liable in payment of the contributions is for the time being resident, and any sums received by that authority in pursuance of such direction shall be paid over to the person to whose care the child or young person has been committed and shall be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(5) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school :

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.



(6) A contribution order may be revoked or varied by any court of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing and shall be enforceable in like manner as a decree for aliment.

PART V.  
—*cont.*

(7) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding two pounds.

**92.**—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and a decree for aliment in respect of him is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the father is for the time being residing may subsequently at any time, order the payments under the decree for aliment to be paid to the person who is from time to time entitled under either of the last two foregoing sections of this Act to receive contributions in respect of the child or young person.

Provision  
as to  
decrees for  
aliment.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to a decree for aliment is in force—

- (a) any sums received under the decree for aliment shall be applied in like manner as if they were contributions received under a contribution order;
- (b) if the father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding two pounds.

(3) The making of an order under this section with respect to a decree for aliment shall not, where the father

PART V.  
—*cont.*

was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the last two foregoing sections to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the decree for aliment to the person entitled to receive contributions.

Miscel-  
laneous  
provisions  
as to con-  
tribution  
orders.

**93.**—(1) The Secretary of State, in the case of a child or young person committed to the care of a fit person not being an education authority, and the Scottish Education Department, in the case of a child or young person committed to the care of an education authority or ordered to be sent to an approved school, may in their discretion remit the whole or any part of any payment ordered under either of the last two foregoing sections to be made to a person entitled to receive contributions in respect of such child or young person.

(2) Where, by virtue of an order made under either of the two last foregoing sections, any sum is payable to an education authority, the education authority in whose area the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that area.

(3) In any proceedings under either of the two last foregoing sections, a certificate purporting to be signed by the clerk to an education authority for the time being entitled to receive contributions, or by some other officer of the authority duly authorised in that behalf, and stating that any sum due to the authority under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last foregoing sections shall apply in relation to an approved school order made on the application of a poor law authority in their capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any right of such authority to recover from any person liable to maintain the child or young

person sums expended by the authority in alimentering him and for the purpose of any such right the child or young person shall, while under the care of the managers of an approved school, be deemed to be still in receipt of relief.

PART V.  
—cont.

**94.**—(1) Subject to the provisions of this section, the education authority named in an approved school order as being the authority within whose area the person to whom the order relates was resident, or within whose area the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

Contributions by education authorities in respect of persons sent to approved schools.

(2) A court by which an approved school order is made shall cause a copy thereof to be served forthwith on the education authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the area of some other education authority or was resident outside Scotland, they may, by notice in writing given at any time within three months after the service upon them of the order, appeal to the sheriff having jurisdiction in the place where the court making the approved school order sat, and if, upon the hearing of the appeal, the sheriff is satisfied that the person to whom the order relates was resident in the area of that other education authority, or was resident outside Scotland, he may by order vary the approved school order by substituting therein the name of that other authority or, as the case may be, a statement that the said person was resident outside Scotland.

Notice of any appeal under this subsection shall be given to the other education authority concerned, if any, and to the sheriff clerk, and the sheriff clerk shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) An order made under this section shall have effect retrospectively as from the making of the approved

PART V.  
—*cont.*

school order, and all necessary payments by way of adjustment shall be made accordingly.

(4) The foregoing provisions of this section shall not apply in relation to an approved school order which—

(a) is made on the application of a poor law authority in their capacity as such; or

(b) is made by reason of the commission of an offence under section twenty-one of this Act (which relates to the punishment of vagrants preventing children from receiving education); or

(c) relates to a child or young person stated in the order to have been resident outside Scotland,

but in the first mentioned case the poor law authority on whose application the order is made shall throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

(i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;

(ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Scottish Education Department may determine to be reasonable, regard being had to the average expenses of the managers (including establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

(5) In determining for the purposes of this section the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by an education authority to whose care he has been committed, or in accordance with the conditions of a bond, shall be disregarded.

Variation of trusts for maintenance of child or young person.

**95.** Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court

may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

PART V.  
—*cont.*

## PART VI.

### HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

**96.** In this Part of this Act the expression “voluntary home” means any home or other institution for the boarding, care, and maintenance of poor children or young persons, being a home or other institution supported wholly or partly by voluntary contributions, but does not include any institution or house certified by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913, unless children or young persons who are not mental defectives within the meaning of that Act are received therein.

Definition of  
voluntary  
homes.

**97.**—(1) It shall be the duty of the person in charge of a voluntary home to send to the Secretary of State, in accordance with the next succeeding subsection, the prescribed particulars with respect to the home.

Notification  
of particu-  
lars with  
respect to  
voluntary  
homes.

(2) (a) In the case of a home established after, or within three months before, the commencement of this Act, the prescribed particulars shall be sent within three months after the establishment of the home and shall also be sent before such date in each subsequent year as may be prescribed; and

(b) in the case of any other home, the prescribed particulars shall be sent before such date in each year as may be prescribed:

Provided that nothing in this section shall require particulars with respect to a home to be sent to the Secretary of State in any year in which particulars with respect to that home have been sent to him in pursuance of section forty of the Children and Young Persons (Scotland) Act, 1932.

22 & 23  
Geo. 5. c. 47.

(3) If default is made in sending the prescribed particulars with respect to any voluntary home in

PART VI.  
—cont.

accordance with the requirements of this section, the person in charge of the home shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the default continues after conviction.

(4) A person who has been convicted under section forty of the Children and Young Persons (Scotland) Act, 1932, shall be liable to the like penalty in respect of each day during which the default continues, as if he had been convicted under this section.

Inspection  
of voluntary  
homes.

**98.**—(1) The Secretary of State may cause any voluntary home to be inspected from time to time, unless the home is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

(2) The Secretary of State may, with the consent of any local authority, appoint officers of that authority to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any voluntary home shall have power to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children and young persons therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty-seven of this Act (which relates to search warrants), be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

Control over  
voluntary  
homes.

**99.**—(1) If the Secretary of State is satisfied that the management of any voluntary home, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the home such general or special directions with

respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the home.

PART VI.  
—*cont.*

A direction under this subsection—

- (a) may be served on the persons responsible for the management of a home by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the home ;
- (b) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the home is situate may, on the application of any person appointed for the purpose by the Secretary of State, make an order on the person in charge of the home and on such other persons as the court may think fit, requiring him or them to appear before the court on such day as may be specified in the order, and the court may on that day, if it thinks fit, make an order for the removal of all children and young persons from the home :

Provided that—

- (a) such an order shall not be made unless the court is satisfied that the welfare of some of the children or young persons is endangered ;
- (b) the court may, if it thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from a voluntary home shall operate as an authority to any person named in the order, and to any constable, to enter the home and to remove the children and young persons therein to a place of safety ; and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from a voluntary

PART VI.  
—*cont.*

home, the home shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly permits it to be so used shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which such use continues after conviction.

## PART VII.

### MISCELLANEOUS AND GENERAL.

Reception  
and main-  
tenance of  
children and  
young  
persons in  
poorhouses.

**100.** Poor law authorities shall provide for the reception of children and young persons brought to a poorhouse in pursuance of this Act, and, where the place to which under this Act a child or young person is authorised to be taken is a poorhouse, the person in charge thereof shall receive the child or young person into the poorhouse if there is suitable accommodation therein.

Powers,  
duties and  
expenses of  
local autho-  
rities, &c.

**101.**—(1) Expenses incurred by a local authority under Part I of this Act shall be defrayed in like manner as expenditure for the relief of the poor.

(2) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under the Education (Scotland) Acts, 1872 to 1936, and expenses incurred under this Act by a poor law authority or by a local authority in their capacity as poor law authority shall be defrayed in like manner as expenditure for the relief of the poor :

Provided that expenses incurred in respect of a child or young person brought to a poorhouse under this Act shall form part of the establishment charges of the poorhouse.

(3) Expenses incurred under this Act by a police authority shall be defrayed in like manner as expenditure for administration of the police, provided that in any burgh where such expenditure was under the law existing at the passing of the Children Act, 1908, payable in whole or in part out of the burgh general assessment expenses incurred under this Act by the police authority of such



burgh or any contribution to such expenses payable by the burgh by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the town council may determine.

PART VII.  
—*cont.*  
19 & 20  
Geo. 5. c. 25.

(4) Expenses incurred under this Act by a local authority (other than any expenses referred to in either of the last two foregoing subsections), and any contribution to such expenses payable by a town council by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

(5) A local authority or an education authority shall have power to borrow for the purposes of any powers or duties conferred or imposed on them by this Act, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and, in the case of an education authority, of section forty-five of the Education (Scotland) Act, 1872, as amended by any subsequent enactment shall apply to the power hereby conferred.

35 & 36 Vict.  
c. 62.

(6) A local authority or an education authority shall for the purposes of any powers or duties conferred or imposed on them by this Act have power to acquire, dispose of or otherwise deal with land in like manner as a local authority under the Housing (Scotland) Act, 1925, for the purposes of that Act, and sections fifty and fifty-one of, and the Third Schedule to, the said Act shall apply accordingly with the substitution of the Secretary of State or the Scottish Education Department, as the case may be, for the Board referred to in the said enactments or in any enactment applied by them.

15 & 16  
Geo. 5. c. 15.

(7) A local authority, an education authority, a poor law authority or a committee to whom any powers of any such authority under this Act have been delegated, may by resolution empower the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

PART VII.  
—*cont.*

(8) A local authority may, with the approval of the Department of Health for Scotland (and so long as that approval is not withdrawn), subscribe to the funds of an association or society for the prevention of cruelty to children.

Institution  
of proceed-  
ings by local  
or poor law  
authorities.

**102.**—(1) A local authority or a poor law authority may institute proceedings for any offence under sections twelve, thirteen, fourteen, fifteen or twenty-two of this Act.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under this Act.

*Supplementary Provisions as to Legal Proceedings.*

Presump-  
tion and  
determina-  
tion of age.

**103.**—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.

(2) Where in any complaint or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified

age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

PART VII.  
—cont.

(3) Where, in any complaint or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person was actually of or over that age.

**104.** In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Evidence of  
wages of  
defendant.

**105.—(1)** Subject to the provisions of this Act, all orders of a court of summary jurisdiction under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary Jurisdiction (Scotland) Acts, and the power of making rules under section sixteen of the Summary Jurisdiction (Scotland) Act, 1908, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

Summary  
jurisdiction.

8 Edw. 7.  
c. 65.

(2) Any magistrate who, by virtue of a local Act had jurisdiction before the first day of April nineteen hundred and nine for any of the purposes of the Prevention of Cruelty to Children Act, 1904, shall have jurisdiction for the like purposes of Part II of this Act.

PART VII.  
—*cont.**Supplementary Provisions as to Secretary of State.*Powers of  
Secretary of  
State and  
Scottish  
Education  
and Health  
Depart-  
ments  
to appoint  
inspectors,  
&c.

**106.**—(1) The Secretary of State and the Scottish Education Department may, for the purposes of their respective powers and duties under the enactments relating to children and young persons, appoint such number of inspectors as the Treasury may approve and may pay to the persons respectively appointed by them such remuneration and allowances as, with the consent of the Treasury, the Secretary of State or the Department, as the case may be, may determine, and the Department may authorise or require any of His Majesty's Inspectors of Schools to exercise any power or perform any duty which might be exercised or performed by any inspector appointed in pursuance of this section.

(2) The Department of Health for Scotland shall have, for the purposes of Part I of this Act, the like power of making inquiries, calling for returns, and applying to the Court of Session as they have for the purposes of the Poor Law (Scotland) Act 1845.

8 & 9 Vict.  
c. 83.Exchequer  
grants and  
expenses of  
Secretary of  
State and  
Scottish  
Education  
Depart-  
ment.

**107.**—(1) There shall be paid out of money provided by Parliament—

(a) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(i) the expenses of the managers of an approved school;

(ii) the expenses of an education authority in respect of children and young persons committed to their care;

(iii) the expenses of a council of a local authority in respect of remand homes;

(b) any expenses incurred by the Secretary of State or the Scottish Education Department in the administration of this Act.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the

event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

PART VII.  
—cont.

**108.** It shall be lawful for the Secretary of State, with the consent of the Treasury, from time to time to make an order transferring to the Scottish Education Department or to the Department of Health for Scotland any power for the time being possessed by him under this Act (not being a power under section fifty or section fifty-one of this Act), and by such order to make any adjustment consequential on the transfer and to provide for any matter necessary or proper for giving full effect to the transfer, and, on any such order being made, the powers so transferred shall be exercisable by the Scottish Education Department, or the Department of Health for Scotland, as the case may be.

Powers of  
Secretary of  
State may be  
transferred.

*General.*

**109.**—(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary, and an order or other act of the Scottish Education Department may be signified under the hand of the Secretary or of an Assistant Secretary of the Department.

Provisions  
as to docu-  
ments, &c.

(2) A document purporting to be a copy—

- (a) of an order made by a court under or by virtue of any of the provisions contained in sections sixty, sixty-one and sixty-six to ninety-four of this Act or in the Second Schedule to this Act; or
- (b) of an order made after the commencement of this Act under section four of the Day

PART VII.  
—cont.

Industrial Schools (Scotland) Act, 1893, sending a person to an approved school or committing him to the care of a fit person ; or

(c) of a decree for aliment referred to in an order under section ninety-two of this Act,

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order or decree.

(3) The production of a copy of the Edinburgh Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by the Secretary or an Assistant Secretary of the Scottish Education Department.

(4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are an education authority or a joint committee representing two or more education authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are an education authority or a joint committee representing two or more education authorities, by the signature of their clerk or some other officer of the education authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

Interpreta-  
tion.

**110.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ Approved school ” means a school approved by the Scottish Education Department under section eighty-three of this Act;

- “ Approved school order ” means an order made by a court sending a child or young person to an approved school ; PART VII.  
—*cont.*
- “ Borstal institution ” means an institution established under Part I of the Prevention of Crime Act, 1908 ; 8 Edw. 7.  
c. 59.
- “ Certificate,” “ exciseable liquor,” and “ permitted hours ” have the like meanings as in the Licensing (Scotland) Acts, 1903 to 1923 ;
- “ Child ” (except as provided in section thirty-seven of this Act) means a person under the age of fourteen years ;
- “ Commit for trial ” means commit until liberation in due course of law ;
- “ Court of summary jurisdiction ” means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act ;
- “ Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person ;
- “ Headmaster ” includes superintendent ;
- “ In need of care or protection ” has the meaning assigned to it by section sixty-five of this Act ;
- “ Justice ” (except in section fifty-one of this Act) includes the sheriff and any such magistrate as aforesaid ;
- “ Large burgh ” has the like meaning as in the Local Government (Scotland) Act, 1929 ;
- “ Legal guardian ” in relation to a child or young person means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction ;
- “ Licensed premises ” means premises for which a certificate within the meaning of the Licensing

PART VII.  
—cont.

(Scotland) Acts, 1903 to 1923, is held, and “bar” in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of exciseable liquor;

“Local authority” and “poor law authority” mean the council of a county or of a large burgh;

“Managers,” in relation to an approved school established or taken over by an education authority or by a joint committee representing two or more education authorities, means the education authority or the joint committee as the case may be, and in relation to any other approved school, means the persons for the time being having the management or control thereof;

“Passage” includes common close, or common stair, or common passage;

“Place of safety” means any remand home, poor house, or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child or young person;

“Police authority” means a county council or the council of a burgh maintaining a separate police force;

“Prescribed” means prescribed by regulations made by the Secretary of State or by the Scottish Education Department according as the matter to be dealt with is within the powers of the Secretary of State or of the Department;

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Remand” means an order adjourning the proceedings or continuing the case and giving direction as to the detention in custody or liberation of a person during the period of adjournment or continuation and any reference to remanding a



person or to remanding in custody shall be construed accordingly; PART VII.  
—cont.

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not;

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) For the purpose of any powers or duties which are by this Act conferred or imposed on county councils and on the councils of certain burghs only, all other burghs shall be included within the county.

(3) (a) For the purpose of any provision of this Act referring to a court acting for any place—

- (i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;
- (ii) the sheriff court, and the justice of the peace court for any county, and the juvenile court for any area shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;
- (iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;
- (iv) the juvenile court for any area being a county shall be deemed to be a court acting for the same place as the sheriff court or the justice of the peace court for that county;

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court.

(b) In this subsection the expression “county” includes a county of a city, and a burgh being a county of a city shall be deemed to be a burgh situated in the county of the city, and the sheriff court for any county means the sheriff court of the sheriffdom comprising the county.

(4) References in this Act to findings of guilty and findings that an offence has been committed shall be

PART VII. construed as including references to pleas of guilty and  
—cont. admissions that an offence has been committed.

(5) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Transitory  
provisions.  
52 & 53 Vict.  
c. 63.

111.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Third Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by this Act.

(2) References in any Act to places of detention provided under section one hundred and eight of the Children Act, 1908, shall be construed as references to remand homes provided under this Act.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Children Act, 1908, shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act or other document to juvenile courts under the Children Act, 1908, shall be construed as including references to such courts under this Act.

(5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act shall be construed as including references to the corresponding provision of this Act.

(6) The reference in the First Schedule to this Act to any offence under sections twelve, thirteen, fourteen, twenty-two or thirty-three of this Act shall be construed as including a reference to any offence under the

Dangerous Performances Acts, 1879 and 1897, or under Part II of the Children Act, 1908. PART VII.  
—cont.

**112.** Subject to the provisions herein-after contained, nothing in this Act shall be construed to repeal, alter, prejudice, or affect any of the provisions of the Aberdeen Reformatories and Industrial Schools Act, 1885, and the directors acting under that Act shall continue to have the full rights, privileges, and powers competent to them immediately prior to the commencement of this Act: Provided, nevertheless, that the Secretary of State may, by order under his hand, provide for altering, amending, or adapting that Act so as to provide (a) for the re-constitution of the board of directors, for the election of new directors, for subsequent elections of directors, for the annual retiral of one-third or other proportion of the directors, and for supplying vacancies arising from time to time; and (b) for otherwise altering, amending or adapting the provisions of the said Act, as may seem to him necessary to make those provisions conform with the provisions of this Act, or to enable the powers under the said Act to be exercised as if they were powers under this Act. Any such order may be revoked and varied by a subsequent order.

Saving of provisions in Aberdeen local Act. 48 & 49 Vict. c. clxxii.

**113.—(1)** This Act may be cited as the Children and Young Persons (Scotland) Act, 1937.

Short title, commencement, extent and repeals.

(2) This Act, except section twenty-nine thereof, shall come into operation on the first day of July nineteen hundred and thirty-seven.

(3) Save as therein otherwise expressly provided, this Act shall extend only to Scotland.

(4) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**SCHEDULES.****FIRST SCHEDULE.**

Sections 24,  
25, 26, 47,  
48, 65, 67,  
71, 103, 111.

**OFFENCES AGAINST CHILDREN AND YOUNG PERSONS,  
WITH RESPECT TO WHICH SPECIAL PROVISIONS OF  
THIS ACT APPLY.**

(a) Any offence under the Criminal Law Amendment Act, 1885.

(b) Any offence in respect of a child or young person which constitutes the crime of incest.

(c) Any offence under sections twelve, thirteen, fourteen, fifteen, twenty-two or thirty-three of this Act.

(d) Any other offence involving bodily injury to a child or young person.

**SECOND SCHEDULE.**

Sections 85,  
109.

**PROVISIONS AS TO ADMINISTRATION OF APPROVED  
SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.**

*General Provisions.*

1.—(1) The Scottish Education Department may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Scottish Education Department.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Scottish Education Department.

*Treatment of Pupils.*

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be

fixed by rules made by the Scottish Education Department, for the purpose of affording him religious assistance and instruction.

2ND SCH.  
—*cont.*

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section ten of the Mental Deficiency and Lunacy (Scotland) Act, 1913, be deemed to be detained in the school.

*Power to Place out Pupils.*

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Scottish Education Department so direct, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Scottish Education Department, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Scottish Education Department shall through their inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act, a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air

2ND SCH.  
--cont.

Force, or may, with his written consent and with the written consent of the Scottish Education Department, arrange for his emigration.

Before exercising their powers under this paragraph, the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

*Misconduct of Pupils.*

8. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Scottish Education Department so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

*Discharge and Transfer.*

9.—(1) The Scottish Education Department may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or, with the consent of the Secretary of State, to the care of the managers of a school in England which is an approved school within the meaning of the Children and Young Persons Act, 1933.

(2) Upon a person being so discharged or transferred as aforesaid, the Scottish Education Department shall cause notice to be sent to the education authority liable to make contributions in respect of him.

(3) Where a person is transferred under the foregoing provisions of this paragraph to the care of the managers of a school in England, the provisions of this Act relating to contributions by parents, guardians and others, and education authorities, shall apply in respect of him as if the school in England were an approved school within the meaning of this Act, and if under the law in force in England he is retransferred to the care of the managers of a school in Scotland which is an approved school within the meaning of this Act, this Act shall have effect in

relation to the retransfer as if it were a transfer under this paragraph from the care of the managers of one approved school in Scotland to the care of the managers of another approved school in Scotland.

2ND SCH.  
—cont.

10. The provisions of section seventy-two of this Act (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons  
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them :

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

- (a) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or
- (b) is authorised by an education or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid, have all the powers, protection, and privileges of a constable.

2ND SCH.  
—cont.

*Superannuation of Officers.*

14. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body ;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer ;

(b) a gratuity to any dependant of an officer who has died in the service of the school :

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Scottish Education Department with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Scottish Education Department.

Section 111.

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### THIRD SCHEDULE.

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#### TRANSITORY PROVISIONS.

1. Any order, rule, or regulation made, any certificate given, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given or done under the corresponding provisions of this Act.

2. Any rule, byelaw, warrant or licence under any enactment repealed either by the Children and Young Persons (Scotland) Act, 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act :

Provided that this paragraph shall not apply to rules made under section fifty-four of the Children Act, 1908 (hereinafter referred to as the Act of 1908), for the management and discipline of a certified school or to byelaws made under the Employment of Children Act, 1903.

3. Where before the commencement of the Act of 1932 an order has been made under the Act of 1908, committing a child or young person to the care of a relative or other fit person, this



Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

3RD SCH.  
—cont.

Provided that, notwithstanding anything in this Act, the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

4. This Act shall apply in relation to a school which, at the first day of November, nineteen hundred and thirty-three, was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

5. The Scottish Education Department may, if they think fit, approve for the purposes of this Act any school which on the twelfth day of July, nineteen hundred and thirty-two, was a certified day industrial school, and if they so approve any such school, the provisions of this Act shall apply in relation to that school and to children previously sent, or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as they may from time to time by order direct.

6. Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the first day of November, nineteen hundred and thirty-three, were or are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

7. Where a child or young person has, before the first day of November, nineteen hundred and thirty-three, been ordered to be sent to a certified school, it shall be the duty of the council or authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the education authority named in that order as being the authority within whose area he was resident : and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the council or authority who are responsible as aforesaid ; or

3RD SCH.  
—cont.

- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.

8. Where a child or young person has before the first day of November, nineteen hundred and thirty-three, been ordered to be sent to a certified school at the instance of a county, town or parish council, the county or town council concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

9. Where before the first day of November, nineteen hundred and thirty-three, a child or young person was committed to the care of a relative or other fit person or was ordered to be sent to a certified school and an order was in force at that date requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under a decree for aliment to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the Scottish Education Department, it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the education authority within whose area the person liable to make the payments is from time to time resident.

10. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

- (a) if the managers are a county or town council or an education authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
- (b) if the managers are not a county or town council or an education authority, as if he were out on licence from the school.

11. Where before the first day of November, nineteen hundred and thirty-three, a child or young person entered into a bond under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section seventy of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the bond shall cease to have effect.

12. The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

3RD SCH.  
—cont.

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FOURTH SCHEDULE.

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Section 113.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67	The Children Act, 1908.	The whole Act so far as unrepealed, except section one hundred and twenty-two, section one hundred and thirty-two (so far as necessary for the application to Scotland of the first mentioned section), and subsection (1) of section one hundred and thirty-four.
10 Edw. 7. & 1 Geo. 5. c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	The whole Act except sections nine and seventy-three, subsection (1) of section eighty-three from the beginning to the words "Act, 1932," and subsection (3) of section eighty-three.
26 Geo. 5. & 1 Edw. 8. c. 42.	The Education (Scotland) Act, 1936.	Section five.

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**CHAPTER 38.**

An Act to regulate the salaries payable in respect of certain Administrative Offices of State; to provide for the payment of additional salaries to members of the Cabinet holding offices at salaries less than five thousand pounds a year, of a salary to any person being Prime Minister, of pensions to persons who have been Prime Minister, and of a salary to any person being Leader of the Opposition; to simplify the law as to the capacity of persons holding offices of profit to sit and vote in Parliament; and for purposes connected with the matters aforesaid. [1st July 1937.]

**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.****SALARIES AND PENSION.**

Salaries payable in respect of certain Administrative Offices of State.

1.—(1) The annual salaries payable—

- (a) to each of the Ministers of the Crown named in Part I of the First Schedule to this Act, shall, subject to the provisions of this Act as to number, be five thousand pounds;
- (b) to each of the Ministers of the Crown named in Part II of the said Schedule, shall be three thousand pounds;
- (c) to the Minister of the Crown named in Part III of the said Schedule, shall be two thousand pounds.

(2) Subject to the provisions of this Act as to number, the annual salaries payable to the Parliamentary Under-Secretaries to the Departments of State shall—

- (a) in the case of the Parliamentary Secretary to the Treasury, be three thousand pounds, and in the case of the Financial Secretary to the Treasury, be two thousand pounds;

- (b) in the case of the Secretary for Mines and of the Secretary of the Department of Overseas Trade, be two thousand pounds each ;
- (c) in the case of each of the Parliamentary Under-Secretaries to the Departments of State specified in the Second Schedule to this Act, other than the Parliamentary Secretaries mentioned in the last foregoing paragraph, be fifteen hundred pounds ;
- (d) in the case of the Assistant Postmaster-General, be twelve hundred pounds :

PART I.  
—cont.

Provided that, if and so long as there are two Parliamentary Under-Secretaries to the Foreign Office, to the Admiralty, or to the War Office, the annual salary payable to each of the two Parliamentary Under-Secretaries may be of such amount as may be determined by the Treasury, but so that the aggregate of the annual salaries payable to both of them does not exceed three thousand pounds.

(3) Subject to the provisions of this Act as to number, the annual salaries payable to each of the Junior Lords of the Treasury shall be one thousand pounds.

2.—(1) The number of persons holding office as Secretary of State to whom salaries may be paid under this Act shall not exceed eight.

(2) The number of Parliamentary Under-Secretaries to the Departments of State to whom salaries may be paid under this Act shall—

- (a) in the case of the Treasury, not exceed two ;
- (b) in the case of the Board of Trade, not exceed three, including the Secretary for Mines and the Secretary of the Department of Overseas Trade ;
- (c) in the case of the Foreign Office, of the War Office, and of the Admiralty, not exceed two ;
- (d) in the case of any other Department of State mentioned in the Second Schedule to this Act, and in the case of the Post Office, not exceed one.

Number of persons to whom salaries may be paid under Act as holders of certain offices.

(3) The number of the Junior Lords of the Treasury to whom salaries may be paid under this Act shall not exceed five.

PART I.  
—*cont.*  
Additional  
salaries to  
Cabinet  
Ministers,  
who hold  
offices at  
salaries less  
than five  
thousand  
a year.

**3.**—(1) If and so long as any Minister of the Crown to whom this section applies is a member of the Cabinet, there shall be paid to him an additional salary of such amount as together with the salary payable to him in respect of the office held by him will amount to five thousand pounds a year.

(2) The date upon which any Minister of the Crown to whom this section applies becomes or ceases to be a member of the Cabinet shall be published in the London Gazette, and any such notification shall be conclusive evidence for the purposes of this section.

(3) This section applies to any Minister of the Crown named in Part II of the First Schedule to this Act, and to the Chancellor of the Duchy of Lancaster, if, in any case, his salary as such is less than five thousand pounds a year.

Salary of  
Prime  
Minister  
and First  
Lord of the  
Treasury  
and pen-  
sions to  
persons who  
have been  
Prime  
Minister.  
31 & 32 Vict.  
c. 72.  
32 & 33 Vict.  
c. 60.

**4.**—(1) There shall be paid to the person who is Prime Minister and First Lord of the Treasury an annual salary of ten thousand pounds.

(2) Any person who, whether before or after the passing of this Act, has been Prime Minister and has as First Lord of the Treasury taken the official oath prescribed by section five of the Promissory Oaths Act, 1868, shall be entitled to a pension of two thousand pounds a year:

Provided that no pension shall be payable under this subsection to any person so long as he is in receipt of any pension under the Political Offices Pension Act, 1869, or any salary payable out of moneys provided by Parliament, the revenues of the Duchy of Lancaster or the Consolidated Fund of the United Kingdom.

Salary of  
Leader of  
Opposition.

**5.** There shall be paid to the Leader of the Opposition an annual salary of two thousand pounds:

Provided that, if the Leader of the Opposition is in receipt of a pension payable to him under this Act, no salary shall be payable to him under this section, and if he is in receipt of a pension under the Political Offices Pension Act, 1869, the salary payable to him under this section shall be reduced by an amount equal to the amount of that pension.

Provision  
against  
duplicate  
salaries.

**6.**—(1) Subject to the provisions of this Act as to the payment of additional salaries to certain Cabinet Ministers, a person to whom any salary is payable under

this Act, shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which a salary is so payable and there is a difference in the salaries payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

(2) No person in receipt of a salary or pension under this Act shall be entitled to receive any sum out of moneys provided by Parliament by way of salary or allowance in respect of his membership of the House of Commons.

7.—(1) The salaries payable under this Act, except that payable to the Leader of the Opposition, shall be paid out of moneys provided by Parliament.

(2) The salary payable under this Act to the Leader of the Opposition, and any pension payable under this Act to a person who has been Prime Minister and First Lord of the Treasury, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

8. The amount specified in this Act as being the amount of any salary payable thereunder out of moneys provided by Parliament shall be taken to be the maximum amount so payable, and accordingly, notwithstanding the provisions of this Act as to any such amount, the salary so payable in any year in respect of any office may be of a less amount than that so specified.

## PART II.

### CAPACITY TO SIT IN THE HOUSE OF COMMONS.

9.—(1) Subject as hereinafter provided no person to whom a salary is payable under this Act shall by reason of his being the holder of the office or place in respect of which such a salary is payable, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons :

Provided that—

- (a) the number of persons entitled to sit and vote in that House while they are Ministers of the Crown named in Part I of the First Schedule to this Act shall not exceed fifteen ;

PART I.  
—cont.

Provision  
for payment  
of salaries  
and  
pensions.

Reduction  
of salaries  
by House of  
Commons.

Capacity of  
persons to  
whom  
salaries are  
payable  
under Act to  
sit and vote  
in House of  
Commons.

PART II.  
—cont.

- (b) the number of persons entitled to sit and vote in that House while they are Ministers of the Crown named in Part II of the said Schedule shall not exceed three; and
- (c) the number of persons entitled to sit and vote in that House while they are Parliamentary Under-Secretaries shall not exceed twenty.

(2) If at any time the number of persons who are members of the House of Commons while they are Ministers of the Crown named in Part I or in Part II of the First Schedule to this Act, or while they are Parliamentary Under-Secretaries, exceeds the number respectively entitled under this section to sit and vote in that House, the election of those members shall not be invalidated by reason of the excess, but of the number none except any who held his office and was a member of that House before the excess occurred, shall sit or vote therein until the number of Ministers of the Crown named in the said Part I or in the said Part II or of Parliamentary Under-Secretaries, as the case may be, who are members of the House of Commons has been reduced, by death, resignation or otherwise, to the number entitled under this section to sit and vote in that House.

(3) If any Minister of the Crown named in Part I or in Part II of the First Schedule to this Act or any Parliamentary Under-Secretary sits or votes in the House of Commons at a time when he is not entitled to do so by virtue of this section he shall be liable to a penalty not exceeding five hundred pounds for each day on which he so sits or votes.

## PART III.

## SUPPLEMENTARY.

Interpreta-  
tion and  
determina-  
tion of  
questions.

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

“Junior Lords of the Treasury” means the Lords Commissioners of the Treasury other than the First Lord and the Chancellor of the Exchequer;

“Leader of the Opposition” means that member of the House of Commons who is for the time



being the Leader in that House of the party in opposition to His Majesty's Government having the greatest numerical strength in that House;

PART III.  
—cont.

“Parliamentary Under-Secretary” means the Parliamentary Secretary and the Financial Secretary to the Treasury, any Parliamentary Under-Secretary of State, the Parliamentary and Financial Secretary to the Admiralty, the Financial Secretary of the War Office, the Civil Lord of the Admiralty, the Parliamentary Secretaries to the Departments of State specified in the Second Schedule to this Act, and the Assistant Postmaster-General; but does not include any Parliamentary Secretary to whom no salary is payable.

(2) For the purposes of this Act, the Secretary of the Department of Overseas Trade shall be deemed to be a Parliamentary Secretary to the Board of Trade, but without prejudice to the provisions of the Overseas Trade Department (Secretary) Act, 1918, relating to the method of his appointment and the functions to be discharged by him. 8 & 9 Geo. 5.  
c. 3.

(3) If any doubt arises as to which is or was at any material time the party in opposition to His Majesty's Government having the greatest numerical strength in the House of Commons, or as to who is or was at any material time the leader in that House of such a party, the question shall be decided for the purposes of this Act by the Speaker of the House of Commons, and his decision, certified in writing under his hand, shall be final and conclusive.

11.—(1) The enactments specified in the first column of the Third Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule. Conse-  
quential  
amend-  
ments and  
repeals.

(2) The enactments specified in the first column of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

12. This Act may be cited as the Ministers of the Crown Act, 1937. Short title.

**SCHEDULES.**  

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Sections 1,  
3, 9.**FIRST SCHEDULE.**  

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**MINISTERS OF THE CROWN TO WHOM SALARIES  
ARE PAYABLE UNDER THIS ACT.****PART I.**

Chancellor of the Exchequer.  
 Secretaries of State.  
 First Lord of the Admiralty.  
 President of the Board of Trade.  
 Minister of Agriculture and Fisheries.  
 President of the Board of Education.  
 Minister of Health.  
 Minister of Labour.  
 Minister of Transport.  
 Minister for the Co-ordination of Defence.

**PART II.**

Lord President of the Council.  
 Lord Privy Seal.  
 Postmaster-General.  
 First Commissioner of Works.

**PART III.**

Minister of Pensions.

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**SECOND SCHEDULE.**

Sections 1, 2.

**DEPARTMENTS OF STATE REFERRED TO IN PARAGRAPH (c)  
OF SUBSECTION (2) OF SECTION 1 OF THIS ACT.**

Admiralty, Air Ministry, Board of Education, Board of Trade, Burma Office, Colonial Office, Dominions Office, Foreign Office, Home Office, India Office, Ministry of Agriculture and Fisheries, Ministry of Health, Ministry of Labour, Ministry of Transport, Scottish Office, War Office.

**THIRD SCHEDULE.**

Section 11.

**CONSEQUENTIAL AMENDMENT OF ENACTMENTS.**

<u>Enactment.</u>	<u>Amendment.</u>
The Board of Agriculture Act, 1889 (52 & 53 Vict. c.30).	In subsection (2) of section five, after the word "secretary" there shall be inserted the words "other than the Parliamentary Secretary".
The Board of Education Act, 1899 (62 & 63 Vict. c.33).	In subsection (2) of section six, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The New Ministries and Secretaries Act, 1916 (6 & 7 Geo. 5. c. 68).	In subsection (2) of section ten, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The Air Force Constitution Act, 1917 (7 & 8 Geo. 5. c. 51).	In subsection (2) of section nine, after the words "Air Council," there shall be inserted the words "other than the Secretary of State and any Parliamentary Under-Secretary of State".
The Ministry of Health Act, 1919 (9 & 10 Geo. 5. c. 21).	In subsection (2) of section six, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The Ministry of Transport Act, 1919 (9 & 10 Geo. 5. c. 50).	In subsection (2) of section twenty-five, the word "other" shall be omitted, and after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".

## Section 11.

## FOURTH SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 Will. & Mary, c. 7.	—	In section fifty-nine the words "the commissioners of the treasury and".
15 Geo. 2. c. 22.	The House of Commons Disqualification Act, 1741.	Section three.
41 Geo. 3. c. 52.	The House of Commons (Disqualifications) Act, 1801.	In section four the words "except the commissioners of the Treasury and their secretary" and the words "except the secretary of the Treasury".
56 Geo. 3. c. 98.	The Consolidated Fund Act, 1816.	Section sixteen.
2 & 3 Will. 4. c. 40.	The Admiralty Act, 1832.	In section one, the words from "Provided always" to the end of the section.
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851.	In section seventeen, the words "to the First Commissioner of Works such salary not exceeding two thousand pounds per annum and"; section twenty; and in section twenty-five the words "The salaries of the First Commissioner of Works, and".
21 & 22 Vict. c. 106.	The Government of India Act, 1858.	Section four.
27 & 28 Vict. c. 34.	The House of Commons (Vacation of Seats) Act, 1864.	The whole Act.
29 & 30 Vict. c. 55.	The Post Office (Postmaster-General) Act, 1866.	The whole Act.
30 & 31 Vict. c. 72.	The Board of Trade (Parliamentary Secretary) Act, 1867.	The whole Act.
33 & 34 Vict. c. 17.	The War Office Act, 1870.	In section three the words from "and such officer" to the end of the section; and section five.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 30.	The Board of Agriculture Act, 1889.	In subsection (2) of section five the words "to the President, if not one of the Officers of State above mentioned, nor any other Officer of State receiving a salary, the annual salary of two thousand pounds a year, and"; and subsection (1) of section eight.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	In subsection (2) of section six the words "to the President of the Board, unless he holds another salaried office, such annual salary not exceeding two thousand pounds, and"; in subsection (1) of section eight, the words "shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and"; and subsection (2) of that section.
9 Edw. 7. c. 14.	The Assistant Postmaster-General Act, 1909.	The whole Act.
9 Edw. 7. c. 15.	The Board of Agriculture and Fisheries Act, 1909.	In subsection (1) of section one, the words "(including any provision giving power to pay salaries)"; and subsection (2) of that section.
9 Edw. 7. c. 23.	The Board of Trade Act, 1909.	The whole Act.
6 & 7 Geo. 5. c. 65.	The Ministry of Pensions Act, 1916.	In subsection (2) of section five, the words "to the Minister of Pensions such annual salary not exceeding two thousand pounds, and"; in subsection (1) of section seven, the words "shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and".
6 & 7 Geo. 5. c. 68.	The New Ministries and Secretaries Act, 1916.	In subsection (2) of section ten, the words "to any Minister appointed under this Act an annual salary not exceeding two thousand pounds, and"; and subsection (1) of section twelve.

4TH SOB.  
—cont.

4TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 3.	The Overseas Trade Department (Secretary) Act, 1918.	Subsections (2) and (3) of section one.
9 & 10 Geo. 5. c. 2.	The Re-election of Ministers Act, 1919.	In subsection (1) of section one, the words from "nor shall it affect" to the end of the subsection.
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In subsection (2) of section six, the words "to the Minister an annual salary not exceeding five thousand pounds, and".
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	The proviso to subsection (1) of section twenty-five, and in subsection (2) of that section, the words "to the Minister an annual salary not exceeding five thousand pounds, and to the Parliamentary Secretary of the Ministry an annual salary not exceeding fifteen hundred pounds, and"; and section twenty-seven.
10 & 11 Geo. 5. c. 50.	The Mining Industry Act, 1920.	Subsection (1) of section five; and section six.
16 & 17 Geo. 5. c. 18.	The Secretaries of State Act, 1926.	Section three.
22 & 23 Geo. 5. c. 21.	The President of the Board of Trade Act, 1932.	Section one.
25 & 26 Geo. 5. c. 38.	The House of Commons Disqualification (Declaration of Law) Act, 1935.	Paragraph (a) of section one.



## CHAPTER 39.

An Act to extend the classes of persons who can become insured as voluntary contributors for the purposes of widows', orphans' and old age contributory pensions, and otherwise to amend, in relation to voluntary contributors and women engaged in certain excepted employments, the enactments relating to such pensions and to health insurance, to amend section thirty of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, and section four of the Northern Ireland (Miscellaneous Provisions) Act, 1932, and for purposes connected with the matters aforesaid. [1st July 1937.]

**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 :—

### *Special Voluntary Contributors.*

1.—(1) Subject to the provisions of this Act, a person, not being a person mentioned in the First Schedule to this Act, shall, if he gives notice in that behalf in the prescribed manner and if he fulfils the requirements hereinafter mentioned, thereupon become insured for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (in this Act referred to as "the principal Act"), as a voluntary contributor thereunder, and pensions shall become payable in respect of his insurance accordingly.

General provisions as to persons entitled to become special voluntary contributors.  
26 Geo. 5. &  
1 Edw. 8.  
c. 33.

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

- (a) in the case of a person who gives notice as aforesaid not later than twelve months after the commencement of this Act (in this Act referred to as an "initial entrant"), that he was under the age of fifty-five at the commencement of this Act;

- (b) in the case of a person who is not an initial entrant, that he is at the date of his notice under the age of forty; and
- (c) in the case of any person, whether an initial entrant or not—
- (i) that he is resident in Great Britain at the date of the notice and has been so resident for a period of not less than ten years immediately before that date; and
  - (ii) that he has a total income not exceeding four hundred pounds a year in the case of a man, or two hundred and fifty pounds a year in the case of a woman, of which not more than two hundred pounds a year in the case of a man, or one hundred and twenty-five pounds a year in the case of a woman, is unearned income.
- (2) Men who are entitled under the preceding subsection to become voluntary contributors may elect to become insured as such contributors for the purpose of widows' pensions and orphans' pensions only.
- (3) A notice given for the purposes of subsection (1) of this section before the commencement of this Act shall have effect for all purposes as if given at the commencement of this Act.
- (4) An initial entrant who gives notice under subsection (1) of this section after the commencement of this Act and after he has attained the age of fifty-five shall be deemed to have given the notice on the day on which he attained that age and, if he fulfils the requirements mentioned in the said subsection, to have become insured for the purposes of the principal Act on that day, and references in this Act to entry into insurance shall be construed accordingly.
- (5) In this Act the expression "special voluntary contributor" means a person who has become a voluntary contributor under the principal Act by virtue of this section and has not ceased to be such a voluntary contributor, and the expression "voluntary contributor" includes, except where the context otherwise requires, a special voluntary contributor.



(6) Regulations made by the Minister under the principal Act may prescribe the periods by reference to which, the principles on which, and the manner in which, the total income and the unearned income of a person are to be ascertained for the purposes of this section, and regulations so made may direct that, in such cases and for such purposes as may be specified in the regulations, income of the spouse of the person in question shall be taken into account as if it were income of that person, and may contain provisions making certificates of officers of Inland Revenue as to the total income or the unearned income of any persons conclusive evidence for the purposes of this section unless and until varied by a subsequent certificate.

2.—(1) The following persons, if they become special voluntary contributors, shall become insured only for the purpose of widows' pensions and orphans' pensions, that is to say, male persons who are employed in, or have been granted a superannuation allowance on retirement from—

Special provisions as to persons already possessing pension rights or other analogous rights.  
26 Geo 5. &  
1 Edw. 8.  
c. 32.

(a) an employment which is one of the excepted employments specified in paragraphs (b) and (c) of Part II of the First Schedule to the National Health Insurance Act, 1936 (in this Act referred to as "the Insurance Act"), and is an employment as respects which the Minister has certified that provision is made by a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein benefits on the whole not less favourable than the benefits by way of old age pensions conferred on men and their wives by the principal Act;

(b) an employment which is one of the excepted employments specified in paragraphs (d), (e), (f), (g) and (h) of Part II of the said First Schedule.

(2) Notwithstanding anything in subsection (4) of section seventeen of the principal Act, an employment which is one of the excepted employments specified in paragraphs (b), (c) and (d) of Part II of the First Schedule to the Insurance Act shall for the purposes of this section

be treated as such an employment, whether it is, or is not, also an excepted employment by virtue of paragraph (k) of the said Part II.

(3) References in this section to persons who have retired from particular employments shall include references to all persons who have retired from such employments, whether the date of the retirement is before or after the commencement of this Act, the principal Act or the Widows', Orphans' and Old Age Contributory Pensions Act, 1925.

15 & 16  
Geo. 5. c. 70.

Statutory conditions in case of special voluntary contributors.

**3.**—(1) Sections five and nine of the principal Act (which prescribe the statutory conditions to be complied with in the case of a person in respect of whose insurance a pension is payable) shall not apply in the case of a special voluntary contributor, and the statutory conditions to be complied with in the case of a special voluntary contributor in respect of whose insurance a widow's or orphan's pension, or, as the case may be, an old age pension, is payable shall be the following, that is to say :—

- (a) for a widow's or orphan's pension, that one hundred and four weeks have elapsed and one hundred and four contributions have been paid by him since his entry into insurance;
- (b) for an old age pension, that he has been continuously insured for a period of not less than ten years immediately before the date on which he attains the age of sixty-five, and that two hundred and sixty contributions have been paid by him since his entry into insurance.

(2) In determining whether the statutory conditions have been complied with in the case of a special voluntary contributor, no account shall be taken of contributions paid after the date on which he attained the age of sixty-five.

Rates of contributions in the case of special voluntary contributors.

**4.**—(1) Section twelve of the principal Act (which relates to rates of contributions) shall not apply in relation to a special voluntary contributor, and the contributions payable under that Act by special voluntary contributors shall, subject to the provisions of this Act relating to persons who, having lapsed from insurance,

become again insured as special voluntary contributors, be as specified in this section.

(2) The contributions so payable by special voluntary contributors (other than contributors insured for the purpose of widows' pensions and orphans' pensions only) shall be—

- (a) in the case of initial entrants, at the rate of one shilling and threepence a week in the case of a man, and sixpence a week in the case of a woman;
- (b) in the case of all other special voluntary contributors of that class, at the rates specified in Part I of the Second Schedule to this Act, being rates calculated by reference to age at the date of entry into insurance.

(3) The contributions so payable by special voluntary contributors who are insured for the purpose of widows' pensions and orphans' pensions only shall be—

- (a) in the case of initial entrants, at the rate of tenpence a week; and
- (b) in the case of all other special voluntary contributors of that class, at the rates specified in Part II of the said Second Schedule, being rates calculated by reference to age as aforesaid.

5.—(1) If at the end of any contribution year the contributions paid, or deemed to have been paid, by a special voluntary contributor in respect of that year are less than twenty-six, he shall, at the end of the following contribution year, cease to be entitled to pay contributions and cease to be insured :

Provided that he shall not so cease if, before the expiration of the second of those two contribution years, he has made up to twenty-six the number of contributions paid, or deemed to have been paid, by him in respect of the first of those years and has, or is deemed to have, paid at least twenty-six contributions in respect of the second.

(2) If over the period hereinafter mentioned the average number of contributions per contribution year

Provisions as to special voluntary contributors who cease to pay contributions, or pay contributions irregularly.

paid, or deemed to have been paid, by a special voluntary contributor has fallen short of fifty, any pension payable in respect of his insurance shall be payable only at the reduced rate shown in the Third Schedule to this Act as appropriate to the circumstances of his case.

The said period shall be the period comprising the contribution year in which the contributor entered into insurance and each subsequent contribution year down to, and including, the contribution year immediately preceding the date on which he dies or attains the age of sixty-five, as the case may be :

Provided that, if less than twenty-six contributions were paid, or deemed to have been paid, by him in respect of the contribution year immediately preceding the death of the contributor, that year shall not be included in the said period.

(3) Where a person who has, or is deemed to have, paid as a special voluntary contributor at least twenty-six contributions in respect of each of five consecutive contribution years ceases to be insured, then, in the cases specified in the Fourth Schedule to this Act, there shall, in accordance with the provisions of that Schedule, be payable in respect of his insurance such pensions as are specified in that Schedule.

(4) If a person to whom the last preceding subsection applies again becomes insured—

(a) the pensions, if any, payable under that subsection in respect of his former insurance shall be paid in addition to the pensions, if any, payable in respect of his subsequent insurance, so however that there shall not be paid altogether in respect of his former and his subsequent insurance more than would have been payable in respect of him if he had at all times been insured as an employed contributor ;

(b) if his subsequent insurance is as a special voluntary contributor, such diminution shall be made in the rate of contribution payable by him, and such adjustment shall be made in the provisions of subsections (2) and (3) of this section and of the Third and Fourth Schedules

to this Act in their application to his case, as the Government Actuary may certify to be appropriate, having regard to his rights in respect of his previous insurance.

(5) Where a person enters into insurance as a special voluntary contributor in the course of the second contribution half-year in a contribution year, then, for the purposes of subsection (1) of this section, contributions shall be deemed to have been paid by him in respect of each contribution week in that half-year before his entry into insurance.

(6) Where a person enters into insurance as a special voluntary contributor in the course of a contribution year, then, for the purposes of subsection (2) of this section and of the Third Schedule to this Act, contributions shall be deemed to have been paid by him in respect of each contribution week in that year before his entry into insurance.

(7) If it is shown to the satisfaction of the Minister, or is decided on appeal in manner provided by the principal Act, that a special voluntary contributor who is normally engaged in some gainful occupation, and by whom not less than one hundred and four contributions have been paid, has, while so engaged, been rendered incapable of work by some specific disease or bodily or mental disablement of which notice has been given in the prescribed time and in the prescribed manner, then, for the purposes of subsections (1), (2) and (3) of this section and of the Third and Fourth Schedules to this Act, contributions shall be deemed to have been paid by him to such extent as may be prescribed in respect of any period of that incapacity after the first thirteen weeks thereof.

Regulations made by the Minister under the principal Act may require special voluntary contributors, as a condition of obtaining the benefit of this subsection, to furnish evidence of incapacity at such intervals as the Minister may require, and to submit to medical examination.

6.—(1) There shall be kept, in accordance with directions of the Treasury, an Account to be called the Special Pensions Account, and, notwithstanding anything

Special  
Pensions  
Account  
and

Treasury  
Special  
Pensions  
Account.

in the principal Act, there shall be carried thereto all contributions under the principal Act paid by special voluntary contributors, and there shall be paid thereout all pensions payable under the principal Act in respect of the insurance of special voluntary contributors :

26 Geo. 5. &  
1 Edw. 8.  
c. 31.

Provided that an old age pension under the Old Age Pensions Act, 1936, which is payable by virtue of section eleven of the principal Act, shall not for the purposes of this section be deemed to be a pension payable under the principal Act, but shall be payable out of moneys provided by Parliament in manner provided by the Old Age Pensions Act, 1936.

(2) Any sums standing to the credit of the Special Pensions Account which are not required to meet expenditure shall from time to time be paid over to the Treasury and by them credited to an Account to be called the Treasury Special Pensions Account.

(3) There shall also be paid into the Treasury Special Pensions Account out of moneys provided by Parliament the following sums, that is to say :—

- (a) in the year ending on the thirty-first day of March, nineteen hundred and forty, and in each of the two succeeding years, a sum greater by one-third than the sum which, on an estimate made in accordance with directions to be given by the Treasury, may be expected to be received in a contribution year in respect of the contributions of initial entrants on the basis that every initial entrant is insured throughout the year;
- (b) in each of the next succeeding seven years, a sum so calculated that, if annual payments of that amount were made during a period of twenty-seven years, those payments together with the sums paid under paragraph (a) of this subsection would be equal in value to the capital amount (as estimated by the Government Actuary in the year nineteen hundred and forty-one) of the loss to the Treasury Special Pensions Account arising through the admission to insurance of the persons admitted thereto as initial entrants; and

(c) in subsequent years, such sums as Parliament may determine with a view to meeting the loss to the Treasury Special Pensions Account arising through the admission to insurance, whether as initial entrants or otherwise, of persons admitted thereto as special voluntary contributors.

(4) If at any time it is shown to the Treasury that the sums in the Special Pensions Account are insufficient to meet the liabilities to be met thereout, the Treasury may out of the Treasury Special Pensions Account issue to the Special Pensions Account any sums required for the purpose of discharging those liabilities.

(5) There shall be paid from the Special Pensions Account such sums as the Treasury may direct towards defraying expenses of the administration of the principal Act in relation to special voluntary contributors, and the sums so paid shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for the expenses incurred in the administration of the principal Act.

(6) The provisions of subsections (4) and (6) of section fourteen of the principal Act (which relate to the investment of funds and the audit of accounts) shall apply to the Special Pensions Account and to the Treasury Special Pensions Account in like manner as they apply to the Pensions Account and to the Treasury Pensions Account.

7.—(1) The Government Actuary shall in the year nineteen hundred and forty-eight, and in every succeeding tenth year, make a report to the Treasury on the general financial operation of the foregoing provisions of this Act, the amount of contributions from the Exchequer which will be required to preserve the solvency of the Treasury Special Pensions Account, and the value of the benefits conferred by the foregoing provisions of this Act:

Decennial  
reports by  
Government  
Actuary.

Provided that nothing in this provision shall be construed as preventing the Treasury from requiring additional reports to be so made at such times during the currency of any decennial period as they think fit.

(2) Every report of the Government Actuary under this section shall be laid before Parliament.

*General Provisions.*

Persons  
insured for  
purposes of  
principal  
Act.

**8.**—(1) For the purpose of enabling persons to be insured separately as voluntary contributors for purposes relating to pensions and as voluntary contributors for purposes relating to health, whether they are or are not so insured for the purposes of the other class, the following provisions shall have effect, that is to say:—

(i) subject to the provisions of this Act relating to persons who immediately before the commencement of this Act were voluntary contributors, a person shall not be deemed to be insured within the meaning of the principal Act by reason only that he is insured as a voluntary contributor under the Insurance Act; and

(ii) the following shall be the classes of persons insured within the meaning of the principal Act—

(a) persons who by virtue of any provision of this Act are voluntary contributors;

(b) persons who are insured, or treated as insured, under the Insurance Act otherwise than as voluntary contributors; and

(c) exempt persons and persons engaged in excepted employments:

Provided that a person mentioned in paragraph (c) of this subsection shall, unless he is also a person mentioned in paragraph (a) or paragraph (b) thereof, be insured for the purposes of the principal Act only in the circumstances, to the extent and subject to the conditions mentioned in sections sixteen and seventeen respectively of that Act.

(2) Section two of the principal Act shall cease to have effect.

Persons  
entitled to  
become  
voluntary

**9.**—(1) Subject to the provisions of this Act, a person who, having been employed in an employment or employments in respect of which he was



insured under the principal Act for a period, whether continuous or not, of one hundred and four weeks or upwards, ceases to be so employed, shall, if he gives notice in that behalf within the prescribed time and in the prescribed manner, thereupon become a voluntary contributor under that Act :

contributors  
(otherwise  
than as  
special  
voluntary  
con-  
tributors).

Provided that, if a person who, at any time during the said period, was an exempt person, or was engaged in an excepted employment entailing the payment of contributions at less than the ordinary rates, becomes a voluntary contributor, he shall, subject to the provisions of the next succeeding subsection, be insured only for the same benefits and subject to the same conditions as while he was insured as an exempt person or as a person engaged in that excepted employment.

(2) Any such person as is mentioned in the proviso to the last foregoing subsection, who would be entitled to become a voluntary contributor if his insurance as an exempt person or, as the case may be, while engaged in an excepted employment were disregarded, may elect whether he will be insured as a voluntary contributor for all the purposes of the principal Act, or for the same purposes and subject to the same conditions as while he was compulsorily insured as an exempt person or as a person engaged in an excepted employment.

(3) A person who, having been employed within the meaning of the Insurance Act and insured as an employed contributor for a period, whether continuous or not, of one hundred and four weeks or upwards, becomes an exempt person, or becomes engaged in an excepted employment entailing the payment either of no contributions under the principal Act or of contributions thereunder at less than the ordinary rates, shall be entitled to become, or, if he is already a voluntary contributor, to remain, a voluntary contributor under the principal Act in the same manner as if he had ceased to be employed on the date when he became an exempt person, or, as the case may be, became engaged in such an excepted employment as aforesaid.

(4) If, in the case of a person employed in an excepted employment entailing the payment of contributions under the principal Act, contributions thereunder either

cease to be payable or become payable at less than the ordinary rates, that person shall be entitled to become a voluntary contributor under the principal Act in all respects as if he had ceased to be employed in such an employment as aforesaid.

(5) If a 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 :

Provided that, unless under any of the foregoing provisions of this section he is entitled to become a voluntary contributor for all purposes, he shall only become such a contributor for the same purposes and subject to the same conditions as while he was previously insured as a voluntary contributor.

Rates and mode of payment of contributions, and provisions as to irregular payment of contributions by voluntary contributors.

10.—(1) The contributions payable under the principal Act by voluntary contributors, other than special voluntary contributors, shall be—

- (a) in the case of persons insured only for the purposes of widows' pensions and orphans' pensions, at the rates specified in Part IV of the First Schedule to the principal Act; and
- (b) in other cases, at the ordinary rates of contribution.

(2) The provisions of section five of, and of the Third and Fourth Schedules to, this Act shall, subject to the prescribed modifications, apply in relation to a voluntary contributor under the principal Act who is not a special voluntary contributor as if he were a special voluntary contributor, and condition (b) in subsection (1) of section five of the principal Act and condition (c) in subsection (1) of section nine of the principal Act (being statutory conditions requiring a certain number of contributions to have been paid per contribution year on an average taken over a specified period) shall not apply in relation to any such voluntary contributor.

Women employed in certain

11. After the commencement of this Act no contributions shall be payable in respect of women employed

in one of the excepted employments specified in paragraph (d) of Part II of the First Schedule to the Insurance Act, or in one of the excepted employments specified in paragraphs (b) and (c) of that Part as respects which the Minister has certified that provision is made by means of a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing benefits in respect of women employed in that employment on the whole not less favourable than the benefits by way of old age pensions conferred by the principal Act on women, and women so employed shall not be insured under the principal Act.

excepted employments not to be insured for purposes of principal Act.

12.—(1) Notwithstanding anything in this Act, a person who on attaining the age of sixty-five is insured as a voluntary contributor shall continue insured throughout his life, but no contributions shall be payable by him in respect of any contribution week after he attained that age.

Miscellaneous provisions.

(2) A person who ceases to be insured shall, if he again becomes insured, be treated as if he had never previously been insured :

Provided that nothing in this subsection affects the provisions of section five of this Act relating to the reduction of contributions and the making of other adjustments in the case of certain persons in respect of whose former insurances pensions may become payable.

(3) Regulations made by the Minister under the principal Act may make provision for the transition of persons from insurance as voluntary contributors to insurance by virtue of any employment entailing the payment of contributions under the principal Act and conversely.

(4) The provisions of this subsection apply to a woman who, at the date of her marriage, either—

(a) was insured as a voluntary contributor under the principal Act; or

(b) having been employed in an employment or employments in respect of which she was

A a

insured under the principal Act for a period, whether continuous or not, of one hundred and four weeks or upwards, was so insured ;

and who marries a man who is at the date of their marriage, or within three months thereafter becomes, insured under the principal Act.

If the husband of a woman to whom this subsection applies dies within the prescribed period after their marriage and at the date of his death was insured under the principal Act, then, if she was not at the date of his death insured under the principal Act and does not become entitled to a widow's pension in respect of his insurance, she shall, if she gives notice within the prescribed time and in the prescribed manner, be entitled to become insured as a voluntary contributor under the principal Act, and—

- (i) if she so becomes insured as a voluntary contributor ; or
- (ii) if, within three months after the date of her husband's death, she becomes employed in an employment in respect of which she is insured under the principal Act,

then, for all the purposes of the principal Act, that insurance shall, notwithstanding anything in subsection (2) of this section, be treated as continuous with her former insurance and a contribution shall be deemed to have been paid by, or in respect of, her in respect of each week during the subsistence of her marriage in respect of which a contribution was not in fact paid.

(5) Where a person is in receipt of a pension payable by the Minister of Pensions, the Minister of Pensions may, with the consent of the pensioner, notwithstanding anything in any Act, Royal Warrant, Order in Council, or order, pay any contributions payable by the pensioner as a voluntary contributor under the principal Act, and deduct the amount so paid on his behalf from the pension payable to him.

(6) A voluntary contributor shall be entitled to pay contributions under the principal Act in respect of

any contribution year at any time before the end of the immediately succeeding contribution half year :

Provided that nothing in this subsection shall apply in relation to the proviso to subsection (1) of section five of this Act.

(7) It is hereby declared that neither contributions under the principal Act nor contributions under the Insurance Act can be paid in respect of any voluntary contributor after his death.

(8) Contributions payable by a person as a voluntary contributor under the principal Act and contributions payable by that person under the Insurance Act shall, notwithstanding anything in those Acts, not be paid as one contribution under the Insurance Act.

**13.**—(1) The following provisions of the Insurance Act, that is to say, paragraph (c) of subsection (1) of section three, subsections (3), (4) and (5) of that section and section one hundred and twenty-one (being provisions conferring on certain persons rights to become voluntary contributors for the purposes of that Act) and subsection (2) of section nineteen (being a provision enabling elderly persons to pay contributions as if they were voluntary contributors for the purposes of that Act) shall cease to have effect.

Repeal of certain provisions of Insurance Act, and consequential and minor amendments of principal Act and that Act.

(2) The amendments specified in the Fifth Schedule to this Act, being minor amendments or amendments consequential upon the provisions of this Act, shall be made in the sections of the principal Act and of the Insurance Act specified in that Schedule.

**14.**—(1) For section thirty of the principal Act (which relates to claims and appeals) there shall be substituted the following section :—

Claims and appeals.

“ **30.**—(1) Subject to the provisions of this Act and in accordance with any regulations made thereunder, all claims for or in respect of pensions, all applications for entry into insurance as a voluntary contributor and all questions arising under this Act as to the rate of contribution appropriate to, or the number of contributions paid or deemed

to have been paid by, a voluntary contributor shall be made or submitted to the Minister.

(2) If any person is dissatisfied by the award or decision of the Minister in respect of any such claim, application or question as aforesaid, the matter shall, on application being made within the time prescribed in relation to matters of that class, be referred to one or more referees selected in accordance with regulations made by the National Health Insurance Joint Committee (hereinafter called "the Joint Committee") from a panel of referees to be appointed in accordance with regulations so made, and the decision of the referee or referees shall be final and conclusive :

Provided that—

- (a) nothing in this subsection shall be construed as requiring such a reference to be made as respects any matter which by this Act is a matter within the discretion of the Minister; and
  - (b) if any question involved is one which might at any time have arisen under the Insurance Act or under any repealed Act relating to national health insurance and, if it had so arisen, would have fallen to be decided under and in accordance with the provisions of section one hundred and sixty-one or section one hundred and sixty-three of the Insurance Act, or under and in accordance with the provisions of one of the corresponding sections of the Act so repealed, that question shall be decided under and in accordance with that one of those sections of the Insurance Act which is appropriate.
- (3) For the purposes of this section any question—
- (a) whether any person is or was entitled to be a voluntary contributor other than a special voluntary contributor;

- (b) whether any person is or was an exempt person;
- (c) whether any employment or class of employment is an excepted employment or any particular class of excepted employment;
- (d) whether a person is or was a person engaged in an excepted employment; or
- (e) as to who is or was the employer of a person engaged in an excepted employment;

shall be deemed to be a question which might have arisen under the Insurance Act and would have fallen to be decided under and in accordance with the provisions of the said section one hundred and sixty-one ”.

(2) Nothing in this section applies in relation to any claim made to the Minister before the commencement of this Act.

**15.**—(1) The amendments effected by this Act in the principal Act and in the Insurance Act shall not prevent any scheme of health insurance and of pensions established outside Great Britain from being treated for the purposes of section thirty-five of the principal Act (which relates to reciprocal arrangements) as a scheme substantially corresponding to those provided by virtue of the Insurance Act and the principal Act, if it could have been so treated if this Act had not been passed.

Reciprocal arrangements with countries outside Great Britain.

(2) In subsection (1) of the said section thirty-five, for the words “ periods of insurance, contributions paid, and residence ”, in both places where those words occur, there shall be substituted the words “ employment or insurance, contributions or pensions paid, and residence ”, and for the words “ for the purpose of qualification for pensions in the other country ” there shall be substituted the words “ for the purpose of all or any of the provisions of the pensions scheme or schemes in force in the other country ”.

**16.**—(1) In subsection (1) of section four of the Northern Ireland (Miscellaneous Provisions) Act, 1932 (which relates to reciprocal pension arrangements between

Amendment of 22 Geo. 5. c. 11. s. 4 (1).

Northern Ireland and other parts of His Majesty's Dominions), for the words "Contributory Pensions Acts, 1925 to 1931" there shall be substituted the words "Contributory Pensions Acts, 1936 and 1937".

(2) In paragraph (a) of the said subsection (1), for the words "periods of insurance, contributions paid, and residence", in both places where those words occur, there shall be substituted the words "employment or insurance, contributions or pensions paid, and residence", and for the words "for the purpose of qualification for pensions in the other country" there shall be substituted the words "for the purpose of all or any of the provisions of the pensions scheme or schemes in force in the other country".

Transitory provisions.

17.—(1) The provisions of section nine of this Act, which enable persons to become voluntary contributors under the principal Act upon the happening of certain events mentioned in the said section, shall have effect in relation to persons as respects whom those events happened before the date of the commencement of this Act, but who are still insured at that date, as they apply in relation to persons as respects whom those events happen after the commencement of this Act.

(2) Until such date as may be prescribed, the principal Act and the Insurance Act shall, in relation to all persons who immediately before the commencement of this Act were voluntary contributors, continue to have effect as if this Act had not been passed, and on and after the said date the said Acts shall continue so to have effect in relation to such of those persons as either—

- (a) have before the said date ceased to be entitled to pay contributions; or
- (b) not having ceased to be entitled to pay contributions, have before the said date elected within the prescribed time and in the prescribed manner that the said Acts shall continue so to have effect in relation to them:

Provided that the provisions of this subsection shall cease to apply in relation to any person if at any time he ceases to be insured.



(3) Subject to the provisions of the last preceding subsection, the persons who immediately before the commencement of this Act were voluntary contributors shall, unless at the prescribed date mentioned in that subsection they have already ceased to be insured, become on that date voluntary contributors under the principal Act, as amended by this Act, and, separately, voluntary contributors under the Insurance Act, as amended by this Act :

Provided that—

- (a) any such person who, when compulsorily insured, was insured only for widows' and orphans' pensions may elect to be insured for those purposes only; and
- (b) if any person mentioned in this subsection fails to pay such number of contributions under the principal Act in respect of the next contribution year before the expiration of such period after the end thereof as may be prescribed, he shall cease, as from the end of that period, to be entitled to pay contributions under the principal Act and his insurance thereunder shall cease on the date on which it would have ceased if this Act had not been passed.

For the purposes of this subsection, the expression "next contribution year" means, if the prescribed date is the first day of a contribution year, that year and, if it is not, the first contribution year commencing after that date.

(4) The repeal by this Act of subsection (2) of section nineteen and subsection (4) of section two hundred and twenty-seven of the Insurance Act shall not deprive any employed contributor who at the commencement of this Act has attained the age of sixty in the case of a man, or fifty-five in the case of a woman, of any of the rights conferred by those subsections.

(5) References in this Act to the principal Act or to the Insurance Act shall, unless the context otherwise requires, be construed as including references respectively

to any former Act relating to contributory pensions or to national health insurance.

Adminis-  
trative  
expenses.

18. Any increase attributable to this Act in the expenses incurred in the administration of the principal Act or of the Old Age Pensions Act, 1936, shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

Application  
to Scotland.

19. For the purpose of the application of this Act to Scotland—

A separate account to be called the Special Pensions (Scotland) Account shall be kept, and all the provisions of this Act and of the principal Act, as amended by this Act, relating to the Special Pensions Account (including the provisions as to the making of payments thereto from the Treasury Special Pensions Account), shall apply to the Special Pensions (Scotland) Account in like manner as those provisions apply to the Special Pensions Account.

Short title,  
construc-  
tion,  
citation,  
commence-  
ment, repeal  
and extent.

20.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 and 1937.

(2) This Act shall come into force on the first Monday in the year nineteen hundred and thirty-eight.

(3) The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act, except section sixteen thereof, shall not extend to Northern Ireland.

## SCHEDULES.

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### FIRST SCHEDULE.

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Section 1.

#### PERSONS NOT ENTITLED TO BECOME SPECIAL VOLUNTARY CONTRIBUTORS.

##### *Classes of persons.*

1. Persons employed within the meaning of the Insurance Act.

2. Persons who are, or are qualified to become, voluntary contributors under the principal Act, otherwise than by virtue of the provisions of this Act relating to special voluntary contributors.

3. Persons employed in an employment which is one of the excepted employments specified in paragraphs (b), (c) and (d) of Part II of the First Schedule to the Insurance Act, in respect of whom contributions are payable under the principal Act.

4. Persons who are employed in, or have been granted a superannuation allowance on retirement from, an employment which is one of the excepted employments specified in paragraphs (b), (c) and (d) of Part II of the First Schedule to the Insurance Act, and is an employment as respects which the Minister has certified that provision is made by a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and their children, benefits on the whole not less favourable than all the benefits conferred by the principal Act.

5. Female persons who are employed in, or have been granted a superannuation allowance on retirement from, an employment which is one of the excepted employments specified in paragraphs (b), (c) and (d) of Part II of the First Schedule to the Insurance Act, and is an employment as respects which the Minister has certified that provision is made as aforesaid for securing benefits in respect of women employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by the principal Act on women.

1ST SCH.  
 —cont.

6. Female teachers who are employed in, or have been granted a superannuation allowance on retirement from, an employment which is one of the excepted employments specified in paragraphs (e), (f), (g) and (h) of Part II of the First Schedule to the Insurance Act.

7. The wives of persons mentioned in paragraphs 1 to 4 of this Schedule.

8. The wives of persons who, if otherwise qualified to become special voluntary contributors, are under subsection (1) of section two of this Act allowed to become special voluntary contributors only for the purpose of widows' pensions and orphans' pensions.

9. The widows of persons who immediately before their deaths fell within the classes of persons enumerated in paragraphs 1 to 4 of this Schedule, other than—

- (a) the widows of insured persons in respect of whose insurance no widow's pension became payable by reason of any of the conditions mentioned in sections three and five of the principal Act not being satisfied, and
- (b) a woman who, although she is the widow of a person mentioned in paragraph 4 of this Schedule, did not on his death become entitled to any benefits under the provision made as respects his employment for securing benefits in respect of the widows of men employed therein.

#### *Interpretation.*

10. Notwithstanding anything in subsection (4) of section seventeen of the principal Act, an employment which is one of the excepted employments specified in paragraphs (b), (c) and (d) of Part II of the First Schedule to the Insurance Act shall for the purposes of this Schedule be treated as such an employment, whether it is, or is not, also an excepted employment by virtue of paragraph (k) of the said Part II.

11. References in this Schedule to persons who have retired from particular employments shall include references to all persons who have retired from such employments, whether the date of the retirement is before or after the commencement of this Act, the principal Act or the Widows', Orphans' and Old Age Contributory Pensions Act, 1925.

SECOND SCHEDULE.

Section 4.

PART I.

RATES OF CONTRIBUTIONS PAYABLE BY SPECIAL VOLUN-  
TARY CONTRIBUTORS INSURED FOR ALL THE BENEFITS  
OF THE ACT, OTHER THAN INITIAL ENTRANTS.

MEN.		WOMEN.	
Age next birthday at date of entry not exceeding	Weekly rate of contribution.	Age next birthday at date of entry not exceeding	Weekly rate of contribution.
	<i>s. d.</i>		<i>d.</i>
21 - - -	1 3	25 - - -	6
22 - - -	1 4	30 - - -	7
23 - - -	1 4	35 - - -	8
24 - - -	1 5	37 - - -	9
25 - - -	1 6	38 - - -	10
26 - - -	1 7	40 - - -	11
27 - - -	1 8		
28 - - -	1 9		
29 - - -	1 10		
30 - - -	1 11		
31 - - -	2 0		
32 - - -	2 1		
33 - - -	2 2		
34 - - -	2 3		
35 - - -	2 4		
36 - - -	2 5		
37 - - -	2 6		
38 - - -	2 7		
39 - - -	2 9		
40 - - -	2 11		

PART II.

RATES OF CONTRIBUTIONS PAYABLE BY SPECIAL VOLUN-  
TARY CONTRIBUTORS (MEN ONLY) INSURED FOR  
WIDOWS' AND ORPHANS' PENSIONS ONLY, OTHER  
THAN INITIAL ENTRANTS.

Age next birthday at date of entry not exceeding	Weekly rate of contribution.
	<i>s. d.</i>
23 - - -	10
25 - - -	11
27 - - -	1 0
29 - - -	1 1

1 EDW. 8. &  
1 GEO. 6.

*Widows', Orphans' and Old  
Age Contributory Pensions  
(Voluntary Contributors) Act, 1937.*

2ND SCH.  
—cont.

Age next birthday at date of entry not exceeding	Weekly rate of contribution.
	<i>s. d.</i>
31 . . . . .	1 2
33 . . . . .	1 3
35 . . . . .	1 4
37 . . . . .	1 5
39 . . . . .	1 6
40 . . . . .	1 7

Sections 5,  
10.

### THIRD SCHEDULE.

#### REDUCED RATES AT WHICH PENSIONS ARE PAYABLE BY VIRTUE OF SECTION 5 (2).

Average number of contributions.	Widows' Pensions or Old Age Pensions.	Allowances.		Orphans' Pensions.
		Eldest qualified child.	Each other qualified child.	
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
45 and under 50	9 0	4 6	2 9	6 9
40 and under 45	8 0	4 0	2 6	6 0
35 and under 40	7 0	3 6	2 3	5 3
30 and under 35	6 0	3 0	2 0	4 6
26 and under 30	5 0	2 6	1 6	3 9

Sections 5,  
10.

### FOURTH SCHEDULE.

#### PENSIONS PAYABLE IN RESPECT OF INSURANCE OF LAPSED CONTRIBUTORS.

1. In this Schedule—

“Lapsed contributor” means a person who, having paid, or being deemed to have paid, as a special voluntary contributor at least twenty-six contributions in respect of each of five consecutive contribution years, ceases to be insured;

“Contribution average” means in relation to a lapsed contributor the number of contributions arrived at by dividing the total number of contributions paid or deemed to have been paid by him by the number of contribution years in the period comprising the contribution year in which he entered into insurance and each subsequent contribution year down to and including the contribution year immediately preceding the sixty-fifth anniversary of his birth.

4TH SCH.  
—cont.

2. If a male lapsed contributor (not being an initial entrant who was insured for the purpose of widows' pensions and orphans' pensions only) dies within a period of three years from the end of the contribution year in which he ceased to be insured and leaves a widow or an orphan child, a widow's pension or an orphan's pension, as the case may be, shall be payable at a rate calculated as though he had died on the first day of the contribution year following the last contribution year in respect of which he paid at least twenty-six contributions.

3. In the case of a male lapsed contributor whose contribution average is at least twenty contributions (not being an initial entrant or a person insured for the purpose of widows' and orphans' pensions only)—

- (a) if he dies after the period mentioned in the last preceding paragraph and leaves a widow, a widow's pension shall be payable to her if she is then of the age of sixty-five, or if and when she attains the age of sixty-five without having remarried;
- (b) when he attains the age of sixty-five, an old age pension shall be payable to him, and when both he and his wife have attained that age an old age pension shall be payable also to his wife.

The pensions payable under this paragraph shall be, in the case of a lapsed contributor with a contribution average of at least forty-five contributions, at the weekly rate of seven shillings and, in the case of a lapsed contributor whose contribution average is less than forty-five contributions, at the weekly rate of seven shillings less one shilling for each five contributions, or part of five contributions, of the deficiency; and no additional allowances shall be payable in the case of a widow's pension payable under this paragraph.

4. There shall be paid to any female lapsed contributor with a contribution average of at least ten contributions an old age pension when she attains the age of sixty-five:

4TH SCH.  
—cont.

Provided that no pension shall be payable under this paragraph—

- (a) to any initial entrant whose age next birthday at the date of entry into insurance was fifty-one years or more;
- (b) to any initial entrant whose age next birthday at the date of entry into insurance was forty-six years or more, unless her contribution average is at least thirty-five contributions;
- (c) to any initial entrant whose age next birthday at the date of entry into insurance was forty-one years or more, unless her contribution average is at least twenty-five contributions;
- (d) to any initial entrant whose age next birthday at the date of entry into insurance was thirty-six years or more, unless her contribution average is at least fifteen contributions.

The pensions payable under this paragraph shall be at the rates set out in the following table :—

Contribution Average.	Women (other than initial entrants whose age next birthday at date of entry exceeded 25).	Women initial entrants whose age next birthday at date of entry was				
		26 to 30	31 to 35	36 to 40	41 to 45	46 to 50
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
45 and over -	9 0	8 0	7 0	6 0	4 0	2 0
40 and under 45	8 0	7 0	6 0	5 0	3 0	2 0
35 " " 40	7 0	6 0	5 0	4 0	3 0	2 0
30 " " 35	6 0	5 0	4 0	3 0	2 0	—
25 " " 30	5 0	4 0	4 0	3 0	2 0	—
20 " " 25	4 0	3 0	3 0	2 0	—	—
15 " " 20	3 0	3 0	2 0	2 0	—	—
10 " " 15	2 0	2 0	2 0	—	—	—



## FIFTH SCHEDULE.

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Section 13.

### CONSEQUENTIAL AND MINOR AMENDMENTS OF PRINCIPAL ACT AND OF INSURANCE ACT.

#### AMENDMENTS OF PRINCIPAL ACT.

##### *Section five.*

In proviso (iv) of subsection (1), the words "deemed to be" shall be omitted.

##### *Section eight.*

At the end of subsection (2) there shall be added the following paragraph :—

"Where an old age pension ceases to be payable under the proviso to this subsection, the widows' pension payable in lieu thereof shall be paid at a rate not lower than that of the old age pension."

##### *Section eleven.*

At the end of the section there shall be inserted the following subsection :—

"(2) Where the pension to which any such person as aforesaid, or, as the case may be, the husband of any such person as aforesaid, was or would have been entitled was or would have been payable in respect of the insurance of a voluntary contributor and at a lower rate than ten shillings a week, the foregoing provisions of this section shall have effect as if for the reference to the rate of ten shillings a week there were substituted a reference to that lower rate, but nothing in this subsection shall be construed as depriving any person of any rights under the Old Age Pensions Act, 1936, which he would have had if this Act had not been passed.

In applying the provisions of this subsection to a person who was or would have been entitled to a widow's pension, any additional allowance to which she was or would have been entitled shall be left out of account."

##### *Section twelve.*

In paragraph (a) of subsection (1), after the word "insured" there shall be inserted the words "as an employed contributor," and the words "whether an employed contributor or a voluntary contributor" shall be omitted.

5TH SCH.  
 —cont.

In proviso (ii) to paragraph (d) of subsection (1), for the words from "the contributions payable" to the end of the proviso there shall be substituted the words "the contributions payable in respect of such men shall be at the rates specified in Part IV of the First Schedule to this Act, and no contributions shall be payable in respect of such women".

In paragraph (e) of subsection (1), after the words "every person" there shall be inserted the words "being a man"; and, in the proviso, the words "or in respect of women employed therein and of their children" and the words "or such women, as the case may be" shall be omitted.

*Section thirteen.*

In subsection (1), after the words "an insured person" there shall be inserted "being an employed contributor under the Insurance Act," and after the words "the age of sixty-five" there shall be inserted the words "or by a person who is a voluntary contributor."

*Section sixteen.*

In subsection (1), the words "be deemed to", in both places where they occur, shall be omitted.

In subsection (4), the words "by virtue of any of the provisions of the Insurance Act" shall be omitted.

*Section seventeen.*

In subsections (1) and (2), the words "deemed to be", wherever they occur, shall be omitted.

*Section twenty-two.*

In paragraph (b) of subsection (1), the words "being other than a married woman and," "under the Insurance Act," "for the purposes of this Act" in both places where those words occur, and "at the ordinary rates" shall be omitted; and for the words "desires to become a voluntary contributor" there shall be substituted the words "desires to continue to be or to become a voluntary contributor."

Subsection (3) shall cease to have effect.

*Section twenty-five.*

In subsection (1), after the words "Pensions Account" there shall be inserted the words "or, in the case of a pension which "would have been payable out of the Special Pensions Account, "out of that Account."

At the end of subsection (4) there shall be added the following paragraph :—

5TH SCH.  
—cont.

“ Where a widow's pension payable to a woman is at a lower rate than an old age pension to which she would be entitled but for the payment of the widow's pension, the rate of the widow's pension shall be increased so as to be equal to that of the old age pension to which she would otherwise be entitled.”

*Section thirty-two.*

For paragraph (d) of subsection (1) there shall be substituted the following paragraph :—

“ (d) for providing for any necessary apportionment or allocation between the appropriate National Health Insurance Funds, the Pensions Account and the Special Pensions Account in respect of sums received on account of contributions, and for any necessary financial adjustment between the Pensions Account and the Special Pensions Account; ”

*Section forty-one.*

In subsection (1), after the words “ Provided that ” there shall be inserted the following words :—

“ (a) the reports under this subsection shall not deal with the operation of this Act in relation to special voluntary contributors, or the value of the benefits conferred thereby in respect of the insurance of special voluntary contributors;

“ (b) ”

*Section forty-two.*

In subsection (1), for the definition of “ contributions,” there shall be substituted the following definition—

“ Contributions ” means contributions under this Act, or any Act repealed by this Act, or as respects any period before the fourth day of January, nineteen hundred and twenty-six, under the enactments relating to national health insurance for the time being in force ;

and at the end of the subsection there shall be inserted the following words :—

“ ‘ Insured ’ means, as respects any period before the fourth day of January, nineteen hundred and twenty-six, insured under the enactments relating to national health insurance for the time being in force or deemed under the Widows', Orphans' and Old Age Contributory Pensions

5TH SCH.  
 —cont.

Act, 1925, to have been insured and, as respects any period beginning on or after that date, insured, or deemed to be insured, under this Act or any former Acts for the time being in force relating to contributory pensions, and 'Insurance' shall be construed accordingly;

'The Insurance Act' means the National Health Insurance Act, 1936;

and other expressions have the same meanings as in the Insurance Act."

*Section forty-four.*

In paragraph (6), for the word "question," where that word first occurs, there shall be substituted the word "matter."

*The First Schedule.*

In Part IV, for the word "persons" there shall be substituted the word "men."

*The Third Schedule.*

At the end of the Schedule there shall be added the following paragraph :—

" 3. Paragraph 1 of this Schedule shall, in relation to pensions payable in respect of the insurance of a special voluntary contributor, have effect as if the words 'as a rate-aided person of unsound mind or', the words 'or is detained in any mental hospital within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930' and the proviso, were omitted."

AMENDMENT OF INSURANCE ACT.

*Section twenty-nine.*

After the words "an insured person" there shall be inserted the words "being an employed contributor."

## SIXTH SCHEDULE.

Section 20.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
26 Geo. 5. & 1 Edw. 8. c. 32.	The National Health Insurance Act, 1936.	Paragraph (c) of subsection (1), and subsections (3), (4) and (5) of section three; subsection (2) of section nineteen; section one hundred and twenty-one; subsections (3), (4), (8) and (9) of section two hundred and twenty-seven.
26 Geo. 5. & 1 Edw. 8. c. 33.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	Section two; paragraph (d) of subsection (1) and subsection (6) of section seventeen; subsection (3) of section twenty-two; in Part IV of the First Schedule, all words in the first column of the table and in the other columns the entries relating to women.

## CHAPTER 40.

An Act to amend the law with respect to the discharge of trade effluents into public sewers of local authorities. [1st July 1937.]

**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.—(1) Subject to the provisions of this Act and of any byelaws under this Act which are for the time being in force, and notwithstanding any restriction imposed by paragraph (a) of the proviso to subsection (1) of section thirty-four of the Public Health Act, 1936 (hereafter in this Act referred to as "the principal Act"), the occupier of any trade premises within the district of a local

Right to discharge trade effluents into public sewers.

26 Geo. 5. &  
1 Edw. 8.  
c. 49.

authority may, with the consent of the local authority or, so far as is permitted by any such byelaws as aforesaid, without such consent, discharge into the public sewers of the local authority any trade effluent proceeding from those premises.

(2) Nothing in paragraphs (a) and (b) of subsection (1) of section twenty-seven of the principal Act (which prohibits the passing of certain matters into public sewers) shall apply in relation to any trade effluent which, by virtue of this Act, may lawfully be discharged into a public sewer; and subsections (2) to (5) of section thirty-four of the principal Act (which regulate the making of connections with public sewers for the purpose of drainage into such sewers) shall apply in relation to the lawful discharge of any trade effluent into public sewers as those subsections apply in relation to any discharge of matters into such sewers which is authorised by subsection (1) of that section.

(3) Section twenty-six of the principal Act is hereby repealed.

Special  
 restrictions  
 on discharge  
 of trade  
 effluents.

2.—(1) No trade effluent shall be discharged from any trade premises into a public sewer of a local authority otherwise than in accordance with a written notice (hereafter in this Act referred to as “ a trade effluent notice ”) served on the local authority by the owner or occupier of the premises, stating—

- (a) the nature or composition of the trade effluent,
- (b) the maximum quantity of the trade effluent which it is proposed to discharge on any one day, and
- (c) the highest rate at which it is proposed to discharge the trade effluent;

and no trade effluent shall be discharged in accordance with such a notice until the expiration of the period of two months, or such less time as may be agreed to by the local authority, from the day on which the notice is served on the local authority (hereafter in this Act referred to as “ the initial period ”).

(2) In so far as the discharge of any trade effluent in accordance with a trade effluent notice would not be lawful without the consent of the local authority, the notice shall be deemed to be an application for that consent.

(3) Where a trade effluent notice in respect of any premises is served on a local authority, the local authority may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the local authority in order to be lawful, the local authority may give that consent either unconditionally or subject to such conditions as the local authority think fit to impose with respect to—

- (a) the sewer or sewers into which any trade effluent may be discharged in pursuance of the trade effluent notice,
- (b) the nature or composition of the trade effluent which may be so discharged,
- (c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular sewer,
- (d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular sewer, and
- (e) any other matter with respect to which byelaws may be made under this Act;

but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any byelaws so made which are for the time being in force.

(4) A local authority, on receiving a trade effluent notice duly served on them, shall forthwith send a copy of the notice to any interested body, and the local authority shall not have power to take any further action under the preceding provisions of this section in relation to the notice, without the approval of the body or bodies (if any) to whom the local authority are required by this subsection to send a copy of the notice.

(5) If, in the case of any trade premises—

- (a) any trade effluent is discharged in contravention of this section, or without such consent

(if any) as is necessary for the purposes of this Act, or

(b) any direction or condition given or imposed under this section is contravened,

the occupier of the premises shall be guilty of an offence.

Appeals to  
the Minister.

**3.—(1)** Any person aggrieved by a direction of a local authority given under the last preceding section in relation to a trade effluent notice, or by the refusal of a local authority to give a consent for which application has been duly made to them by means of such a notice, or by the failure of a local authority to give such a consent within the initial period, or by any condition attached by a local authority to such a consent, may appeal to the Minister, and upon any such appeal the Minister—

(a) where the appeal is in respect of such a direction as aforesaid, may either annul the direction or modify it by substituting an earlier date for the date specified in the direction as the date before which no trade effluent is to be discharged in pursuance of the notice,

(b) where the appeal is in respect of such a refusal or failure as aforesaid, may give the necessary consent, either unconditionally or subject to any such condition as the Minister thinks fit to impose for determining any of the matters mentioned in paragraphs (a) to (e) of subsection (3) of the last preceding section,

(c) where the appeal is in respect of such a condition as aforesaid in relation to any matter, may either annul the condition or substitute therefor any less stringent condition in relation to the same matter, or

(d) in any case, may dismiss the appeal;

and the decision of the Minister on any such appeal shall be final:

Provided that at any stage of the proceedings on such an appeal the Minister may, and, if so directed by the High Court, shall, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

(2) For the avoidance of doubt it is hereby declared that a person aggrieved by the failure of a local authority



to give such a consent as aforesaid within the initial period has a right of appeal under this section, notwithstanding that the failure may be occasioned only by the fact that an interested body have not approved the giving of the consent.

(3) Where, by virtue of this section, the Minister modifies a direction or gives a consent or imposes a condition, then for the purposes of the preceding sections of this Act, the direction, as so modified, or the consent or condition, as the case may be, shall be deemed to have been duly given or imposed by the local authority under the last preceding section.

4.—(1) For the purposes of this Act the consent of a local authority to the discharge of any trade effluent from any trade premises into a sewer of the local authority shall not be necessary, if any trade effluent of the same nature or composition as that of the trade effluent in question was lawfully discharged as aforesaid from those premises into that sewer at some time within the period of one year ending on the third day of March, nineteen hundred and thirty-seven, and if and so long as—

- (a) the quantity of the trade effluent discharged from the premises into the sewer on any one day does not exceed the maximum quantity thereof so discharged on any one day during the said period, and
- (b) the rate at which the trade effluent is discharged from the premises into the sewer is not higher than the highest rate at which it was so discharged during the said period, and
- (c) (where the trade effluent was at any time within the said period discharged into the sewer under an agreement between the local authority and the owner or occupier of the trade premises, being an agreement which was in force at the end of the said period but has thereafter ceased to be in force) the owner or occupier of those premises makes to the local authority, in accordance with the terms of the agreement, such payments (if any) in respect of the reception of the trade effluent into the sewer as he would have been obliged to make under that agreement if it were still in force.

(2) Where, in relation to any premises having a drain or sewer communicating with a public sewer or a cesspool, the local authority, acting in pursuance of section forty-two of the principal Act, have, whether before or after the commencement of this Act, closed that drain or sewer (hereinafter referred to as "the old drain or sewer") and provided in lieu thereof another drain or sewer (hereinafter referred to as "the new drain or sewer") communicating with a public sewer, the consent of the local authority to the discharge of any trade effluent through the new drain or sewer into the public sewer with which it communicates shall not be necessary for the purposes of this Act—

(a) if, at some time during the period of one year immediately before the date on which the old drain or sewer was so closed, any trade effluent of the same nature or composition as that of the trade effluent in question was lawfully discharged through the old drain or sewer into the public sewer or the cesspool, as the case may be, with which it communicated; and

(b) if and so long as—

(i) the quantity of the trade effluent which, on any one day, is discharged through the new drain or sewer into the public sewer with which it communicates does not exceed the maximum quantity of the trade effluent which, on any one day during the said period, was discharged through the old drain or sewer into the public sewer or the cesspool, as the case may be, with which it communicated, or (where, immediately before it was so closed, the old drain or sewer communicated with a cesspool) does not exceed such greater quantity, if any, as may be substituted for the said maximum quantity by agreement between the local authority and the owner or occupier of the trade premises or, in default of such agreement, by order of the Minister, and

(ii) the rate at which the trade effluent is discharged through the new drain or sewer into the public sewer with which it communicates is not higher than the highest rate at

which the trade effluent was, during the said period, discharged through the old drain or sewer into the public sewer or the cesspool, as the case may be, with which it communicated.

(3) None of the restrictions imposed by the preceding sections of this Act shall apply in relation to any discharge of trade effluent to which, by virtue of subsection (1) or subsection (2) of this section, the consent of the local authority is not necessary.

(4) The consent of a local authority to the discharge, from any premises into a sewer of the local authority, of any liquid produced solely in the course of laundering articles on those premises shall not be necessary for the purposes of this Act.

(5) Any dispute arising under this Act as to the nature or composition of any trade effluent discharged from any trade premises into a sewer of a local authority during such a period as is mentioned in subsection (1) or subsection (2) of this section, or as to the quantity of trade effluent so discharged on any one day during such a period, or as to the rate at which trade effluent was so discharged during such a period, shall, unless the parties otherwise agree, be referred to the Minister for determination; and upon any such reference the Minister may make such order in the matter as he thinks just, and the order shall be final:

Provided that at any stage of the proceedings on such a reference the Minister may, and, if so directed by the High Court, shall, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

5.—(1) A local authority may, and, if required by the Minister, shall, make byelaws (hereafter in this Act referred to as "trade effluents byelaws") with respect to the discharge of any trade effluent, or trade effluent of any particular nature or composition, from trade premises into any public sewer of the local authority, and such byelaws may provide for all or any of the following matters, that is to say:—

Byelaws of  
local  
authorities.

(a) for determining the period or periods of the day during which the trade effluent may be discharged from any trade premises into the sewer;

- (b) for requiring the exclusion from the trade effluent of all condensing water ;
- (c) for requiring that, before the trade effluent enters the sewer, there shall be eliminated from the effluent any such constituent thereof as may be specified in the byelaws, being a constituent as to which the authority making the byelaws is satisfied that it would, either alone or in combination with any matter with which it is likely to come into contact while passing through any sewers,—
  - (i) injure or obstruct those sewers, or make specially difficult or expensive the treatment or disposal of the sewage from those sewers, or
  - (ii) (where the trade effluent is to be, or is, discharged into a sewer having an outfall into any harbour or tidal water or into a sewer which connects directly or indirectly with a sewer or sewage disposal works having such an outfall) cause or tend to cause injury or obstruction to the navigation on, or the use of, the said harbour or tidal water ;
- (d) for determining the maximum quantity of the trade effluent which may, without the consent of the local authority, be discharged from any trade premises into the sewer on any one day, and the highest rate at which the trade effluent may, without such consent, be discharged from any trade premises into the sewer ;
- (e) for regulating the temperature of the trade effluent at the time when it is discharged into the sewer, and for securing so far as reasonably practicable that the trade effluent, when so discharged, shall be neutral, that is to say, neither acid nor alkaline ;
- (f) for requiring the several occupiers of trade premises from which the trade effluent is discharged into the sewer to pay to the local authority such charge for the reception of the trade effluent into the sewer, and for the disposal thereof, as may be specified in the byelaws, regard being had to the composition and volume of the trade effluent so discharged,

and to any additional expense incurred or likely to be incurred by a sewerage authority in connection with the reception or disposal of the trade effluent;

- (g) for the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into the sewer from the premises;
- (h) for the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from the premises into the sewer, and for the testing of such meters.

Trade effluents byelaws providing for any of the matters mentioned in paragraphs (a) and (d) of this subsection may make different provision in relation to different descriptions of trade premises and in relation to different parts of the district of the local authority.

(2) Nothing in any trade effluents byelaws, in so far as they provide for matters other than those specified in paragraphs (e), (g) and (h) of the preceding subsection, shall apply in relation to any discharge of trade effluents to which, by virtue of the last preceding section, the consent of the local authority is not necessary, and nothing in any trade effluents byelaws shall enable a local authority to make any charge for the reception into a sewer of any quantity of any trade effluent discharged from any particular trade premises, being a quantity which, by virtue of the last preceding section, could lawfully be discharged from those premises into the sewer without the consent of the local authority.

(3) No trade effluents byelaws shall be of any effect until confirmed by the Minister, and the provisions set out in the Schedule to this Act shall have effect in relation to the making and publication of such byelaws.

(4) If any trade effluents byelaw is contravened or not complied with in the case of any premises, the occupier of the premises shall be guilty of an offence.

(5) Where a local authority consider that the operation of any trade effluents byelaw made, or having effect as if made, by that authority would be unreasonable in relation to any particular case, they may, with the consent of the

Minister, relax the requirements of the byelaw or dispense with compliance therewith :

Provided that the local authority shall give notice of any such proposed relaxation or dispensation to any interested bodies, to any persons whose names for the time being appear in the register to be kept by the local authority under paragraph 2 of the Schedule to this Act, and to such other persons, if any, as the Minister may direct, and the Minister shall not give his consent before the expiration of one month from the giving of the notice, and, before giving his consent, shall take into consideration any objection which may have been received by him.

(6) Any trade effluents byelaws shall cease to have effect on the expiration of ten years from the date on which they are made :

Provided that the Minister may by order extend the period during which any such byelaws are to remain in force.

Power of  
Minister to  
make bye-  
laws in case  
of default,  
and to  
revoke un-  
reasonable  
byelaws.

6.—(1) If a local authority, when required by the Minister to make trade effluents byelaws in relation to any of the matters with respect to which they are empowered to make such byelaws, do not within six months after such requisition make, in relation to that matter, byelaws satisfactory to him, the Minister may himself make byelaws in relation thereto.

(2) If the Minister is satisfied that the establishment or carrying on of any trade or industry at any premises within the district of a local authority is, or is likely to be, unreasonably impeded in consequence of any trade effluents byelaws made by that local authority, he may, for the purpose of removing the impediment, require the local authority to revoke those byelaws and to make such new byelaws as he considers necessary, and if the local authority do not within six months after such requisition comply therewith, the Minister may himself for that purpose revoke the byelaws and make such new byelaws as he considers necessary.

(3) Any byelaws made by the Minister under this section shall have effect as if they had been duly made by the local authority and confirmed by the Minister.

Agreements  
between

7.—(1) Subject to the provisions of this Act and of any trade effluents byelaws for the time being in force, a

local authority may enter into and carry into effect an agreement with the owner or occupier of any trade premises within their district for the reception and disposal by the local authority of any trade effluent produced on those premises, and in particular, but without prejudice to the generality of the preceding provision, the agreement may provide for the construction by the local authority of such works as may be required for the said reception or disposal, and for the repayment by the owner or occupier, as the case may be, of the whole or part of the expenses incurred by the local authority in carrying out their obligations under the agreement :

local  
authorities  
and traders  
or other  
local  
authorities.

Provided that any agreement entered into under this subsection by a local authority shall not take effect unless and until the agreement has been approved by any interested body or the Minister has dispensed with the necessity for such approval.

(2) A local authority may enter into and carry into effect an agreement with the owner or occupier of any trade premises within their district, whereby the local authority, upon such terms as may be specified in the agreement, undertake to remove and dispose of substances produced in the course of treating any trade effluent on or in connection with those premises.

(3) A copy of every agreement entered into by a local authority in pursuance of this section, certified by the clerk of the local authority, shall be kept by the local authority at their offices so as to be available at all reasonable times for inspection and copying by any person, upon payment of a fee of sixpence for each inspection.

(4) Nothing in this Act or in any trade effluents byelaws shall affect any agreement with respect to any trade effluent duly made between a local authority and the owner or occupier of any trade premises before the commencement of this Act or the coming into operation of the byelaws, as the case may be.

(5) If, on the application of any party to an agreement made before the passing of this Act between sewerage authorities, whereby it is agreed that a sewer of one sewerage authority may communicate with a sewer, or discharge into any sewage disposal works, of another such authority, the Minister is satisfied that, owing to

circumstances arising or likely to arise by reason of the operation of this Act, the agreement ought to be cancelled or varied, he may by order direct that, subject to such conditions (if any) as he may in default of agreement between the parties determine, the agreement shall cease to have effect, or that the agreement shall be varied in such manner as may be specified in the order.

(6) This section shall have effect as from the passing of this Act.

Execution  
of works by  
local  
authorities  
for traders.

**8.**—(1) Where, for the purpose of compliance with any trade effluents byelaws, it is necessary for any works to be constructed by any person, the local authority may construct those works at the request of that person, and the amount of the expenses reasonably incurred by the local authority in so doing shall be a debt due to the local authority from the person at whose request the works were constructed.

(2) Where any sum is payable under the preceding subsection by any person to a local authority, the local authority may make an agreement with him for the payment of that sum, and interest thereon, to the local authority in such instalments, over such period, and on such terms (including a term as to the giving of security by the debtor), as may be specified in the agreement.

Production  
of plans,  
and furnish-  
ing of in-  
formation  
to local  
authorities.

**9.**—(1) The owner or occupier of any land on or under which is situate any sewer, drain, pipe, channel or outlet used or intended to be used for discharging any trade effluent into a sewer of a local authority, shall, when requested in writing so to do by the local authority,—

- (a) produce to the local authority all such plans of the sewer, drain, pipe, channel or outlet as the owner or occupier, as the case may be, possesses or is able without expense to obtain, and allow copies of the plans so produced by him to be made by, or under the directions of, the local authority, and
- (b) furnish to the local authority all such information as the owner or occupier, as the case may be, can reasonably be expected to supply with respect to the sewer, drain, pipe, channel or outlet.



(2) The owner or occupier of any trade premises from which any trade effluent was, at any time during the period of one year ending on the third day of March, nineteen hundred and thirty-seven, discharged into a sewer of a local authority, shall, if requested by the local authority in writing so to do, furnish to the local authority such information specified in the request as he can reasonably be expected to supply with respect to the nature or composition, and the volume, of the trade effluent discharged as aforesaid from those premises during that period, and with respect to the rate at which it was so discharged.

(3) Every person who fails to comply with this section shall be guilty of an offence and shall, for each such offence, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day on which the offence continues after conviction therefor.

(4) This section shall have effect as from the passing of this Act.

**10.**—(1) Any officer of a local authority, on any occasion on which, for the purposes of this Act, he exercises in relation to any premises the powers conferred on him by section two hundred and eighty-seven of the principal Act (which authorises officers of local authorities to enter premises), may obtain and take away a sample of any trade effluent which is passing from those premises into a public sewer of the local authority.

Power to  
take  
samples of  
trade  
effluents.

(2) The result of any analysis of a sample taken by an officer by virtue of this section shall not be admissible as evidence in any legal proceedings under this Act, unless the following requirements have been complied with, that is to say, the officer shall, forthwith after taking the sample, notify to the occupier of the trade premises the officer's intention to have it analysed and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

- (a) deliver one part to the occupier of the trade premises,
- (b) retain one part for future comparison, and
- (c) if he thinks fit to have an analysis made, submit one part to the analyst.

## Penalties.

11. Every person who is guilty of an offence under this Act, not being an offence for which a penalty is specially provided by this Act, shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding twenty pounds for every day on which the offence continues after conviction therefor.

Adaptation  
of local  
Acts.

12.—(1) The Minister, upon application made to him by any sewerage authority or by the owner or occupier of trade premises within the district of that sewerage authority, may by order make such amendments or adaptations of any local Act relating to the sewerage authority as appear to him to be necessary for the purpose of bringing the provisions of that Act into conformity with the provisions of this Act.

(2) The Minister may by order provide that, in relation to any such area as may be specified in the order, being an area in which a sewerage system or sewage disposal system is provided by a joint sewerage authority, the functions of a local authority under such provisions of this Act as may be so specified shall be discharged by that joint sewerage authority, either as well as, or instead of, by the local authority, according as the order may direct; and any such order may contain such incidental and supplementary provisions as may be necessary or expedient for the purposes of the order.

(3) The following provisions shall have effect in relation to any order under this section :—

- (a) the Minister shall, as soon as may be after the making of the order, cause to be published in the London Gazette and in such other manner as he thinks best adapted for informing persons affected, a notice of the making of the order, specifying the place where copies of the order may be obtained and stating that the order will become final and come into operation unless, within such period not being less than thirty days as may be specified in the said notice, notice of objection to the order is given to the Minister by some person affected by the order;
- (b) if no such notice of objection has been given within the period aforesaid, or if every objection of which notice has been so given has been withdrawn, the order shall come into operation at

the end of the said period or on such date thereafter as may be specified in the order, but if such notice of objection has been so given and the objection has not been withdrawn, the order shall have no effect until confirmed by Parliament;

- (c) where, by virtue of the preceding provisions of this subsection, the order can have no effect until confirmed by Parliament, the order shall be deemed to be a provisional order for the purposes of paragraphs (c), (d) and (g) of subsection (1) of section two hundred and eighty-five of the Local Government Act, 1933.

23 & 24  
Geo. 5. c. 51.

(4) Any power under this section to make an order shall be construed as including a power, exerciseable in the like manner and subject to the like conditions, to vary or revoke the order.

(5) This section shall have effect as from the passing of this Act.

**13.** Nothing in this Act shall affect any right with respect to water in a river, stream or watercourse, or authorise any infringement of such a right.

Saving of  
rights  
in respect  
of water.

**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:—

Interpreta-  
tion.

“district” means, in relation to a local authority, the area over which that authority have jurisdiction;

“harbour” and “tidal water” have the meanings respectively assigned to those expressions by section seven hundred and forty-two of the Merchant Shipping Act, 1894;

57 & 58 Vict.  
c. 60.

“interested body” means—

(a) where the local authority’s sewer into which the trade effluent is, or is to be, received discharges into any sewer or sewage disposal works of a joint sewerage authority or of another sewerage authority, that joint sewerage or other sewerage authority, or

(b) where the local authority’s said sewer has an outfall into any harbour or tidal water, or is connected directly or indirectly with any sewer or sewage disposal works

having such an outfall, the harbour authority or conservancy authority having jurisdiction in respect of that harbour or tidal water;

and for the purposes of this definition "harbour authority" and "conservancy authority" have the meanings respectively assigned to those expressions by section seven hundred and forty-two of the Merchant Shipping Act, 1894;

"joint sewerage authority" means any board, council, committee or other body authorised under or by virtue of any enactment to maintain sewers or sewage disposal works for the use of two or more local authorities;

"trade effluent" means any liquid, either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and, in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

"trade premises" means any premises used or intended to be used for carrying on any trade or industry.

(2) This Act shall be construed as one with the principal Act, and, without prejudice to the generality of the preceding provision, section ninety of the principal Act (which relates to the interpretation of expressions used in Part II of that Act) shall apply for the purposes of this Act as that section applies for the purposes of Part II of the principal Act.

Short title,  
citation,  
extent and  
commence-  
ment.

**15.**—(1) This Act may be cited as the Public Health (Drainage of Trade Premises) Act, 1937; and the principal Act and this Act may be cited together as the Public Health Acts, 1936 and 1937.

(2) This Act shall not extend to Scotland, Northern Ireland or the administrative county of London, and shall not extend to any area which, immediately before the passing of this Act, drained directly or indirectly into any sewer or sewage disposal works vested in the London County Council or in the council of a metropolitan borough, so long as that area continues to drain

as aforesaid into any sewer or sewage disposal works so vested.

(3) This Act shall, save as otherwise specially provided therein, come into operation on the first day of July, nineteen hundred and thirty-eight.

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## SCHEDULE.

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Section 5.

### PROVISIONS AS TO MAKING AND PUBLICATION OF TRADE EFFLUENTS BYELAWS.

1. The Minister shall not entertain any application for confirmation of any trade effluents byelaws made by a local authority, unless he is satisfied that the following requirements have been complied with, that is to say:—

- (1) at least two months before making the byelaws the local authority shall publish, by advertisement at their offices, in the London Gazette, and in one or more newspapers circulating in the district of the local authority, a notice of their intention to make byelaws under this Act, stating—
  - (a) to what trade effluents the byelaws will relate,
  - (b) that, at such place as may be specified in the notice, copies of the draft byelaws may be inspected free of charge, and may be obtained on payment of such charge not exceeding one shilling per copy as may be so specified, and
  - (c) that the local authority are prepared to receive and consider any representation with respect to the byelaws which may be made to them in writing by or on behalf of owners or occupiers of trade premises within the district of the local authority at any time during such period after the date of the publication of the notice, not being less than two months, as may be specified in the notice;
- (2) the local authority, before making the byelaws, shall take into consideration any representation which they have undertaken to consider under the terms of the notice given by them as aforesaid and shall consult any interested body;
- (3) if the Minister has, for the purposes of this Act, designated to the local authority any specified body of persons as being representative of the interests of the owners or occupiers of trade premises in the district of the local

authority, or of any class of such owners or occupiers, the local authority shall, before making the byelaws, consult that body.

2. Where the owner or occupier of any trade premises within the district of a local authority serves on the local authority a written request to be registered and states his name and postal address, it shall be the duty of the local authority to enter his name and address in a register to be kept by them for the purpose of this Act; and so long as his name appears in the register, the local authority shall cause to be sent to him a copy of any notice which they are required by this or any other Act to publish in connection with the making of trade effluents byelaws or the confirmation of such byelaws.

The local authority may remove from the said register the name of any person who has ceased to be the owner or occupier of trade premises within their district, or who has requested the local authority in writing to remove his name from the register.

3. As soon as may be after any trade effluents byelaws made by a local authority are confirmed by the Minister, the local authority shall publish, by advertisement at their offices and in one or more newspapers circulating in their district, a notice of the confirmation, specifying the date on which the byelaws will come into operation, and stating that copies of the byelaws may be inspected and obtained at the offices of the local authority in accordance with subsection (7) of section two hundred and fifty of the Local Government Act, 1933.

4. The preceding provisions of this Schedule shall, in relation to the making of trade effluents byelaws by the Minister in default of a local authority, and in relation to the publication of such byelaws made by him, have effect subject to the following modifications:—

- (a) the duties of the local authorities under paragraph 1 of this Schedule shall, in connection with the making of the byelaws, be performed by the Minister;
- (b) in paragraph 2 of this Schedule the reference to any notice which the local authority are required to publish shall be construed as including a reference to any notice which the Minister is required to publish; and
- (c) the local authority shall have the same duty under paragraph 3 of this Schedule in relation to the byelaws as they have in relation to byelaws made by the local authority and confirmed by the Minister.

5. Nothing in this Schedule shall be taken to affect the operation of section two hundred and fifty of the Local Government Act, 1933.

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**CHAPTER 41.**

An Act to increase to five hundred and fifty million pounds the aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund.

[6th July 1937.]

**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 aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund of the United Kingdom or the growing produce thereof under subsection (4) of section twenty-four of the Finance Act, 1932 (as amended by the Exchange Equalisation Account Act, 1933), shall, instead of being the sum of three hundred and fifty million pounds, be the sum of five hundred and fifty million pounds.

Amendment  
of s. 24 (4)  
of 22 & 23  
Geo. 5. c. 25.

23 & 24  
Geo. 5. c. 18.

2. This Act may be cited as the Exchange Equalisation Account Act, 1937.

Short title.

**CHAPTER 42.**

An Act to amend the law with respect to the exportation of horses; and for purposes connected therewith.

[6th July 1937.]

**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.—(1) Subsection (1) of section one of the Diseases of Animals Act, 1910, as amended by the Exportation of Horses Act, 1914 (which relates to the prohibition of export of unfit horses in certain cases), shall have effect

Extension and  
amendment  
of s. 1 of  
10 Edw. 7. &  
1 Geo. 5. c. 20.  
4 & 5 Geo. 5.  
c. 15.

as though after the word "suffering" there were inserted the words—

"and in any of the cases hereinafter mentioned to be in his opinion not more than eight years of age and of not less value than the respective amounts hereinafter specified.

The cases last hereinbefore referred to are where the inspector is satisfied that the horse is—

- (a) a heavy draught horse;
- (b) a vanner, mule, or jennet; or
- (c) an ass;

and the amounts above referred to, in relation to the foregoing paragraphs (a), (b) and (c) respectively, are twenty-five, twenty and three pounds, or such other amounts as may be prescribed by order of the Minister of Agriculture and Fisheries."

And as though at the end of the subsection there were inserted the following further proviso :—

" Provided also that the foregoing provisions of this subsection relating to age and value shall not apply in the case of any horse as to which the inspector is satisfied either—

- (a) that it is intended to use the horse as a performing animal; or
- (b) that the horse is registered in the stud book of a society for the encouragement of horse-breeding recognised by the Minister of Agriculture and Fisheries, and is intended to be used for breeding or exhibition purposes; or
- (c) that the horse is a foal at foot accompanying such a horse as is referred to in the last foregoing paragraph."

(2) The said section one shall have effect as though the following subsection were substituted for subsection (2) thereof :—

" (2) If any horse examined under this Act is found by the veterinary inspector to be in such a physical condition that it is cruel to keep it alive, or to be permanently incapable of being worked without suffering, the inspector shall forthwith slaughter it or cause it to be slaughtered with a



mechanically operated instrument suitable and sufficient for the purpose, and no compensation shall be made to the owner of the said animal.”

2.—(1) This Act may be cited as the *Exportation of Horses Act, 1937*, and shall be construed as one with the *Diseases of Animals Act, 1910*, and the *Exportation of Horses Act, 1914*; and the *Diseases of Animals Acts, 1894 to 1935*, and this Act may be cited together as the *Diseases of Animals Acts, 1894 to 1937*.

Short title,  
construc-  
tion, cita-  
tion and  
commence-  
ment.

(2) This Act shall come into force on the first day of October, nineteen hundred and thirty-seven.

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## CHAPTER 43.

An Act to make better provision for the preservation, care and custody of the Public Records of Scotland, and for the discharge of the duties of Principal Extractor of the Court of Session.

[6th July 1937.]

**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.

#### COURT RECORDS.

1.—(1) The records of the High Court of Justiciary and of the Court of Session shall be transmitted to the Keeper of the Registers and Records of Scotland (hereinafter referred to as the Keeper) at such times, and subject to such conditions, as may respectively be prescribed by Act of Adjournal or Act of Sederunt.

High Court  
and Court  
of Session  
records.

(2) An Act of Adjournal or an Act of Sederunt under the foregoing subsection may fix different times and conditions of transmission for different classes of records and may make provision for re-transmission of records to

PART I.  
—cont.

the Court when such re-transmission is necessary for the purpose of any proceedings before the Court, and for the return to the Keeper of records so re-transmitted as soon as may be after they have ceased to be required for such purpose.

Sheriff  
court  
records.

2.—(1) It shall be lawful for the Lord President of the Court of Session (hereinafter referred to as the Lord President) on the application of the Keeper and after consultation with the sheriff of any sheriffdom, to make an order directing that such of the sheriff court records of that sheriffdom as may be specified in the order shall be transmitted to the Keeper on or before a date specified therein not being earlier than three months from the date of the order :

Provided that no such order shall apply to any record which is of more recent date than twenty-five years before the date of the order, unless the Lord President is satisfied that adequate provision as regards care, indexing, and availability for consultation cannot otherwise be made.

(2) Where any record transmitted in pursuance of the foregoing subsection to the Keeper is required for the purpose of any proceedings in the High Court of Justiciary, the Court of Session or any sheriff court, the Keeper shall re-transmit such record to the clerk of such court on any order of a judge of the said High Court or Court of Session or of the sheriff as the case may be, and any record so re-transmitted shall be returned by such clerk to the Keeper as soon as may be after it has ceased to be required for the said purpose.

(3) The sheriff of each sheriffdom shall be responsible for the proper care and preservation of the sheriff court records of that sheriffdom which have not been transmitted under subsection (1) of this section to the Keeper and shall, in compliance with any request which the Keeper, with the consent of the Lord President, may from time to time make, cause a report to be prepared and sent by the sheriff clerk to the Keeper, giving such information as may be specified in the request, regarding—

(a) the nature, situation and condition of all buildings in which any such records are kept ;

- (b) the age and condition of such records ;
- (c) the arrangements made for their care and preservation, and for indexing them and rendering them available for inspection by the public ; and
- (d) any other matters connected with the care and preservation of such records.

PART I.  
—cont.

(4) In subsections (1) and (3) of this section, the expression “sheriff” does not include “sheriff substitute.”

**3.**—(1) It shall be lawful for the Lord President, on the application of the Keeper, to make an order directing that such of the justice of the peace records of any county as may be specified in the order shall be transmitted to the Keeper on or before a date specified therein not being earlier than three months from the date of the order :

Justice of  
the peace  
records.

Provided that no such order shall apply to any record which is of more recent date than twenty-five years before the date of the order, unless the Lord President is satisfied that adequate provision as regards care, indexing, and availability for consultation cannot otherwise be made.

(2) The clerk of the peace for any county shall have the custody, and be responsible for the proper care and preservation, of the justice of the peace records of that county which have not been transmitted under subsection (1) of this section to the Keeper, and shall in compliance with any request which the Keeper, with the consent of the Lord President, may, from time to time, make, prepare and send to the Keeper a report giving such information as may be specified in the request regarding—

- (a) the nature, situation, and condition of all buildings in which any such records are kept ;
- (b) the age and condition of such records ;
- (c) the arrangements made for their care and preservation, and for indexing them and rendering them available for inspection by the public ; and
- (d) any other matters connected with the care and preservation of such records.

## PART II.

## STATE, DEPARTMENTAL AND LOCAL AUTHORITY RECORDS.

Certain records to be transferred from the Public Record Office.

4. The documents specified in the First Schedule to this Act, which prior to the passing of this Act have been kept in the Public Record Office, shall, as soon as may be after the passing of this Act, be transmitted by the Master of the Rolls to the Keeper for custody.

Provision for transfer of departmental and local authority records to the Keeper.

5.—(1) It shall be lawful for any Government Department, board of trustees, or other body or person having the custody of any records belonging to His Majesty and relating exclusively or mainly to Scotland (other than the documents specified in section four of this Act) to transmit such records to the Keeper :

Provided that no record which is in the charge and superintendence or custody of the Master of the Rolls in pursuance of the Public Record Office Acts, 1838 to 1898, shall be so transmitted without the consent of the Master of the Rolls.

63 & 64 Vict.  
c. 49.

(2) Notwithstanding anything contained in section seventy-eight of the Town Councils (Scotland) Act, 1900, or in any other enactment it shall be lawful for the town council of any burgh in Scotland, or for any other local authority in Scotland, with the consent of the Keeper, to transmit any of their records to the Keeper for custody :

Provided that nothing in this subsection shall apply to any burgh register of sasines or to any book or public record relating thereto.

(3) Any document transmitted under this section to the Keeper shall be re-transmitted by him to the Department, local authority, body or person from whom it was received, on application to that effect made on the ground that such re-transmission is necessary for the purposes of such Department, local authority, body or person. Any record so re-transmitted shall be returned to the Keeper as soon as may be after it has ceased to be required for the purposes for which it was re-transmitted.

Records transmitted by the Master of the Rolls.

6. Any record or document which is, under either of the last two foregoing sections, transmitted to the Keeper by or with the consent of the Master of the Rolls shall cease to be under the charge and superintendence of the Master of the Rolls.

## PART III.

## GENERAL.

**7.**—(1) There shall be constituted a Council to be called the Scottish Records Advisory Council, consisting of not more than twelve members, who shall be persons, or representatives of public bodies or societies, interested in the public records of Scotland. Advisory Council.

(2) The members of the aforesaid Council shall be appointed by the Secretary of State, shall hold office for three years from the date of their appointment, and shall be eligible for reappointment on expiry of that period: Provided that the Keeper shall be ex officio a member and chairman and convener of the Council.

(3) The aforesaid Council may submit proposals or make representations to the Secretary of State, the Lord Justice General, or the Lord President on questions relating to the public records of Scotland, and in particular to the custody, preservation, indexing, and cataloguing of those records, and to facilities for access to and examination of them by members of the public.

(4) The Council may make rules regarding their procedure and may by such rules prescribe their quorum.

**8.** The Keeper shall take such steps as may seem to him necessary for the cleaning, preserving, repairing and arranging of any records transmitted to him in pursuance of this Act or otherwise, and for the making of calendars, indexes and catalogues thereof. Preservation, &c. of records.

**9.** The Keeper shall have power to issue extracts or certified copies of any records transmitted to him in pursuance of this Act or otherwise, and any such extract or copy shall be of the like force and effect in all respects and for all purposes as if it had been an extract or copy issued in accordance with the law and practice existing immediately prior to the passing of this Act. Extracts from records.

**10.** The Court of Session may from time to time, with the approval of the Treasury, prescribe by Act of Sederunt a table of fees to be charged for inspection, search, and making copies of any records transmitted to the Keeper in pursuance of this Act or otherwise. Provision may be made, in prescribing any such table, for the Fees for inspection and search of records.

**PART III.** remission of fees for the inspection of records for historical or literary purposes.  
—*cont.*

Catalogues,  
&c. of  
records.

**11.** The Keeper shall have power, with the consent of the Treasury, to purchase any catalogues, calendars and indexes of records transmitted to him in pursuance of this Act or otherwise, which may have been prepared by any person or body, and to arrange for the sale of copies of any catalogue, calendar or index whether prepared by him or by any other person or body.

Disposal of  
documents  
not to be  
preserved  
by the  
Keeper.

**12.**—(1) The Lord Justice General, as regards records of the High Court of Justiciary, the Lord President, as regards other court records, and the Secretary of State, as regards any other records to which this Act applies, may make regulations regarding the disposal by destruction or otherwise of records which have been transmitted to the Keeper in pursuance of this Act or otherwise, and which are of insufficient value to justify their preservation or which would more appropriately be in the custody of any person, body or institution other than the Keeper.

(2) Regulations under this section shall not be made until a draft thereof has lain before each House of Parliament for a period of thirty days during the Session of Parliament, and if, before the expiration of that period, an address is presented to His Majesty by either House against the draft, no further proceedings shall be taken thereon, without prejudice however to the making of any new draft regulations :

Provided that in reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses are adjourned for more than four days.

(3) No regulations made under this section shall authorise—

(a) the disposal of records relating to a Government department or belonging to a local authority . without the consent of that department or authority ; or

(b) the disposal of any record of older date than the year eighteen hundred.

Provision  
for dis-  
charge of

**13.**—(1) The Keeper shall exercise and perform the powers and duties conferred or imposed on the Principal Extractor of the Acts and Decrees of the Court of

Session by any order made in pursuance of section seven of the Reorganisation of Offices (Scotland) Act, 1928, and the other powers and duties of such Principal Extractor and of his Assistant shall be exercised and performed by such clerks and officers of the Court of Session as the Principal Clerk of Session may, subject to the directions of the Lord President, from time to time appoint.

PART III.  
—cont.  
duties of  
Extractor  
of the Court  
of Session.  
18 & 19  
Geo. 5. c. 34.

(2) The vacancies existing at the passing of this Act in the offices of Principal Extractor of the Acts and Decrees of the Court of Session and of his Assistant shall not be filled, and those offices shall cease to exist.

14.—(1) In this Act, unless the context otherwise requires—

Interpreta-  
tion.

the expressions “ records of the Court of Session ” and “ records of the High Court of Justiciary ” mean the registers, minute books, processes, writs or documents belonging to or in the custody of the Court of Session (including the Court of Teinds as defined in the United Parishes (Scotland) Act, 1876) and the High Court of Justiciary respectively;

39 & 40 Vict.  
c. 11.

the expression “ sheriff court records ” includes the registers, minute books, processes, writs or documents belonging to or in the custody of sheriff courts or sheriff clerks;

the expression “ justice of the peace records ” includes all registers, minute books, processes, writs or documents relating to the transaction of their business by the justices of the peace, or to proceedings in the justice of the peace courts civil and criminal;

the expression “ court records ” includes the records of the High Court of Justiciary, the records of the Court of Session and sheriff court records and justice of the peace records.

(2) Any question as to whether any document is or is not a record of the High Court of Justiciary or of the Court of Session or is or is not a sheriff court record or is or is not a justice of the peace record shall be determined by the Lord Justice General, in the case of the said High Court, and in any other case by the Lord President.

PART III.  
—*cont.*  
Repeal of  
obsolete  
provisions.  
49 Geo. 3.  
c. 42.  
55 Geo. 3.  
c. 70.

**15.** The following provisions of the Public Records (Scotland) Act, 1809, that is to say, sections one to three, section eight, section eleven (so far as not already repealed), and section thirteen, and the following provisions of the Court of Session (Records) Act, 1815, that is to say, sections three and four, all of which provisions have, by lapse of time or otherwise, become unnecessary or obsolete, are hereby repealed.

Repeals.

**16.** The enactments mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Short title.

**17.** This Act may be cited as the Public Records (Scotland) Act, 1937.

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## SCHEDULES.

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Section 4.

### FIRST SCHEDULE.

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#### RECORDS IN THE PUBLIC RECORD OFFICE TO BE TRANSMITTED TO THE KEEPER.

1. CHARTER by King Richard I restoring to William, King of Scots, the castles of Roxburgh and Berwick, and all the pactions concerning homage to the King of England which Henry his father had extorted by the capture of King William. Dated 5 December 1189.

2. CHARTER by King Richard I fixing the allowances to be made to Scottish kings visiting the Court in England, with entertainment and escort during the journey. Dated 17 April 1194.

3. BULL of Pope Honorius III affirming the independence of the Church in Scotland from any jurisdiction except that of the Roman pontiff or his legate *de latere*. Dated 21 November 1218.

4. BULL of Pope Innocent IV forbidding Scottish ecclesiastical causes to be tried outside Scotland, except in special cases at Carlisle or Durham. Dated 11 September 1245.

5. BULL of Pope Innocent IV addressed to the Crusaders of the Kingdom of Scotland providing that redemption of Crusaders' vows shall not be prejudged by any grant made to the King of England. Dated 4 September 1251.



6. **MARRIAGE CONTRACT** between Eric, King of Norway, and Margaret, daughter of Alexander III, King of Scots. Dated 25 July 1281.

1ST SCH.  
—cont.

7. **MINUTE** declaring that King Edward I restores the manor of Aldenstone in Cumberland to Nicholas, son and heir of Robert de Vipont, reserving the mine. Dated 28 January 1281–2.

8. **INVENTORY** of Papal Bulls, Charters and other Muniments in the Royal Treasury at Edinburgh Castle, made by the King's clerks. Dated 29 September 1282.

9. **LETTERS PATENT** by the Magnates of Scotland acknowledging Margaret, Princess of Norway, as heiress of Scotland failing issue of her grandfather and his late son. Dated 5 February 1283–4.

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## SECOND SCHEDULE.

Section 16.

### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
49 Geo. 3. c. 42.	The Public Records (Scotland) Act, 1809.	Sections ten, twelve and sixteen.
50 Geo. 3. c. 112.	The Court of Session Act, 1810.	Section twelve.
55 Geo. 3. c. 70.	The Court of Session (Records) Act, 1815.	Sections one and two.
1 & 2 Vict. c. 118.	The Court of Session (No. 2) Act, 1838.	Sections eighteen and twenty, so far as unrepealed.
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	In section fifty-four the words "and the place or places and manner in which the records, books, documents, papers, and things connected therewith should be hereafter kept".
18 & 19 Geo. 5. c. 34.	The Reorganisation of Offices (Scotland) Act, 1928.	Section ten.
23 & 24 Geo. 5. c. 41.	The Administration of Justice (Scotland) Act, 1933.	Section twenty-five so far as relating to the Principal Extractor of the Acts and Decrees of the Court of Session.

## CHAPTER 44.

An Act to provide that motor vehicles used under certain conditions are not to be deemed to be stage or express carriages or vehicles carrying passengers for hire or reward at separate fares, and to amend section three of the Road and Rail Traffic Act, 1933. [6th July 1937.]

**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 :—

Motor vehicle used under certain conditions not to be deemed stage or express carriage or vehicle carrying passengers for hire or reward at separate fares.  
20 & 21  
Geo. 5. c. 43.  
24 & 25  
Geo. 5. c. 50.

1.—(1) At the end of subsection (1) of section sixty-one of the Road Traffic Act, 1930 (which, as amended by section twenty-four of the Road Traffic Act, 1934, defines "stage carriages" and "express carriages" by reference, amongst other matters, to their being motor vehicles carrying passengers for hire or reward at separate fares, subject to a proviso relating to the use of certain vehicles on occasions of race meetings, public gatherings and other like special occasions), the following further proviso shall be inserted :—

"Provided also that a motor vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that it is used to carry passengers at separate fares on a journey in relation to which the following conditions are satisfied (that is to say) :—

- (a) the number of passengers carried must not exceed four;
- (b) the making of the agreement under which any of the passengers pays his separate fare must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire purchase agreement, or by any person who receives any remuneration in respect of arrangements for the journey;
- (c) the journey must be made without previous advertisement to the public of

facilities for its being made by passengers to be carried at separate fares;

- (d) the journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire purchase agreement of which any of the vehicles is the subject; and
- (e) the journey must not be made in conjunction with, or in extension of, a service provided under a road service licence, if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service."

(2) A motor vehicle adapted to carry less than eight passengers shall not, while it is being used on a journey in relation to which the conditions mentioned in the further proviso inserted as aforesaid by the foregoing subsection are satisfied, be deemed for the purposes of any enactment to be a vehicle carrying or conveying passengers for hire or reward at separate fares.

2.—(1) In subsection (1) of section three of the Road and Rail Traffic Act, 1933 (which specifies in paragraphs (a), (b) and (c) thereof respectively the period for which licences of classes A, B and C respectively may be granted under Part I of that Act), there shall be inserted, at the end of each of the said paragraphs, the words "or such longer period as may be prescribed".

Power to extend currency period for carriers' licences. 23 & 24 Geo. 5. c. 53.

(2) At the end of the said subsection (1) the following words shall be inserted:—

"Regulations made for the purposes of this subsection may provide that, where the licensing authority is of opinion that such a course is

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desirable in order to arrange a suitable and convenient programme of work, he may in his discretion grant a licence for a currency period shortened to meet the requirements of that programme.”

Short title,  
citation and  
extent.

**3.**—(1) This Act may be cited as the Road Traffic Act, 1937, and this Act and the Road Traffic Acts, 1930 to 1936, may be cited together as the Road Traffic Acts, 1930 to 1937.

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

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## CHAPTER 45.

An Act to regulate the fumigation of premises and articles with hydrogen cyanide; and for purposes connected with the matters aforesaid.

[6th July 1937.]

**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 :—

Power to  
make regu-  
lations.

**1.**—(1) With a view to protecting persons from danger in connection with the fumigation of premises and articles (including any ship, vehicle or aircraft) with hydrogen cyanide, the Secretary of State may make regulations with respect to such fumigation and, without prejudice to the generality of the foregoing provision, the regulations may—

- (a) regulate the manner in which the hydrogen cyanide is to be generated and require the admixture therewith of any substance;
- (b) prohibit the carrying out of any such fumigation except by or under the supervision of persons having such training or experience as may be specified in the regulations and by such number of persons as may be so specified;

- (c) regulate the disposal of the residues of any substances used in the fumigation;
- (d) for the purpose of preventing injurious effects resulting from the fumigation, impose temporary restrictions upon the use of any premises or article, and require such tests as may be specified in the regulations to be carried out after the fumigation;

and the regulations may distinguish between different classes of fumigation, according to the method or circumstances thereof or otherwise, and may contain special requirements or exemptions in relation to any such class.

(2) Regulations made under this section shall not apply to the fumigation of rabbit warrens or to fumigation carried out in the open air.

(3) If any person contravenes or fails to comply with any regulation made under this section, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding fifty pounds.

(4) All regulations made by the Secretary of State under this section shall be laid before Parliament as soon as may be after they are made.

2.—(1) Whenever any accident which occasions loss of human life or personal injury occurs as the result of the fumigation of any premises, or article, the person by whom, or by whose agent, the fumigation was carried out shall forthwith send or cause to be sent to the Secretary of State notice of the accident and of the loss of human life or personal injury.

Notice to be given of accidents resulting from fumigation.

(2) Every such person as aforesaid who fails to comply with the provisions of this section shall be liable on summary conviction to a fine not exceeding five pounds.

3. The provisions of section fourteen and fifteen of the Petroleum (Consolidation) Act, 1928 (which relate to inquiries into accidents and to coroners' inquests on deaths resulting from accidents), shall, as set out with modifications in the Schedule to this Act, apply in relation to accidents of which notice is required by this Act to be given to the Secretary of State.

Application of certain provisions relating to inquiries and coroners' inquests.  
18 & 19  
Geo. 5. c. 32.

Power to  
make Orders  
in Council  
applying  
the Act to  
fumigations  
with other  
gases.

4.—(1) His Majesty may by Order in Council apply the provisions of this Act, or such of those provisions as may be specified in the Order in Council, to fumigation with any substance other than hydrogen cyanide in like manner as they apply to fumigation with hydrogen cyanide, subject to such adaptations, if any, as may be necessary, having regard to the nature of the said substance:

Provided that a draft of any such Order as aforesaid shall not be presented to His Majesty in Council until a copy thereof has lain before each House of Parliament for twenty-eight days on which that House has sat, and, if either House within that period resolves that the draft be not so presented, no further proceedings shall be taken thereon.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council made in like manner and subject to the like provisions.

Provisions  
as to Scot-  
land.

5.—(1) In the application of this Act to Scotland the expression “a master of the Supreme Court” means the Auditor of the Court of Session; the expression “attending before a court of record” means attending on citation in the High Court of Justiciary; the expression “stipendiary magistrate” means the sheriff; the expression “information” means complaint; and the expression “summons” means order.

(2) Where in pursuance of this Act an inquiry or investigation is directed to be held in regard to any death occurring in Scotland, no inquiry in regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

58 & 59 Vict.  
c. 36.

Short title  
and extent.

6.—(1) This Act may be cited as the Hydrogen Cyanide (Fumigation) Act, 1937.

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

## SCHEDULE.

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Section 3.

### PROVISIONS OF THE PETROLEUM (CONSOLIDATION) ACT, 1928, APPLIED FOR THE PURPOSES OF THIS ACT.

14. The Secretary of State may direct an inquiry to be made by such person as he may appoint into the cause of any accident of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes and circumstance thereof, is expedient, he may by order direct a formal investigation to be held, and with respect to inquiries and investigations made or held under this Act the following provisions shall have effect :—

Inquiry into  
accidents.

- (a) the Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist in holding a formal investigation, or may direct such county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons as may be named in the order, to hold such an investigation with the assistance of any assessor or assessors named in the order :
- (b) the persons holding any formal investigation (in this section referred to as the court) shall hold it in open court in such manner and under such conditions as they think most effectual for ascertaining the causes and circumstances of the accident, and for enabling them to make the report in this section mentioned :
- (c) the court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and in addition the following powers, namely—
  - (i) they may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose ;
  - (ii) they may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for the said purpose require to be furnished to them answers or returns to such inquiries as they think fit to make ;

(iii) they may require the production of all books, papers and documents which they consider important for the said purpose;

(iv) they may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

- (d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of the expenses :
- (e) if any person without reasonable excuse (proof whereof shall lie on him) fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes the court in the execution of their duty, he shall be liable on summary conviction to a fine not exceeding ten pounds, or, in the case of a failure to comply with a requisition for furnishing any return or producing any document, not exceeding ten pounds for every day on which the failure occurs or continues :
- (f) the person appointed to make an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending it, and containing any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to include in the report, and the Secretary of State shall cause every report so made to him to be made public in such manner as he thinks expedient.

**Coroners'  
inquests on  
deaths from  
accidents.**

15.—(1) Where a coroner holds an inquest upon the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, the coroner shall adjourn the inquest unless some person on behalf of the Secretary of State is present to watch the proceedings :

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of the holding thereof,



it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary that he should do so.

(2) The coroner before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(3) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest.

(4) A person employed on behalf of the Secretary of State shall be at liberty at any such inquest as aforesaid to examine any witness, subject nevertheless to the order of the coroner on points of law.

(5) Where at any inquest there is given evidence of any neglect having caused or contributed to an accident, the coroner shall, if no person employed on behalf of the Secretary of State is present at the inquest, send to the Secretary of State notice in writing of the neglect.

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## CHAPTER 46.

An Act to provide for the development of facilities for, and the encouragement of, physical training and recreation, and to facilitate the establishment of centres for social activities.

[13th July 1937.]

**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.—(1) There shall continue to be two National Advisory Councils for Physical Training and Recreation, the one for England and Wales and the other for Scotland, consisting in each case of such persons as the Prime Minister may from time to time appoint, whose principal duty it shall be to investigate, and advise His Majesty's Government with regard to, matters relating to the maintenance and improvement of the physical well-being of the people by means of exercise and recreation.

National  
Advisory  
Councils.

Such a council is hereafter in this Act referred to as a "National Council."

(2) A National Council may appoint committees to assist them in the discharge of their functions and may appoint as members of any such committee, or authorise any such committee to co-opt as members thereof, persons who are not members of the Council.

Local  
committees  
and sub-  
committees.

2.—(1) The National Council for England and Wales shall, so soon as may be, make, and may from time to time vary, arrangements for the establishment throughout their area of local committees consisting of persons representing local education authorities for higher education, and other local authorities, and voluntary organisations promoting objects which are objects of this Act, and other persons who have special knowledge and experience of matters with which the local committees will be concerned.

(2) Any such arrangements shall empower a local committee to delegate or refer matters arising out of their functions to sub-committees, and to appoint as members of a sub-committee, or authorise a sub-committee to co-opt as members thereof, members of local authorities and other persons who are not members of the committee.

(3) The functions of a local committee shall be—

- (i) to review the existing facilities for physical training and recreation in the various localities within their area, to direct public interest to the value of such training and recreation and to encourage the promotion of local schemes for the provision of further and better facilities therefor;
- (ii) to examine and consider any proposals which may be put before them for the provision of such facilities as aforesaid, and any application for financial assistance by way of a grant under this Act which may be made to them; and
- (iii) to transmit any such application with their recommendations thereon to the grants committee referred to in the next succeeding section.

(4) A local authority may, either free of charge or on such other terms as may be agreed, place at the disposal of a local committee, or of a sub-committee of such a committee, any offices or staff belonging to or employed by the authority.

**3.—(1)** The Board of Education (hereafter in this Act referred to as “the Board”) may, in accordance with recommendations made by the committee appointed for the purposes of this Act by the Prime Minister (hereafter in this Act referred to as “the grants committee”) and in accordance with arrangements approved by the Treasury, make grants—

Powers of  
Board of  
Education.

- (a) towards the expenses of a local authority or local voluntary organisation in providing, whether as a part of wider activities or not, or in aiding the provision of, facilities for physical training and recreation, including, but without prejudice to the generality of the foregoing words, the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other buildings and premises for physical training and recreation;
- (b) towards the expenses of a local authority or local voluntary organisation in respect of the training and supply of teachers and leaders; and
- (c) to the funds of any national voluntary organisation having such objects as aforesaid, either in aid of its work as a whole, or in aid of any specified branch of its work.

The powers of the Board under paragraph (a) of this subsection shall not extend to the making of a grant in aid of the maintenance of such facilities as aforesaid, except that, if the Board after considering a recommendation of the grants committee certify that the circumstances of a local voluntary organisation are such that special hardship or difficulty would be occasioned if such a grant were not made to it, the Board may make such a grant.

(2) The Board when making a grant under the preceding subsection may attach thereto such conditions, including, in the case of a grant to a voluntary association,

conditions for securing the continuity of the undertaking assisted, as the Board may think proper.

(3) The Board, after consultation with the National Council for England and Wales, may, on the recommendation of the grants committee and with the approval of the Treasury, take steps for disseminating knowledge with respect to the value of physical training and recreation.

Extension  
of powers  
of local  
authorities

4.—(1) A local authority may acquire, lay out, provide with suitable buildings and otherwise equip, and maintain lands, whether situate within or without their area, for the purpose of gymnasiums, playing fields, holiday camps or camping sites, or for the purpose of centres for the use of clubs, societies or organisations having athletic, social or educational objects, and may manage those lands and buildings themselves, either with or without a charge for the use thereof or admission thereto, or may let them, or any portion thereof, at a nominal or other rent to any person, club, society or organisation for use for any of the purposes aforesaid.

The authority may also provide and, where necessary, arrange for the training of, such wardens, teachers and leaders as they may deem requisite for securing that effective use is made of the facilities for exercise, recreation and social activities so provided.

15 & 16  
Geo. 5. c. 71.

(2) Section seventy of the Public Health Act, 1925 (which relates to the use of public offices for entertainments and the like), shall apply in relation to any premises provided by a local authority under the preceding subsection as if those premises were offices for the transaction of business, and as if any local authority as defined by this Act were a local authority for the purposes of the said section seventy.

26 Geo. 5. &  
1 Edw. 8.  
c. 49.

(3) A county council may provide public swimming baths and bathing places under Part VIII of the Public Health Act, 1936, and, accordingly, in sections two hundred and twenty-one to two hundred and twenty-nine of that Act any reference to a local authority or their district shall, in relation to public swimming baths and bathing places, be construed as including a reference to a county council or their county.

(4) A local authority may contribute towards expenses incurred by another local authority, whether

under this or any other Act, or by a voluntary organisation, in providing or maintaining within the area of the contributing authority, or on a site where it will benefit any of the inhabitants of that area, anything mentioned in subsection (1) of this section, or a swimming bath or bathing place.

(5) Section sixty-nine of the Public Health Act, 1925, and so much of the Museums and Gymnasiums Act, 1891, as relates to gymnasiums, shall cease to have effect and any property held by a local authority for the purposes of the enactments thus repealed shall, without any necessity for formal appropriation, be held by them for the purposes of this section. 54 & 55 Vict.  
c. 22.

5.—(1) The purposes of the last preceding section and the provision of swimming baths and bathing places under Part VIII of the Public Health Act, 1936, shall be purposes for which any local authority other than a parish council may purchase land compulsorily by means of a compulsory purchase order made by the authority and confirmed by the Minister of Health and, accordingly, so far as those purposes are concerned, the provisions of the Local Government Act, 1933, relating to the compulsory acquisition of land by means of such an order shall be deemed to extend to the administrative county of London and shall have effect as if any reference therein to a local authority were a reference to a local authority as defined by this Act. Supple-  
mental pro-  
visions as to  
exercise of  
powers by  
local  
authorities.  
  
23 & 24  
Geo. 5. c. 51.

(2) Expenditure incurred for any of the said purposes by the common council of the city of London or the council of a metropolitan borough shall be defrayed out of the general rate, and those purposes shall be purposes for which any such council may borrow money as for purposes of the Public Health (London) Act, 1936. 26 Geo. 5. &  
1 Edw. 8.  
c. 50.

6. Section eighty-six of the Education Act, 1921, under which the power of a local education authority for higher education to promote social and physical training is, in the case of persons over the age of eighteen, limited to persons attending educational institutions, shall have effect as if for the words "young persons and persons over the age of eighteen attending educational institutions" there were substituted the words "persons of whatever age." Amendment  
of 11 & 12  
Geo. 5. c. 51,  
s. 86.

National  
College of  
Physical  
Training for  
England  
and Wales.

7. The Board may provide, maintain and aid a National College of Physical Training for England and Wales, or more than one such College, and may make such provision with respect to the management thereof as they think proper.

Expenses of  
executing  
Act.

8.—(1) All expenses incurred by the Board for the purposes of this Act, including the amount of any grants paid or payable under or by virtue of this Act, shall be defrayed out of moneys provided by Parliament.

(2) The Board shall out of moneys so provided—

- (i) make such payments in respect of the administrative expenses of the National Council, of committees thereof, and of the grants committee, and in respect of allowances to members of the Council, members of committees thereof and members of the grants committee;
- (ii) pay such remuneration to the chairman of the grants committee; and
- (iii) after consultation with the grants committee, make such payments in respect of the administrative expenses of, and in respect of allowances to members of, a local committee and any sub-committee thereof,

as the Board may, with the approval of the Treasury, determine.

Interpreta-  
tion.

9. In this Act, unless the context otherwise requires—

“local authority” means the council of a county, county borough, metropolitan borough, county district or parish, and the common council of the city of London;

“voluntary organisation” means any person or body of persons, whether corporate or unincorporate, carrying on, or proposing to carry on, an undertaking otherwise than for profit.

Application  
to Scotland.

10.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the Board of Education there shall be substituted a reference to the Secretary of State; for any reference to the National Council for England and Wales there shall be substituted a reference to the National Council for Scotland; for any reference to the committee appointed for the purposes of this Act by the Prime Minister there shall be substituted a reference to the committee appointed by the Prime Minister for the purposes of this Act in Scotland; and for any reference to a local education authority for higher education there shall be substituted a reference to an education authority.

(3) In subsection (1) of section two of this Act, for the words "local committees" wherever they occur the words "regional committees" shall be substituted and any reference to a local committee shall be construed accordingly.

(4) "Local authority" means a town, county, or district council:

Provided that any reference in section three of this Act to a local authority shall include a reference to an education authority.

(5) Section four of this Act shall have effect as if in subsection (1) after the words "playing fields" the words "swimming baths or bathing places" were inserted, and as if for subsection (2) the following subsection were substituted:—

"(2) Any premises provided by a local authority under the last foregoing subsection or any offices provided by a local authority for the transaction of their business may be used for the purposes of concerts or other entertainments which may be provided by the local authority or any other person, and any such premises or offices may be let by the authority for those purposes or for the purposes of meetings at such times and in such manner as will not interfere with the purposes for which the premises or offices are provided:

Provided that no concert or other entertainment provided by a local authority under this subsection shall include—

(a) the performance of a stage play; or

- (b) any performance in the nature of a variety entertainment, or in which scenery, theatrical costumes, or scenic or theatrical accessories are used; or
- (c) the showing of any cinematograph film (other than a film illustrative of questions relating to health or disease)."

(6) For section five of this Act the following section shall be substituted :—

" 5. A local authority may acquire land for the purposes of subsection (1) of section four of this Act and, if they are unable to do so by agreement on terms which are in their opinion reasonable, they may purchase the land by means of a compulsory purchase order made by them, and confirmed by the Department of Health for Scotland, and the following provisions of the Town and Country Planning (Scotland) Act, 1932, viz. :— Part III of the First Schedule (except paragraph 5), Part I of the Third Schedule (except paragraph 2 and sub-paragraph (iii) of paragraph 3), and paragraph 2 of Part II of the Third Schedule shall, subject to any necessary modifications, apply to a compulsory purchase order under this section."

22 & 23  
Geo. 5. c. 49.

19 & 20  
Geo. 5. c. 25.

(7) A local authority shall have power to borrow for any purpose of this Act to which capital is properly applicable, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to such power to borrow in the case of a district council as well as in the case of a county or town council.

Any sums borrowed by a local authority in pursuance of this subsection shall be repaid within such period as the Secretary of State may fix.

(8) Any expense incurred by a county or town council under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

(9) Expenditure incurred by a district council under this Act shall not be taken into account in any calculation as to the limit imposed on the district council rate by section twenty-six of the Local Government (Scotland) Act, 1929.



(10) For section six of this Act the following section shall be substituted :—

“ 6. Section three of the Education (Scotland) Act, 1908, as amended by any subsequent enactment, shall have effect as if in paragraph (9) the words ‘ or other facilities for social or physical training in the day or evening for persons resident in their area ’ were substituted for the words ‘ for children attending school or young persons attending continuation classes ’.”

8 Edw. 7.  
c. 63.

(11) Section seven of this Act shall not apply.

11.—(1) This Act may be cited as the Physical Training and Recreation Act, 1937.

Short title,  
repeal and  
extent.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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

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## SCHEDULE.

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Section 11.

### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 22 -	The Museums and Gymnasiums Act, 1891.	The whole Act, subject to the saving in respect of certain museums contained in the Public Libraries Act, 1919.
15 & 16 Geo. 5. c. 71	The Public Health Act, 1925.	Section sixty-nine.

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**CHAPTER 47.**

An Act to amend the Teachers (Superannuation) Acts, 1918 to 1935, and to provide for amendment of the Superannuation Scheme framed under the Education (Scotland) (Superannuation) Acts, 1919 to 1935, so as to permit allocation of part of a teacher's or educational organiser's superannuation benefits to a spouse or dependant, and to make further and better provision for the payment of contributions when service is discontinued; to extend paragraphs (b) and (c) of subsection (1) of section twenty-one of the Teachers (Superannuation) Act, 1925, to educational organisers; and for purposes connected with the matters aforesaid.

[13th July 1937.]

**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.**—(1) The Board of Education (hereafter in this Act referred to as "the Board") may, with the consent of the Treasury and after consultation with representatives of teachers affected, make rules—

- (a) 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 teacher to whom an annual superannuation allowance is granted as from a date not earlier than three months after the commencement of this Act, under the School Teachers (Superannuation) Act, 1918 (hereafter in this Act referred to as "the Act of 1918"), or under the Teachers (Superannuation) Act, 1925 (hereafter in this Act referred to as "the Act of 1925"), or under a scheme made under section twenty-one of the Act of 1925, otherwise than by reason of infirmity of mind or body (not being

Allocation  
of part of  
superan-  
nation  
benefits to  
spouse or  
dependant.

8 & 9 Geo. 5.  
c. 55.

15 & 16  
Geo. 5. c. 59.

a teacher to whom a superannuation allowance has at any previous time been payable otherwise than by reason of infirmity of mind or body), shall be allowed to surrender, as from the date of commencement of the allowance, in return for the benefits of the rules, such part not exceeding one-third of the allowance as may be specified in the rules; and

- (b) for enabling the Board to grant, in return for such surrender as aforesaid, according as the teacher may in conformity with the rules elect, either—
- (i) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher; or
  - (ii) to the teacher an annuity payable as from the date of commencement of the superannuation allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher.

(2) The amount of the pension granted under sub-paragraph (i) of paragraph (b) of the foregoing subsection, or the amounts of the annuity and pension granted under sub-paragraph (ii) of that paragraph, as the case may be, shall be such that the value, or the aggregate value, thereof shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the superannuation allowance, to the value of that part of the allowance which is surrendered, so, however, that the said amount or amounts shall be reduced to such extent as the Government Actuary considers sufficient to recoup to the Board the cost, as estimated by them, of administering the provisions of this section.

(3) If any teacher has surrendered part of a superannuation allowance, whether in accordance with rules made under this section or in accordance with the amending scheme framed in pursuance of section four of this Act, then—

- (a) for the purpose of calculating the amount of any supplementary death gratuity which may be

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granted under subsection (2) of section five of the Act of 1925, the sums paid to him and to his legal personal representatives by way of annual superannuation allowance shall be taken to be the sums which would have been so paid but for the surrender; and

- (b) for the purpose of computing the balance of his contributions under section twelve of the Act of 1925, the sums payable under that Act to him or to his legal personal representatives (including any sums paid to him or them which under subsection (6) of that section are to be treated as if paid under Part II of that Act) shall be taken to be the sums which would have been so payable but for the surrender.

(4) If any teacher has surrendered part of a superannuation allowance in accordance with rules made under this section, then—

- (a) for the purpose of calculating the amount of any supplementary death gratuity which may be granted under subsection (2) of section three of the Act of 1918, the sums received or receivable by him on account of annual superannuation allowance shall be taken to be the sums which would have been so received or receivable but for the surrender;
- (b) the amount of any annual superannuation allowance granted or restored by virtue of subsection (1) of section six of the Act of 1925 shall be the amount which would have been so granted or restored but for the surrender, reduced by the amount surrendered; and
- (c) for the purpose of determining whether any and, if so, what amount may be paid to him under subsection (4) of section five of the Act of 1918, or subsection (2) of section six of the Act of 1925, by way of annual superannuation allowance in respect of periods of such employment as is therein mentioned, the annual rate of salary at the date on which he ceased to be employed in recognised or contributory service shall be treated as reduced by the amount surrendered.

(5) As respects organisers within the meaning of section fourteen of the Act of 1925—

- (a) references to teachers in the foregoing provisions of this section shall be construed as including references to organisers;
- (b) where an annual superannuation allowance is increased or supplemented under paragraph (a) or (b) of subsection (3) of the said section fourteen, the allowance shall, for the purpose of the foregoing provision of this section limiting the amount thereof which may be surrendered to a part not exceeding one-third, be taken to be the allowance as so increased or supplemented.

(6) The provisions of sections six, seven, eight, nine and eleven of the Act of 1918, or of paragraphs 6, 7, 8, 9 and 11 of the First Schedule to the Act of 1925, as the case may be, shall apply in respect of pensions and annuities granted under this section and persons entitled thereto as those provisions apply in respect of superannuation allowances and persons entitled thereto.

(7) Expenditure on pensions and annuities granted under this section, and the amounts of the reductions made in respect of the cost of administration under subsection (2) of this section, shall be included in the account kept under section fifteen of the Act of 1925 as if they were expenditure upon allowances and gratuities within the meaning of the Second Schedule to that Act, or shall be included as expenditure in the account kept under any corresponding provisions of any scheme made under paragraph (a) of subsection (1) of section twenty-one of that Act, as the case may be.

(8) Rules made under this section shall be laid as soon as may be before both Houses of Parliament.

2.—(1) If the employment of a teacher in contributory service is discontinued—

- (a) for a period not exceeding five years, or not exceeding such longer period as the Board may in the special circumstances of a particular case direct, in the case of a teacher who during that period is employed—

Payment of contributions during intervals of service.

- (i) as a teacher in any part of His Majesty's dominions outside the United Kingdom; or

(ii) as a teacher in any school in a foreign country which is shown to the satisfaction of the Board to be a school in which it is expedient to facilitate the employment of British teachers; or

(iii) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers; or

(b) for a period not exceeding one year in any other case;

the teacher may with the consent of the Board pay, at such times as the Board may require, by way of contributions under Part II of the Act of 1925 an amount equal to ten per cent. of his salary in respect of the period of absence, and if he so contributes the said period shall be treated for the purposes of that Part of that Act as being a period during which he was employed in contributory service.

(2) For the purposes of this section, the amount of the teacher's salary shall be taken to be the amount of his full salary in respect of his contributory service immediately before the date on which that service was discontinued.

(3) For the purposes of the provisions of Part II of the Act of 1925, one-half of any amount paid under this section shall be treated as having been paid by the teacher by way of teacher's contributions and the remaining half as having been paid by way of employer's contributions.

(4) The foregoing provisions of this section shall be construed as if they were contained in Part II of the Act of 1925.

(5) Section eleven of the Act of 1925 and section one of the Teachers (Superannuation) Act, 1933, shall cease to have effect.

23 & 24  
Geo. 5. c. 22.

Extension  
of certain  
schemes  
under s. 21  
of Act of  
1925 to  
organisers.

3. Paragraphs (b) and (c) of subsection (1) of section twenty-one of the Act of 1925 and any scheme made thereunder shall have effect, and shall be deemed always to have had effect, as if in those paragraphs and, except in so far as any express provision of the scheme otherwise requires, in the scheme references to employment in

the capacity of a teacher included references to employment in an educational service which to a substantial extent involves the control or supervision of teachers.

4.—(1) The provisions of this section shall apply to Scotland only and shall be construed together with the Education (Scotland) (Superannuation) Acts, 1919 to 1935.

Amending  
Superannuation  
Scheme for  
Scotland to  
be framed.

(2) The Department shall, as soon as may be after the passing of this Act, frame a scheme amending the superannuation scheme, to which amending scheme the provisions of section eight of the Act of 1919 shall apply in like manner as that section applies to the scheme framed in pursuance of that Act.

9 & 10  
Geo. 5. c. 17.

(3) The amending scheme framed in pursuance of this section shall include provision—

(a) for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed, a teacher shall be allowed to surrender as from the date of commencement of an annual retiring allowance granted to him under the superannuation scheme such part not exceeding one-third of the allowance as may be specified, in return for benefits to be prescribed, and for enabling the Department to grant, in return for such surrender as aforesaid, according as the teacher may in conformity with rules under the superannuation scheme elect, either—

(i) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher; or

(ii) to the teacher an annuity payable as from the date of commencement of the retiring allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher :

Provided that the amount of pension granted under sub-paragraph (i) or the amounts of the annuity and pension granted under sub-paragraph (ii), as the case may be, shall be such

that the value, or the aggregate value, thereof shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the retiring allowance, to the value of that part of the allowance which is surrendered, so, however, that the said amount or amounts shall be reduced to such extent as the Government Actuary considers sufficient to recoup to the Department the cost, as estimated by them, of administering the provisions made in pursuance of this paragraph;

- (b) for determining, in the case where a teacher has surrendered part of a retiring allowance or of a superannuation allowance under any provision of this Act, how the amounts of any payments to him or his legal personal representatives are to be calculated for the purpose of any provision of the superannuation scheme, and for applying any provision of the said scheme, with or without modifications, in respect of pensions and annuities granted under this subsection and persons entitled thereto; and
- (c) for enabling a teacher whose service is discontinued—

(i) for a period not exceeding five years, or not exceeding such longer period as the Department may in the special circumstances of a particular case direct, in the case of a teacher who during that period is employed—

- (a) as a teacher in any part of His Majesty's dominions outside the United Kingdom; or
- (b) as a teacher in any school in a foreign country which is shown to the satisfaction of the Department to be a school in which it is expedient to facilitate the employment of British teachers; or
- (c) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers; or



(ii) for a period not exceeding one year in any other case;

to pay into the Education (Scotland) Fund with the consent of the Department in respect of such period sums equal to ten per centum of his salary as at the date of discontinuing service, so that the said period may be reckoned as a period of service within the meaning of the superannuation scheme, and for determining the amount of such payments which shall be reckoned as contributions by the teacher.

(4) Section seven of the Education (Scotland) (Superannuation) Act, 1925, shall have effect as if this section were included among the enactments therein mentioned, and the amounts of the reductions made in respect of the cost of administration under paragraph (a) of subsection (3) of this section shall be deemed to be expenditure for the purpose of the said section seven. 15 & 16  
Geo. 5. c. 55.

(5) On the coming into operation of the amending scheme framed in pursuance of this section, paragraph (d) of subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925, and section two of the Teachers (Superannuation) Act, 1933, shall cease to have effect.

**5.**—(1) This Act may be cited as the Teachers (Superannuation) Act, 1937, and this Act, in so far as it relates to England, may be cited with the Teachers (Superannuation) Acts, 1918 to 1935, as the Teachers (Superannuation) Acts, 1918 to 1937, and, in so far as it relates to Scotland, may be cited with the Education (Scotland) (Superannuation) Acts, 1919 to 1935, as the Education (Scotland) (Superannuation) Acts, 1919 to 1937. Short title,  
citation,  
repeal and  
extent.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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

Section 5.

**SCHEDULE****ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 59.	The Teachers (Superannuation) Act, 1925.	Section eleven.
23 & 24 Geo. 5. c. 22.	The Teachers (Superannuation) Act, 1933.	Section one.

**CHAPTER 48.**

An Act to control the sale in Scotland of methylated spirits or surgical spirit and of methylated spirits in admixture; and for other purposes connected therewith. [13th July 1937.]

**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:—

Restrictions  
on sale of  
methylated  
spirits.

1.—(1) It shall not be lawful to sell by retail any methylated spirits or surgical spirit unless—

- (i) either the seller is an authorised seller of poisons and the sale is effected on registered premises or the seller's name is entered in a local authority's list kept in pursuance of this Act, and the sale is effected on premises specified in that list; and
- (ii) the bottle or other vessel in which such methylated spirits or surgical spirit are sold bears a label specifying the name of the seller and the premises on which they are sold and containing the words "methylated spirits" or "surgical spirit", as the case may be; and

- (iii) the seller has, prior to the delivery of the methylated spirits or surgical spirit, made or caused to be made an entry in a book to be kept for that purpose, stating in the prescribed form the date of the sale, the name and address of the purchaser, the quantity of the methylated spirits or surgical spirit sold and the purpose for which they are stated by the purchaser to be required; and
- (iv) either (a) the purchaser has affixed his signature to the entry aforesaid or (b) the seller has before delivery of the methylated spirits or surgical spirit received an order signed by the purchaser specifying his address, the quantity of the methylated spirits or surgical spirit to be purchased, and the purpose for which they are required, and the seller is reasonably satisfied that the signature affixed to such order is the signature of the person purporting to sign it, and the seller has entered in the place reserved for the signature of the purchaser in the book required by the last foregoing paragraph to be kept, the words "Signed order."

(2) It shall not be lawful knowingly to sell by retail methylated spirits or surgical spirit to any person under the age of fourteen.

(3) Nothing in the foregoing provisions of this section shall apply to surgical spirit sold by an authorised seller of poisons on registered premises or supplied by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon for the purposes respectively specified in subsection (1) of section nineteen of the Pharmacy and Poisons Act, 1933, if the requirements of subsections (2) and (3) of the said section are complied with in relation to such sale or supply of surgical spirit in like manner as if it were a medicine.

23 & 24  
Geo. 5. c. 25.

2.—(1) Every local authority shall keep for the purposes of this Act a list containing the names of persons, other than authorised sellers of poisons, who are to be entitled (subject to the possession of the necessary excise licence), to sell methylated spirits or surgical spirit by retail, and specifying the premises on which such persons are respectively to be so entitled

Lists of  
persons  
entitled to  
sell methy-  
lated spirits.

to sell, and subject as hereinafter provided, shall, on application in the prescribed form by any person having premises in the area of the authority to have his name and such premises entered in the list, enter the same therein :

Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the prescribed fees, or who in the opinion of the authority is, for any sufficient reason, not fit to be in the list.

(2) Any person whose name is entered in a local authority's list shall be entitled on payment of the prescribed fee, to a certificate under the hand of the clerk or other officer of the local authority that his name is so entered.

(3) Any person aggrieved by the refusal of the local authority to enter his name in the list or by the removal of his name therefrom under the foregoing provisions of this section may, in accordance with rules made for the purpose of this section by Act of Sederunt, appeal against the refusal or the removal to the sheriff within whose jurisdiction such person's place of business is situate.

(4) Every person shall pay to the local authority such fees as may be prescribed in respect of—

- (a) the entry of such person's name in the local authority's list ;
- (b) the making of any alteration in the local authority's list in relation to the premises in which such person is entitled to sell ;
- (c) the retention of such person's name on the local authority's list in any year subsequent to the year in which his name is first entered therein ; and
- (d) the issue of a certificate under the hand of the clerk or other officer of the local authority that the name of such person is entered in the local authority's list.

(5) If any person whose name is entered in a local authority's list is convicted before any court of any criminal offence, which in the opinion of the court renders

him unfit to have his name on the list, the court may, as part of the sentence, order his name to be removed from the list and direct that he shall, for such period as may be specified in the order, be disqualified from having his name entered in any local authority's list.

(6) In this section the expression "year" means a period of twelve months beginning on such date as the local authority may from time to time determine.

**3.** It shall not be lawful for any officer of Customs and Excise to grant or renew any excise licence for the sale by retail of methylated spirits unless the person applying for the grant or renewal of such licence produces either—

- (a) a statutory declaration that he is an authorised seller of poisons and that the premises for which the licence is sought are registered premises; or
- (b) a certificate issued under the hand of the clerk or other officer of a local authority that such person's name is in the list kept by that authority in pursuance of section two of this Act in respect of the premises for which the licence is sought.

**4.** Any police officer shall have power at all reasonable times to enter any premises in which he has reason to believe methylated spirits or surgical spirit are sold or exposed for sale by retail and to inspect any book required by section one of this Act to be kept.

**5.** Any person who, by himself or his servant or agent, sells any methylated spirits or surgical spirit in contravention of the provisions of this Act, or who, being disqualified from having his name entered in any local authority's list kept in pursuance of this Act, applies to have his name entered in any such list, or who obstructs any police officer in the exercise of any power conferred on him by section four of this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

**6.** In this Act, unless the context otherwise requires,—

the expressions "authorised seller of poisons", "registered dentist", and "registered veterinary

surgeon", have the like meanings as in the Pharmacy and Poisons Act, 1933, and the expression "registered premises" means premises duly registered under Part I of that Act;

the expression "local authority" means in the case of a large burgh, within the meaning of the Local Government (Scotland) Act, 1929, the town council, and in the case of a county including every burgh, other than a large burgh, situate in the county, the county council;

19 & 20  
Geo. 5. c. 25.

the expression "methylated spirits" means mineralised methylated spirits methylated in accordance with the regulations for the time being in force made by the Commissioners of Customs and Excise in that behalf;

the expression "surgical spirit" means any preparation made with industrial methylated spirits in accordance with a formula approved by the Commissioners of Customs and Excise for the manufacture of surgical spirit;

the expression "sell by retail" means sell in any quantity not exceeding four gallons to any person other than a person who buys for the purpose of selling again;

the expression "prescribed" means prescribed by the Secretary of State.

Expenses of  
local author-  
ities.

7. Any expenses incurred by a county or a town council under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

Short title,  
extent and  
commence-  
ment.

8.—(1) This Act may be cited as the Methylated Spirits (Sale by Retail) (Scotland) Act, 1937, and shall extend to Scotland only.

(2) This Act shall come into operation on such day, not being later than the first day of January, nineteen hundred and thirty-eight, as the Secretary of State may appoint.

## CHAPTER 49.

An Act to amend the law relating to trade marks. [13th July 1937.]

**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 :—

*Amendments of Trade Marks Law.*

1.—(1) In section three of the Trade Marks Act, 1905 (in this Act referred to as "the principal Act"), the following definition shall be substituted for the definition of a trade mark :—

Definition  
of trade  
mark.  
5 Edw. 7.  
c. 15.

"A 'trade mark' shall mean, except in relation to a certification trade mark, a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the mark, whether with or without any indication of the identity of that person, and shall mean, in relation to a certification trade mark, a mark registered, or deemed to have been registered, under section eighteen of the Trade Marks (Amendment) Act, 1937."

(2) References in the Trade Marks Acts to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and references therein to the use of a mark in relation to goods, or for goods, shall be construed as references to the use thereof upon, or in physical or other relation to, goods.

2.—(1) In section nine of the principal Act (which specifies the essential particulars required in a trade mark for it to be registrable in Part A of the register), for the words "A registrable trade mark must contain or consist of at least one of the following essential particulars" there shall be substituted the words "In

Registra-  
bility in  
Part A of  
the register.

“ order for a trade mark (other than a certification trade mark) to be registrable in Part A of the register it must contain or consist of at least one of the following essential particulars ”.

(2) In the said section nine, for the words from “ For the purposes of this section ” to the end of the section there shall be substituted the following words :—

“ For the purposes of this section ‘ distinctive ’ shall mean adapted, in relation to the goods in respect of which a trade mark is registered or proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

In determining whether a trade mark is adapted to distinguish as aforesaid, the tribunal may have regard to the extent to which—

- (a) the trade mark is inherently adapted to distinguish as aforesaid; and
- (b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact adapted to distinguish as aforesaid.”

Registra-  
bility in  
Part B of the  
register and  
provisions  
as to regis-  
trations  
therein.

3.—(1) In order for a trade mark to be registrable in Part B of the register, it must be capable, in relation to the goods in respect of which it is registered or proposed to be registered, of distinguishing goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

In determining whether a trade mark is capable of distinguishing as aforesaid, the tribunal may have regard to the extent to which—

- (a) the trade mark is inherently capable of distinguishing as aforesaid; and



(b) by reason of the use of the trade mark or of any other circumstances, the trade mark is in fact capable of distinguishing as aforesaid.

(2) The provisions of subsection (1) of section forty-one of the principal Act (being provisions relating to the conclusiveness of the original registration of a trade mark after the expiration of seven years from the date thereof) shall not apply to registrations in Part B of the register.

Subject as aforesaid, the provisions of the Trade Marks Acts, other than provisions whose operation is limited by the terms thereof to registration in Part A of the register, shall have effect in relation to the registration of trade marks in Part B of the register and to trade marks registered therein as they have effect in relation to the registration of trade marks in Part A of the register and to trade marks registered therein.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of subsections (1) to (5) of section two, and of section three, of the Trade Marks Act, 1919, and of the First Schedule thereto, and accordingly those enactments shall be repealed. 9 & 10  
Geo. 5. c. 79.

4.—(1) The registration of a trade mark shall not be deemed to have become invalid by reason only of any use after the date of the registration of a word or words which the trade mark contains or of which it consists as the name or description of an article or substance : Words used  
as name or  
description  
of an article  
or sub-  
stance.

Provided that, if it is proved either—

- (a) that there is a well-known and established use of the word or words as the name or description of the article or substance by a person or persons carrying on a trade therein, not being use in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark or (in the case of a certification trade mark) goods certified by the proprietor ; or
- (b) that the article or substance was formerly manufactured under a patent (being a patent in force at, or granted after, the passing of

the Trade Marks Act, 1919), that a period of two years or more after the cesser of the patent has elapsed, and that the word or words is or are the only practicable name or description of the article or substance,

the provisions of the next succeeding subsection shall have effect.

(2) Where the facts mentioned in paragraph (a) or (b) of the foregoing subsection are proved with respect to any word or words, then—

- (a) if the trade mark consists solely of that word or those words, the registration of the trade mark, so far as regards registration in respect of the article or substance in question or of any goods of the same description, shall be deemed for the purposes of section thirty-five of the principal Act to be an entry wrongly remaining on the register;
- (b) if the trade mark contains that word or those words and other matter, the Court or the Registrar, in deciding whether the trade mark shall remain on the register, so far as regards registration in respect of the article or substance in question and of any goods of the same description, may, in case of a decision in favour of its remaining on the register, require as a condition thereof that the proprietor shall disclaim any right to the exclusive use in relation to that article or substance and any goods of the same description of that word or those words, so however, that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made; and
- (c) for the purposes of any other legal proceedings relating to the trade mark,—
  - (i) if the trade mark consists solely of that word or those words, all rights of the proprietor to the exclusive use of the trade mark, or

(ii) if the trade mark contains that word or those words and other matter, all rights of the proprietor to the exclusive use of that word or those words,

in relation to the article or substance in question or to any goods of the same description, whether under the common law or by registration, shall be deemed to have ceased on the date at which the use mentioned in paragraph (a) of the last foregoing subsection first became well known and established, or at the expiration of the period of two years mentioned in paragraph (b) of the last foregoing subsection.

(3) No word which is the commonly used and accepted name of any single chemical element or single chemical compound, as distinguished from a mixture, shall be registered as a trade mark in respect of a chemical substance or preparation, and any such registration in force at the commencement of this Act or thereafter shall, notwithstanding anything in section forty-one of the principal Act, be deemed for the purposes of section thirty-five of the principal Act to be an entry made in the register without sufficient cause, or an entry wrongly remaining on the register, as the circumstances may require :

Provided that the foregoing provisions of this subsection shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the proprietor or a registered user of the trade mark, as distinguished from the element or compound as made by others, and in association with a suitable name or description open to the public use.

(4) The foregoing provisions of this section shall have effect in substitution for the provisions of section six of the Trade Marks Act, 1919, and accordingly that section shall be repealed.

5.—(1) The power to give to a person who proposes to apply for the registration of a trade mark in Part A or Part B of the register advice as to whether the trade mark appears to the Registrar *prima facie* to be inherently adapted to distinguish, or capable of distinguishing, as the case may be, shall be a function of the Registrar under the Trade Marks Acts.

Preliminary  
advice by  
Registrar as  
to distinc-  
tiveness.

(2) Any such person as aforesaid who is desirous of obtaining such advice as aforesaid must make application to the Registrar therefor in the prescribed manner.

(3) If on an application for the registration of a trade mark as to which the Registrar has given advice as aforesaid in the affirmative, made within three months after the advice is given, the Registrar, after further investigation or consideration, gives notice to the applicant of objection on the ground that the trade mark is not adapted to distinguish, or capable of distinguishing, as the case may be, the applicant shall be entitled, on giving notice of withdrawal of the application within the prescribed period, to have repaid to him any fee paid on the filing of the application.

**Prohibition  
of registra-  
tion of  
deceptive,  
&c. matter.**

**6.** It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would, by reason of its being likely to deceive or cause confusion or otherwise, be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

The foregoing provisions of this section shall have effect in substitution for the provisions of section eleven of the principal Act, and accordingly that section shall be repealed.

**Assignment  
and trans-  
mission of  
trademarks.**

**7.—(1)** Notwithstanding any rule of law or equity to the contrary, a registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible either in connection with the goodwill of a business or not.

(2) A registered trade mark shall be, and shall be deemed always to have been, assignable and transmissible in respect either of all the goods in respect of which it is registered, or was registered, as the case may be, or of some (but not all) of those goods.

(3) The provisions of the two foregoing subsections shall have effect in the case of an unregistered trade mark used in relation to any goods as they have effect in the case of a registered trade mark registered in respect of any goods, if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if it is or was assigned or transmitted at the same time and to the same

person as that registered trade mark and in respect of goods all of which are goods in relation to which the unregistered trade mark is or was used in that business and in respect of which that registered trade mark is or was assigned or transmitted.

(4) Notwithstanding anything in the foregoing subsections, a trade mark shall not be, or be deemed to have been, assignable or transmissible in a case in which, as a result of an assignment or transmission, there would in the circumstances subsist, or have subsisted, whether under the common law or by registration, exclusive rights in more than one of the persons concerned to the use, in relation to the same goods or description of goods, of trade marks nearly resembling each other or of identical trade marks, if, having regard to the similarity of the goods and of the trade marks, the use of the trade marks in exercise of those rights would be, or have been, likely to deceive or cause confusion :

Provided that, where a trade mark is, or has been, assigned or transmitted in such a case as aforesaid, the assignment or transmission shall not be deemed to be, or to have been, invalid under this subsection if the exclusive rights subsisting as a result thereof in the persons concerned respectively are, or were, having regard to limitations imposed thereon, such as not to be exercisable by two or more of those persons in relation to goods to be sold, or otherwise traded in, within the United Kingdom (otherwise than for export therefrom), or in relation to goods to be exported to the same market outside the United Kingdom.

(5) The proprietor of a registered trade mark who proposes to assign it in respect of any goods in respect of which it is registered may submit to the Registrar in the prescribed manner a statement of case setting out the circumstances, and the Registrar may issue to him a certificate stating whether, having regard to the similarity of the goods and of the trade marks referred to in the case, the proposed assignment of the first-mentioned trade mark would or would not be invalid under the last foregoing subsection, and a certificate so issued shall, subject to the provisions of this section as to appeal and unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity or invalidity under

the last foregoing subsection of the assignment in so far as such validity or invalidity depends upon the facts set out in the case, but, as regards a certificate in favour of validity, only if application for the registration under section thirty-three of the principal Act of the title of the person becoming entitled is made within six months from the date on which the certificate is issued.

(6) In a case in which as a result of an assignment or transmission of a trade mark there would in the circumstances subsist, or have subsisted, whether under the common law or by registration, an exclusive right in one of the persons concerned to the use of the trade mark limited to use in relation to goods to be sold, or otherwise traded in, in a place or places in the United Kingdom, and an exclusive right in another of those persons to the use of a trade mark nearly resembling the first-mentioned trade mark or of an identical trade mark in relation to the same goods or description of goods limited to use in relation to goods to be sold, or otherwise traded in, in another place or other places in the United Kingdom, the following provisions shall have effect, that is to say:—

- (a) Notwithstanding anything in subsections (1) to (3) of this section, a trade mark shall not, after the commencement of this Act, be assignable or transmissible in any such case:

Provided that, on application in the prescribed manner by the proprietor of a trade mark who proposes to assign it, or of a person who claims that a trade mark has been transmitted to him or to a predecessor in title of his since the commencement of this Act, in any such case, the Registrar, if he is satisfied that in all the circumstances the use of the trade marks in exercise of the said rights would not be contrary to the public interest, may approve the assignment or transmission, and an assignment or transmission so approved shall not be deemed to be, or to have been, invalid under this paragraph or under subsection (4) of this section, so, however, that in the case of a registered trade mark this provision shall not have effect unless application for the registration under

section thirty-three of the principal Act of the title of the person becoming entitled is made within six months from the date on which the approval is given or, in the case of a transmission, was made before that date.

- (b) The validity of an assignment or transmission effected or claimed to have been effected before the commencement of this Act in any such case shall be determined as if the foregoing provisions of this section had not been enacted :

Provided that, on application made in the prescribed manner within two years from the commencement of this Act by a person who claims that an assignment or transmission of a registered trade mark to him or to a predecessor in title of his has been so effected, the Registrar shall have the like jurisdiction as under the proviso to the foregoing paragraph, and an assignment or transmission approved by him shall not be deemed to have been invalid on the ground of the subsistence of such rights as aforesaid, or on the ground that the assignment or transmission was effected otherwise than in connection with the goodwill of a business or was effected in respect of some (but not all) of the goods in respect of which the trade mark was registered, if application for registration of title as aforesaid is made within six months from the date on which the approval is given or was made before that date.

- (7) Where an assignment in respect of any goods of a trade mark that is at the time of the assignment used in a business in those goods is made after the commencement of this Act otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied, that is to say, the assignee must, not later than the expiration of six months from the date on which the assignment is made or within such extended period, if any, as the Registrar may allow, apply to him for directions with respect to the advertisement of the assignment, and must advertise it in such form and manner and within such period as the Registrar may direct.

(8) Any decision of the Registrar under this section shall be subject to appeal to the Court.

(9) The retrospective provisions of this section shall have effect without prejudice to any determination of a competent tribunal which has been made before the date of the commencement of this Act, or to the determination of any appeal from a determination so made, or to any title acquired for valuable consideration before that date.

(10) Sections twenty-two and twenty-three of the principal Act shall be repealed.

Registered  
users.

8.—(1) Subject to the provisions of this section, a person other than the proprietor of a trade mark may be registered as a registered user thereof in respect of all or any of the goods in respect of which it is registered (otherwise than as a defensive trade mark) and either with or without conditions or restrictions.

The use of a trade mark by a registered user thereof in relation to goods with which he is connected in the course of trade and in respect of which for the time being the trade mark remains registered and he is registered as a registered user, being use such as to comply with any conditions or restrictions to which his registration is subject, is in this Act referred to as the "permitted use" thereof.

(2) The permitted use of a trade mark shall be deemed to be use by the proprietor thereof, and shall be deemed not to be use by a person other than the proprietor, for the purposes of section twelve of this Act and for any other purpose for which such use is material under the Trade Marks Acts or at common law.

(3) Subject to any agreement subsisting between the parties, a registered user of a trade mark shall be entitled to call upon the proprietor thereof to take proceedings to prevent infringement thereof, and, if the proprietor refuses or neglects to do so within two months after being so called upon, the registered user may institute proceedings for infringement in his own name as if he were the proprietor, making the proprietor a defendant. A proprietor so added as defendant shall not be liable for any costs, unless he enters an appearance and takes part in the proceedings.



(4) Where it is proposed that a person should be registered as a registered user of a trade mark, the proprietor and the proposed registered user must apply in writing to the Registrar in the prescribed manner and must furnish him with a statutory declaration made by the proprietor, or by some person authorised to act on his behalf and approved by the Registrar,—

- (a) giving particulars of the relationship, existing or proposed, between the proprietor and the proposed registered user, including particulars showing the degree of control by the proprietor over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made;
- (b) stating the goods in respect of which registration is proposed;
- (c) stating any conditions or restrictions proposed with respect to the characteristics of the goods, to the mode or place of permitted use, or to any other matter; and
- (d) stating whether the permitted use is to be for a period or without limit of period, and, if for a period, the duration thereof;

and with such further documents, information or evidence as may be required under the rules or by the Registrar.

(5) When the requirements of the last foregoing subsection have been complied with, if the Registrar, after considering the information furnished to him under the last foregoing subsection, is satisfied that in all the circumstances the use of the trade mark in relation to the proposed goods or any of them by the proposed registered user, subject to any conditions or restrictions which the Registrar thinks proper, would not be contrary to the public interest, the Registrar may register the proposed registered user as a registered user in respect of the goods as to which he is so satisfied subject as aforesaid.

(6) The Registrar shall refuse an application under the foregoing provisions of this section if it appears to him

that the grant thereof would tend to facilitate trafficking in a trade mark.

(7) The Registrar shall, if so required by an applicant, take steps for securing that information given for the purposes of an application under the foregoing provisions of this section (other than matter entered in the register) is not disclosed to rivals in trade.

(8) Without prejudice to the provisions of section thirty-five of the principal Act, the registration of a person as a registered user—

(a) may be varied by the Registrar as regards the goods in respect of which, or any conditions or restrictions subject to which, it has effect, on the application in writing in the prescribed manner of the registered proprietor of the trade mark to which the registration relates;

(b) may be cancelled by the Registrar on the application in writing in the prescribed manner of the registered proprietor or of the registered user or of any other registered user of the trade mark; or

(c) may be cancelled by the Registrar on the application in writing in the prescribed manner of any person on any of the following grounds, that is to say,—

(i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion;

(ii) that the proprietor or the registered user misrepresented, or failed to disclose, some fact material to the application for the registration, or that the circumstances have materially changed since the date of the registration;

(iii) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested.

(9) Provision shall be made by the rules for the notification of the registration of a person as a registered

user to any other registered user of the trade mark, and for the notification of an application under the last foregoing subsection to the registered proprietor and each registered user (not being the applicant) of the trade mark, and for giving to the applicant on such an application and to all persons to whom such an application is notified and who intervene in the proceedings in accordance with the rules an opportunity of being heard.

(10) The Registrar may at any time cancel the registration of a person as a registered user of a trade mark in respect of any goods in respect of which the trade mark is no longer registered.

(11) Any decision of the Registrar under the foregoing provisions of this section shall be subject to appeal to the Court.

(12) Where a person is registered as a registered user of a trade mark on an application made within one year from the commencement of this Act, subsection (2) of this section shall have effect in relation to any previous use (whether before or after the commencement of this Act) of the trade mark by that person, being use in relation to the goods in respect of which he is registered and, where he is registered subject to conditions or restrictions, being use such as to comply substantially therewith, as if such previous use had been permitted use.

(13) Nothing in this section shall confer on a registered user of a trade mark any assignable or transmissible right to the use thereof.

9.—(1) Where a trade mark which is registered, or is the subject of an application for registration, in respect of any goods is identical with another trade mark which is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods, or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may at any time require that the trade marks shall be entered on the register as associated trade marks.

Association  
of trade  
marks.

The foregoing provisions of this subsection shall have effect in substitution for the provisions of section

twenty-four of the principal Act and accordingly that section shall be repealed.

(2) On application made in the prescribed manner by the registered proprietor of two or more associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by another person in relation to any of the goods in respect of which it is registered, and may amend the register accordingly.

(3) Any decision of the Registrar under the foregoing provisions of this section shall be subject to appeal to the Board of Trade, or to the Court, at the option of the appellant.

(4) Where at the commencement of this Act a trade mark is registered in Part B of the register subject to a condition rendering it assignable or transmissible only as a whole with another trade mark registered in the name of the same proprietor, or with two or more other trade marks so registered, and not separately, the trade marks shall be deemed to be associated trade marks, and the entries in the register relating thereto may be amended accordingly.

Duration of registration.

**10.** Section twenty-eight of the principal Act (which relates to the duration of registration of a trade mark) shall have effect, in relation to trade marks registered as of the date of the commencement of this Act or of a subsequent date, with the substitution of a period of seven years for the period of fourteen years therein mentioned.

Intention of applicant for registration to use trade mark.

**11.—**(1) In subsection (1) of section twelve of the principal Act after the words "trade mark" there shall be inserted the words "used or proposed to be used by him."

(2) An application for the registration of a trade mark in respect of any goods shall not be refused, nor shall permission for such registration be withheld, on the ground only that it appears that the applicant does not use or propose to use the trade mark,—

(a) if the tribunal is satisfied that a body corporate is about to be constituted and that the applicant

intends to assign the trade mark to the corporation with a view to the use thereof in relation to those goods by the corporation; or

- (b) if the application is accompanied by an application for the registration of a person as a registered user of the trade mark, and the tribunal is satisfied that the proprietor intends it to be used by that person in relation to those goods and the tribunal is also satisfied that that person will be registered as a registered user thereof immediately after the registration of the trade mark.

(3) The tribunal may, as a condition of the exercise of the power conferred by the last foregoing subsection in favour of an applicant who relies on intention to assign to a corporation as aforesaid, require him to give security for the costs of any proceedings before it relative to any opposition or appeal, and in default of such security being duly given may treat the application as abandoned.

(4) Where a trade mark is registered in respect of any goods under the power conferred by subsection (2) of this section in the name of an applicant who relies on intention to assign to a corporation as aforesaid, then, unless within such period as may be prescribed, or within such further period not exceeding six months as the Registrar may on application being made to him in the prescribed manner allow, the corporation has been registered as the proprietor of the trade mark in respect of those goods, the registration shall cease to have effect in respect thereof at the expiration of that period, and the Registrar shall amend the register accordingly.

12.—(1) Subject to the provisions of the next succeeding section, a registered trade mark may be taken off the register in respect of any of the goods in respect of which it is registered on application by any person aggrieved to the Court or, at the option of the applicant and subject to the provisions of subsection (2) of section twenty-six of this Act, to the Registrar, on the ground either—

Provisions  
as to  
non-use of  
trade mark.

- (a) that the trade mark was registered without any bona fide intention on the part of the applicant for registration that it should be used in relation to those goods by him or, if it was

registered under subsection (2) of the last foregoing section, by the corporation or registered user concerned, and that there has in fact been no bona fide use of the trade mark in relation to those goods by any proprietor thereof for the time being up to the date one month before the date of the application; or

- (b) that up to the date one month before the date of the application a continuous period of five years or longer elapsed during which the trade mark was a registered trade mark and during which there was no bona fide use thereof in relation to those goods by any proprietor thereof for the time being :

Provided that (except where the applicant has been permitted under section twenty-one of the principal Act to register an identical or nearly resembling trade mark in respect of the goods in question or where the tribunal is of opinion that he might properly be permitted so to register such a trade mark) the tribunal may refuse an application made under paragraph (a) or (b) of this subsection in relation to any goods, if it is shown that there has been, before the relevant date or during the relevant period, as the case may be, bona fide use of the trade mark by any proprietor thereof for the time being in relation to goods of the same description, being goods in respect of which the trade mark is registered.

(2) Where in relation to any goods in respect of which a trade mark is registered—

- (a) the matters referred to in paragraph (b) of the foregoing subsection are shown so far as regards non-use of the trade mark in relation to goods to be sold, or otherwise traded in, in a particular place in the United Kingdom (otherwise than for export from the United Kingdom), or in relation to goods to be exported to a particular market outside the United Kingdom; and
- (b) a person has been permitted under section twenty-one of the principal Act to register an identical or nearly resembling trade mark in respect of those goods under a registration

extending to use in relation to goods to be sold, or otherwise traded in, in that place (otherwise than for export from the United Kingdom), or in relation to goods to be exported to that market, or the tribunal is of opinion that he might properly be permitted so to register such a trade mark;

on application by that person to the Court or, at the option of the applicant and subject to the provisions of subsection (2) of section twenty-six of this Act, to the Registrar, the tribunal may impose on the registration of the first-mentioned trade mark such limitations as it thinks proper for securing that that registration shall cease to extend to such use as last aforesaid.

(3) An applicant shall not be entitled to rely for the purposes of paragraph (b) of subsection (1), or for the purposes of subsection (2), of this section on any non-use of a trade mark which is shown to have been due to special circumstances in the trade and not to any intention not to use or to abandon the trade mark in relation to the goods to which the application relates.

(4) The foregoing provisions of this section shall have effect in substitution for the provisions of section thirty-seven of the principal Act and accordingly that section shall be repealed.

**13.**—(1) Where a trade mark consisting of an invented word or invented words has become so well known as respects any goods in respect of which it is registered and in relation to which it has been used that the use thereof in relation to other goods would be likely to be taken as indicating a connection in the course of trade between those goods and a person entitled to use the trade mark in relation to the first-mentioned goods, then, notwithstanding that the proprietor registered in respect of the first-mentioned goods does not use or propose to use the trade mark in relation to those other goods and notwithstanding anything in the last foregoing section, the trade mark may, on the application in the prescribed manner of the proprietor registered in respect of the first-mentioned goods, be registered in his name in respect of those other goods as a defensive trade mark and, while so registered, shall not be liable to be taken off the register in respect of those goods under the last foregoing section

Defensive  
trade marks.

(2) The registered proprietor of a trade mark may apply for the registration thereof in respect of any goods as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods otherwise than as a defensive trade mark, or may apply for the registration thereof in respect of any goods otherwise than as a defensive trade mark notwithstanding that it is already registered in his name in respect of those goods as a defensive trade mark, in lieu in each case of the existing registration.

(3) A trade mark registered as a defensive trade mark and that trade mark as otherwise registered in the name of the same proprietor shall, notwithstanding that the respective registrations are in respect of different goods, be deemed to be, and shall be registered as, associated trade marks.

(4) On application by any person aggrieved to the Court or, at the option of the applicant and subject to the provisions of subsection (2) of section twenty-six of this Act, to the Registrar, the registration of a trade mark as a defensive trade mark may be cancelled on the ground that the requirements of subsection (1) of this section are no longer satisfied in respect of any goods in respect of which the trade mark is registered in the name of the same proprietor otherwise than as a defensive trade mark, or may be cancelled as respects any goods in respect of which it is registered as a defensive trade mark on the ground that there is no longer any likelihood that the use of the trade mark in relation to those goods would be taken as giving the indication mentioned in subsection (1) of this section.

(5) The Registrar may at any time cancel the registration as a defensive trade mark of a trade mark of which there is no longer any registration in the name of the same proprietor otherwise than as a defensive trade mark.

(6) Except as otherwise expressly provided in this section, the provisions of the Trade Marks Acts shall apply in respect of the registration of trade marks as defensive trade marks and of trade marks so registered as they apply in other cases.

Use of trade  
mark for

**14.**—(1) The application in the United Kingdom of a trade mark to goods to be exported from the United



Kingdom, and any other act done in the United Kingdom in relation to goods to be so exported which, if done in relation to goods to be sold or otherwise traded in within the United Kingdom, would constitute use of a trade mark therein, shall be deemed to constitute use of the trade mark in relation to those goods for any purpose for which such use is material under the Trade Marks Acts or at common law.

export trade, and use where form of trade connection changes.

This subsection shall be deemed to have had effect in relation to an act done before the date of the commencement of this Act as it has effect in relation to an act done after that date, without prejudice however to any determination of a competent tribunal which has been made before that date or to the determination of any appeal from a determination so made.

(2) The use of a registered trade mark in relation to goods between which and the person using it any form of connection in the course of trade subsists shall not be deemed to be likely to cause deception or confusion on the ground only that the trade mark has been, or is, used in relation to goods between which and that person or a predecessor in title of his a different form of connection in the course of trade subsisted or subsists.

15.—(1) Subject to the provisions of subsections (2) to (4) of this section, and of sections forty-one and forty-four of the principal Act, the registration (whether before or after the commencement of this Act) of a person in Part A of the register as proprietor of a trade mark (other than a certification trade mark) in respect of any goods shall, if valid, give or be deemed to have given to that person the exclusive right to the use of the trade mark in relation to those goods and, without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a registered user thereof using by way of the permitted use, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion, in the course of trade, in relation to any goods in respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

Effect of registration in Part A of the register.

(a) as being use as a trade mark; or

(b) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular, or other advertisement, issued to the public, as importing a reference to some person having the right either as proprietor or as registered user to use the trade mark or to goods with which such a person as aforesaid is connected in the course of trade.

(2) The right to the use of a trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(3) The right to the use of a trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

(a) in relation to goods connected in the course of trade with the proprietor or a registered user of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or the registered user conforming to the permitted use has applied the trade mark and has not subsequently removed or obliterated it, or has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the facts a connection in the course of trade between any person and the goods.

(4) The use of a registered trade mark, being one of two or more registered trade marks which are identical

or nearly resemble each other, in exercise of the right to the use of that trade mark given by registration as aforesaid, shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(5) The foregoing provisions of this section shall have effect in substitution for the provisions of section thirty-nine of the principal Act, and accordingly that section shall be repealed.

**16.**—(1) Except as provided by subsection (2) of this section and by subsection (2) of section three of this Act, the registration (whether before or after the commencement of this Act) of a person in Part B of the register as proprietor of a trade mark in respect of any goods shall, if valid, give or be deemed to have given to that person the like right in relation to those goods as if the registration had been in Part A of the register, and the provisions of the last foregoing section shall have effect in like manner in relation to a trade mark registered in Part B of the register as they have effect in relation to a trade mark registered in Part A of the register.

Effect of registration in Part B of the register.

(2) In any action for infringement of the right to the use of a trade mark given by registration as aforesaid in Part B of the register, no injunction or other relief shall be granted to the plaintiff if the defendant establishes to the satisfaction of the Court that the use of which the plaintiff complains is not likely to deceive or cause confusion or to be taken as indicating a connection in the course of trade between the goods and some person having the right either as proprietor or as registered user to use the trade mark.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of section four of the Trade Marks Act, 1919, and accordingly that section shall be repealed.

**17.**—(1) Where, by a contract in writing made with the proprietor or a registered user of a registered trade mark, a purchaser or owner of goods enters into an obligation to the effect that he will not do, in relation to the goods, an act to which this section applies, any person who, being the owner for the time being of the

Infringement of trade mark by breach of certain restrictions.

goods and having notice of the obligation, does that act, or authorises it to be done, in relation to the goods in the course of trade or with a view to any dealing therewith in the course of trade, shall be deemed thereby to infringe the right to the use of the trade mark given by the registration thereof, unless that person became the owner of the goods by purchase for money or money's worth in good faith before receiving notice of the obligation or by virtue of a title derived through another who so became the owner thereof.

(2) The acts to which this section applies are—

- (a) the application of the trade mark upon the goods after they have suffered alteration in any manner specified in the contract as respects their state or condition, get-up or packing;
- (b) in a case in which the trade mark is upon the goods, the alteration, partial removal or partial obliteration thereof;
- (c) in a case in which the trade mark is upon the goods, and there is also thereon other matter, being matter indicating a connection in the course of trade between the proprietor or registered user and the goods, the removal or obliteration, whether wholly or partially, of the trade mark unless that other matter is wholly removed or obliterated;
- (d) in a case in which the trade mark is upon the goods, the application of any other trade mark to the goods;
- (e) in a case in which the trade mark is upon the goods, the addition to the goods of any other matter in writing that is likely to injure the reputation of the trade mark.

(3) Subsection (2) of section sixteen of this Act shall not apply to an act that is deemed by virtue of this section to be an infringement of a trade mark registered in Part B of the register.

(4) In this section references in relation to any goods to the proprietor, to a registered user, and to the registration, of a trade mark shall be construed, respectively,

as references to the proprietor in whose name the trade mark is registered, to a registered user who is registered, and to the registration of the trade mark, in respect of those goods, and the expression "upon" includes in relation to any goods a reference to physical relation thereto.

**18.—(1)** A mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified shall be registrable as a certification trade mark in Part A of the register in respect of those goods in the name, as proprietor thereof, of that person :

Certification trade marks.

Provided that a mark shall not be so registrable in the name of a person who carries on a trade in goods of the kind certified.

In determining whether a mark is adapted to distinguish as aforesaid, the tribunal may have regard to the extent to which—

- (a) the mark is inherently adapted to distinguish as aforesaid in relation to the goods in question ; and
- (b) by reason of the use of the mark or of any other circumstances, the mark is in fact adapted to distinguish as aforesaid in relation to the goods in question.

(2) Subject to the provisions of subsections (3) to (5) of this section, and of sections forty-one and forty-four of the principal Act, the registration of a person as proprietor of a certification trade mark in respect of any goods, shall, if valid, give to that person the exclusive right to the use of the trade mark in relation to those goods, and, without prejudice to the generality of the foregoing words, that right shall be deemed to be infringed by any person who, not being the proprietor of the trade mark or a person authorised by him under the regulations in that behalf using it in accordance therewith, uses a mark identical with it or so nearly resembling it as to be likely to deceive or cause confusion in the course of trade, in relation to any goods in

respect of which it is registered, and in such manner as to render the use of the mark likely to be taken either—

(a) as being use as a trade mark; or

(b) in a case in which the use is use upon the goods or in physical relation thereto or in an advertising circular, or other advertisement, issued to the public, as importing a reference to some person having the right either as proprietor or by his authorisation under the relevant regulations to use the trade mark or to goods certified by the proprietor.

(3) The right to the use of a certification trade mark given by registration as aforesaid shall be subject to any conditions or limitations entered on the register, and shall not be deemed to be infringed by the use of any such mark as aforesaid in any mode, in relation to goods to be sold or otherwise traded in in any place, in relation to goods to be exported to any market, or in any other circumstances, to which, having regard to any such limitations, the registration does not extend.

(4) The right to the use of a certification trade mark given by registration as aforesaid shall not be deemed to be infringed by the use of any such mark as aforesaid by any person—

(a) in relation to goods certified by the proprietor of the trade mark if, as to those goods or a bulk of which they form part, the proprietor or another in accordance with his authorisation under the relevant regulations has applied the trade mark and has not subsequently removed or obliterated it, or the proprietor has at any time expressly or impliedly consented to the use of the trade mark; or

(b) in relation to goods adapted to form part of, or to be accessory to, other goods in relation to which the trade mark has been used without infringement of the right given as aforesaid or might for the time being be so used, if the use of the mark is reasonably necessary in order to indicate that the goods are so adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact that the goods are certified by the proprietor:

Provided that paragraph (a) of this subsection shall not have effect in the case of use consisting of the application of any such mark as aforesaid to any goods, notwithstanding that they are such goods as are mentioned in that paragraph, if such application is contrary to the relevant regulations.

(5) Where a certification trade mark is one of two or more registered trade marks which are identical or nearly resemble each other, the use of any of those trade marks in exercise of the right to the use of that trade mark given by registration shall not be deemed to be an infringement of the right so given to the use of any other of those trade marks.

(6) There shall be deposited at the Patent Office in respect of every trade mark registered under this section regulations approved by the Board of Trade for governing the use thereof, which shall include provisions as to the cases in which the proprietor is to certify goods and to authorise the use of the trade mark, and may contain any other provisions which the Board of Trade may require or permit to be inserted therein (including provisions conferring a right of appeal to the Registrar against any refusal of the proprietor to certify goods or to authorise the use of the trade mark in accordance with the regulations). Regulations so deposited shall be open to inspection in like manner as the register.

(7) The provisions of the First Schedule to this Act shall have effect with respect to the registration of a mark under this section and as to marks so registered.

(8) Section sixty-two of the principal Act shall be repealed.

(9) The foregoing provisions of this section shall have effect, in relation to a trade mark which immediately before the commencement of this Act is on the register by virtue of section sixty-two of the principal Act, as if this section had been in force at the date of the registration of the trade mark and it had been registered under this section, subject however to the following modifications, that is to say:—

(a) the proviso to subsection (1) shall not apply;

(b) in a case in which regulations for governing the use of the trade mark are deposited at the Patent

Office at the commencement of this Act, those regulations shall be deemed to have been deposited under this section;

- (c) in a case in which no such regulations are deposited at the commencement of this Act, the proprietor shall be at liberty, or may be required by the Board of Trade as a condition of the continuance of the registration, to deposit at any time thereafter such regulations as the Board may permit or require; and
- (d) in a case in which no such regulations are for the time being deposited, this section and the First Schedule to this Act shall have effect as if references therein to the regulations had been omitted.

Sheffield  
marks.

19. The provisions of the Second Schedule to this Act shall have effect, in substitution for the provisions of section sixty-three of the principal Act, with respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called "the Cutlers' Company") and the marks or devices assigned or registered by the master, wardens, searchers and assistants of that Company, and accordingly that section shall be repealed.

Trade  
marks  
for textile  
goods.

20.—(1) The Manchester Branch of the Trade Marks Registry of the Patent Office (in this Act referred to as "the Manchester Branch") shall be continued under a chief officer, who shall be styled "the Keeper of the Manchester Branch" and shall act under the direction of the Registrar.

(2) The rules shall specify certain of the classes for the time being established for the purposes of the registration of trade marks (being such of those classes as consist of, or appear to the Board of Trade to relate materially to, any of the following goods, that is to say, goods included immediately before the commencement of this Act in any of the classes numbered twenty-three to thirty-five and thirty-eight respectively and similar goods made from artificial silk or from other artificial fibres) as being classes to which this section applies.



In this section the expression "textile goods" means goods of any of the classes for the time being so specified other than goods of a kind as to which it may be provided by the rules that this section is not to apply thereto.

(3) The rules for prescribing the manner in which applications for the registration of trade marks are to be made shall make provision for the sending of an application for the registration of a trade mark in respect of textile goods to the Registrar either at the Patent Office or at the Manchester Branch, at the option of the applicant.

(4) The Keeper of the Manchester Branch shall furnish the Registrar with a report on every application for the registration of a trade mark sent to the Manchester Branch, and before deciding under subsection (2) of section twelve of the principal Act on any such application the Registrar shall consider the report.

(5) In respect of textile goods being piece goods—

- (a) no mark consisting of a line heading alone shall be registrable as a trade mark;
- (b) a line heading shall not be deemed to be adapted to distinguish or capable of distinguishing;
- (c) the registration of a trade mark shall not give any exclusive right to the use of a line heading.

(6) There shall be kept at the Manchester Branch for the purposes of the Trade Marks Acts a record, called the Manchester Record, wherein shall be entered copies of all entries in the register relating to trade marks registered in respect of textile goods after the date of the commencement of this Act, and, as soon as may be after that date, copies of all entries relating to trade marks so registered before that date and for the time being subsisting, and the Manchester Record shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed.

(7) The right of inspection conferred by the last foregoing subsection shall extend to and include the right to inspect all applications whatsoever for registration that have been made to the Manchester Branch, between the passing of the Trade Marks Registration Act, 1875, and the commencement of this Act, in respect

38 & 39 Vict.  
c. 91.

of cotton goods, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled or pending.

(8) Refused marks which, at the commencement of this Act, are included in the collection of refused marks kept under rules one hundred and twelve to one hundred and sixteen of the Trade Marks Rules, 1920, and are at the time of the application for the registration of a trade mark included in that collection under the rules, shall be treated for the purposes of sections nineteen and twenty-one of the principal Act, but for no other purpose, as if they had been registered trade marks.

(9) Before making any rule, or prescribing any form, which is to deal specially with trade marks registered or proposed to be registered in respect of textile goods other than clothing, the Board of Trade shall send a draft thereof to the Trade and Merchandise Marks Committee of the Manchester Chamber of Commerce, and shall, if the said committee so request, give them an opportunity of being heard.

(10) The Registrar, or the Keeper of the Manchester Branch, may consult the said committee where it appears to him to be expedient so to do with respect to any circumstances peculiar to the cotton trade arising on an application to register a trade mark in respect of textile goods other than clothing.

(11) A certificate purporting to be under the hand of the Keeper of the Manchester Branch as to any copy entered in the Manchester Record of an entry in the register shall be prima facie evidence of the entry having been made in the register and of the contents thereof.

(12) The foregoing provisions of this section shall have effect in substitution for the provisions of section sixty-four of the principal Act, and accordingly that section and the Trade Marks Act, 1914, shall be repealed.

4 & 5 Geo. 5.  
c. 16.

Penalty for  
falsely  
representing  
a trade  
mark as  
registered.

- 21.**—(1) Any person who makes a representation—
- (a) with respect to a mark not being a registered trade mark, to the effect that it is a registered trade mark; or
  - (b) with respect to a part of a registered trade mark not being a part separately registered

as a trade mark, to the effect that it is so registered; or

- (c) to the effect that a registered trade mark is registered in respect of any goods in respect of which it is not registered; or
- (d) to the effect that the registration of a trade mark gives an exclusive right to the use thereof in any circumstances in which, having regard to limitations entered on the register, the registration does not give that right;

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

(2) For the purposes of this section, the use in the United Kingdom in relation to a trade mark of the word "registered", or of any other word referring whether expressly or impliedly to registration, shall be deemed to import a reference to registration in the register, except—

- (a) where that word is used in physical association with other words delineated in characters at least as large as those in which that word is delineated and indicating that the reference is to registration as a trade mark under the law of a country outside the United Kingdom, being a country under the law of which the registration referred to is in fact in force;
- (b) where that word (being a word other than the word "registered") is of itself such as to indicate that the reference is to such registration as last aforesaid; or
- (c) where that word is used in relation to a mark registered as a trade mark under the law of a country outside the United Kingdom and in relation to goods to be exported to that country.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of section sixty-seven of the principal Act and accordingly that section shall be repealed.

*Minor and Consequential Amendments and General.*

22.—(1) The power to make rules and other powers conferred on the Board of Trade by section sixty of the principal Act for the purposes therein mentioned (which

Power to  
adapt  
entries in

register to  
amended or  
substituted  
classifica-  
tion of  
goods.

include the classifying of goods for the purposes of the registration of trade marks) may be exercised for empowering the Registrar to amend the register, whether by making or expunging or varying entries therein, so far as may be requisite for the purpose of adapting the designation therein of the goods or classes of goods in respect of which trade marks are registered to any amended or substituted classification which may be prescribed.

(2) The Registrar shall not, in exercise of any power conferred on him for the purpose aforesaid, make any amendment of the register which would have the effect of adding any goods or classes of goods to those for which a trade mark is registered (whether in one or more classes) immediately before the amendment is to be made, or of antedating the registration of a trade mark in respect of any goods :

Provided that this subsection shall not have effect in relation to goods as to which the Registrar is satisfied that compliance with this subsection in relation thereto would involve undue complexity and that the addition or antedating, as the case may be, would not affect any substantial quantity of goods and would not substantially prejudice the rights of any person.

(3) A proposal for the amendment of the register for the purpose aforesaid shall be notified to the registered proprietor of the trade mark affected, shall be subject to appeal by the registered proprietor to the Board of Trade, or, at his option, to the Court, shall be advertised with any modifications, and may be opposed before the Registrar by any person aggrieved on the ground that the proposed amendment contravenes the provisions of the last foregoing subsection, and the decision of the Registrar on any such opposition shall be subject to appeal to the Court.

Removal of  
trade mark  
from  
register for  
breach of  
condition.

**23.** On application by any person aggrieved to the Court or, at the option of the applicant and subject to the provisions of subsection (2) of section twenty-six of this Act, to the Registrar, or on application by the Registrar to the Court, the tribunal may make such order as it may think fit for expunging or varying the registration of a trade mark on the ground of any contravention of, or failure to observe, a condition entered on the register in relation thereto.

24. The following provisions of the principal Act (which relate to trade marks used before the thirteenth day of August, eighteen hundred and seventy-five) shall be repealed :—

Repeal of provisions relating to old trade marks.

- (a) in section nine, the proviso ;
- (b) in section nineteen, the words “ or in the case of trade marks in use before the thirteenth day of August, one thousand eight hundred and seventy-five ” ;
- (c) in section forty-two, the words from “ unless such trade mark was in use before the thirteenth day of August, one thousand eight hundred and seventy-five ” to the end of the section.

25. Where the relations between two or more persons interested in a trade mark are such that no one of them is entitled as between himself and the other or others of them to use it except—

Jointly owned trade marks.

- (a) on behalf of both or all of them, or
- (b) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint proprietors of the trade mark, and the Trade Marks Acts shall have effect in relation to any rights to the use of the trade mark vested in those persons as if those rights had been vested in a single person.

Subject as aforesaid nothing in the Trade Marks Acts shall authorise the registration of two or more persons who use a trade mark independently, or propose so to use it, as joint proprietors thereof.

26.—(1) Where under the principal Act a right of appeal to the Board of Trade is conferred upon any person, he shall be entitled, at his option, to appeal to the Court instead of to the Board.

Options as to tribunal for certain appeals and applications.

(2) Where under any of the foregoing provisions of this Act an applicant has an option to make an application either to the Court or to the Registrar—

- (a) if an action concerning the trade mark in question is pending, the application must be made to the Court;

- (b) if in any other case the application is made to the Registrar, he may, at any stage of the proceedings, refer the application to the Court, or he may, after hearing the parties, determine the question between them, subject to appeal to the Court.

Interpreta-  
tion of pro-  
viso to s. 27  
of principal  
Act.

**27.** It is hereby declared that the provisions of section twenty-seven of the principal Act relating to the acceptance by tribunals of certain matters as proof of use of a registered trade mark apply in relation to proof of use of any registered trade mark and not in relation only to proof of use of a trade mark which is one of two or more associated trade marks.

Extension  
of s. 44 of  
principal  
Act to old  
registra-  
tions.

**28.** Section forty-four of the principal Act (which provides that no registration under the principal Act shall interfere with any bona fide use by a person of his own name or of the name of his place of business, or with the use by any person of any bona fide description of the character or quality of his goods) shall have effect in relation to a registration of a trade mark under any Act previous to the principal Act.

Amendment  
of s. 48 of  
principal  
Act.

**29.** In section forty-eight of the principal Act (which provides that in all proceedings before the Court under that Act the costs of the Registrar shall be in the discretion of the Court but the Registrar shall not be ordered to pay the costs of any other party) after the word "but" there shall be inserted the words "in any proceedings in England or Northern Ireland", after the word "not" there shall be inserted the words "except in accordance with the provisions of subsection (2) of this section in a case in which he has appeared in the proceedings", and at the end of the section there shall be inserted the following subsection—

"(2) Where the Registrar appears in any proceedings before the Court in England or Northern Ireland under this Act, section seven of the Administration of Justice (Miscellaneous Provisions) Act, 1933, or any corresponding enactment which may be passed by the Parliament of Northern Ireland, as the case may be, shall have effect as it has effect in relation to other proceedings to which the Crown is a party in a Court having the power to award costs in cases between subjects."

**30.** The amendments specified in the second column of the Third Schedule to this Act, being as respects those contained in Part I of the said Schedule consequential amendments and as respects those contained in Part II of the said Schedule amendments relating to minor details, shall be made in the enactments specified in the first column of the said Schedule.

Consequen-  
tial and  
minor  
amend-  
ments.

**31.—(1)** In the Trade Marks Acts, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say:—

Interpre-  
tation.

“assignment” means assignment by act of the parties concerned;

“limitations” means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to mode of use, as to use in relation to goods to be sold, or otherwise traded in, in any place within the United Kingdom, or as to use in relation to goods to be exported to any market outside the United Kingdom;

“registered user” means a person who is for the time being registered as such under section eight of this Act;

“the rules” means rules made by the Board of Trade under section sixty of the principal Act;

“transmission” means transmission by operation of law, devolution on the personal representative of a deceased person, and any other mode of transfer not being assignment;

“United Kingdom” includes the Isle of Man.

(2) In the application of the Trade Marks Acts to Scotland the expressions “injunction,” “plaintiff” and “defendant” mean respectively “interdict,” “pursuer” and “defender.”

**32.—(1)** Nothing in this Act shall be taken to invalidate the original registration of a trade mark which immediately before the commencement of this Act was validly upon the register.

Savings.

(2) No trade mark which is upon the register at the date of the commencement of this Act, and which,

having regard to any amendment by this Act of the principal Act or of the Trade Marks Act, 1919, whether as respects limitations which may be imposed on registration or as respects any other matter, is under the Trade Marks Acts a registrable trade mark at that date, shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration.

(3) Notwithstanding the repeal by this Act of paragraph (c) of subsection (10) of section sixty-four of the principal Act, no registration as of a date before the date of the commencement of this Act of a cotton mark as defined in that section in respect of cotton piece goods or cotton yarn shall give any exclusive right to the use of any letter, numeral, line heading, or any combination thereof.

(4) Nothing in this Act shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

**33.**—(1) This Act may be cited as the Trade Marks (Amendment) Act, 1937.

Short title,  
citation,  
construc-  
tion, repeal  
and  
commence-  
ment.

(2) This Act shall be construed as one with the principal Act, the Trade Marks Act, 1919, and so much of the Patents and Designs Acts, 1907 to 1932, as relates to trade marks, and this Act and those enactments may be cited together as the Trade Marks Acts, 1905 to 1937, and are in this Act together referred to as "the Trade Marks Acts."

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

(4) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) This Act shall come into operation on such date as the Board of Trade may by order appoint.



## SCHEDULES.

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### FIRST SCHEDULE.

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Section 18.

#### CERTIFICATION TRADE MARKS.

1.—(1) An application for the registration of a mark under section eighteen of this Act must be made to the Registrar in writing in the prescribed manner by the person proposed to be registered as the proprietor thereof.

(2) The provisions of subsections (2) to (6) of section twelve of the principal Act shall have effect in relation to an application under the said section eighteen as they have effect in relation to an application under subsection (1) of the said section twelve, except that for references therein to acceptance of an application there shall be substituted references to authorisation to proceed with the application.

(3) In dealing under the said provisions with an application under the said section eighteen, the tribunal shall have regard to the like considerations, so far as relevant, as if the application were an application under section twelve of the principal Act and to any other considerations (not being matters within the competence of the Board of Trade under subparagraph (5) of this paragraph) relevant to applications under the said section eighteen, including the desirability of securing that a certification trade mark shall comprise some indication that it is such a trade mark.

(4) An applicant for the registration of a mark under the said section eighteen shall transmit to the Registrar draft regulations for governing the use thereof at such time before the decision of the Registrar on the application as he may require in order to enable him to consider the draft, and the Registrar shall report thereon to the Board of Trade.

(5) When authorisation to proceed with an application has been given, the Board of Trade shall consider the application with regard to the following matters, that is to say :—

- (a) whether the applicant is competent to certify the goods in respect of which the mark is to be registered;
- (b) whether the draft regulations are satisfactory; and
- (c) whether in all the circumstances the registration applied for would be to the public advantage;

1st SCH.  
—cont.

and may either—

- (i) direct that the application shall not be accepted; or
- (ii) direct the Registrar to accept the application, and approve the regulations, either without modification and unconditionally or subject to any conditions or limitations, or to any amendments or modifications of the application or of the regulations, which they think requisite having regard to any of the matters aforesaid;

but, except in the case of a direction for acceptance and approval without modification and unconditionally, the Board shall not decide the matter without giving to the applicant an opportunity of being heard:

Provided that the Board may, at the request of the applicant made with the concurrence of the Registrar, consider the application with regard to any of the matters aforesaid before authorisation to proceed with the application has been given, so however that the Board shall be at liberty to reconsider any matter on which they have given a decision under this proviso if any amendment or modification is thereafter made in the application or in the draft regulations.

2.—(1) When an application has been accepted, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner, and the provisions of section fourteen of the principal Act (which relates to opposition to registration) shall have effect in relation to the registration of the mark as if the application had been an application under section twelve of that Act:

Provided that, in deciding under the said provisions, the tribunal shall have regard only to the considerations referred to in subparagraph (3) of the last foregoing paragraph, and a decision under the said provisions in favour of the applicant shall be conditional on the determination in his favour by the Board of Trade under subparagraph (2) of this paragraph of any opposition relating to any of the matters referred to in subparagraph (5) of the last foregoing paragraph.

(2) When notice of opposition is given relating to any of the matters referred to in subparagraph (5) of the last foregoing paragraph, the Board of Trade shall, after hearing the parties, if so required, and considering any evidence, decide whether, and subject to what conditions or limitations, or amendments or modifications of the application or of the regulations, if any, registration is, having regard to those matters, to be permitted.

3.—(1) The regulations deposited in respect of a certification trade mark may on the application of the registered proprietor be altered by the Registrar with the consent of the Board of Trade.

1st SCH.  
—cont.

(2) The Board of Trade may cause an application for their consent to be advertised in any case where it appears to the Board that it is expedient so to do, and, where the Board cause an application to be advertised, if within the prescribed time from the date of the advertisement any person gives notice to the Board of opposition to the application, the Board shall not decide the matter without giving the parties an opportunity of being heard.

4. A certification trade mark shall not be assignable or transmissible otherwise than with the consent of the Board of Trade.

5.—(1) The Board of Trade may, on the application in the prescribed manner of any person aggrieved, or on the application of the Registrar, make such order as they think fit for expunging or varying any entry in the register relating to a certification trade mark, or for varying the deposited regulations, on the ground—

- (a) that the proprietor is no longer competent, in the case of any of the goods in respect of which the trade mark is registered, to certify those goods;
- (b) that the proprietor has failed to observe a provision of the deposited regulations to be observed on his part;
- (c) that it is no longer to the public advantage that the trade mark should be registered; or
- (d) that it is requisite for the public advantage that, if the trade mark remains registered, the regulations should be varied;

and neither the Court nor the Registrar shall have any jurisdiction to make an order under section thirty-five of the principal Act on any of those grounds.

(2) The Registrar shall rectify the register and the deposited regulations in such manner as may be requisite for giving effect to an order made under the foregoing subparagraph.

6. The Registrar shall not have any jurisdiction to award costs to or against any party on an appeal to him against a refusal of the proprietor of a certification trade mark to certify goods or to authorise the use of the trade mark.

7. The following provisions of the Trade Marks Acts shall not have effect in relation to a certification trade mark, that is to say:—

- (a) section nine and sections twelve to fourteen of the principal Act (except as expressly applied by this Schedule);

H h

1st Sch.  
—cont.

- (b) subsections (4) to (8) of section seven, sections eight and eleven, subsections (1) to (3) of section twelve, section thirteen, subsection (2) of section fourteen, subsections (1) to (4) of section fifteen, and section seventeen of this Act; and
- (c) any provisions whose operation is limited by the terms thereof to registration in Part B of the register.

Section 19.

## SECOND SCHEDULE.

### SHEFFIELD MARKS.

1. The Cutlers' Company shall continue to keep at Sheffield the register of trade marks (in this Schedule called "the Sheffield register") kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Schedule, such register shall for all purposes form part of the register.

2. An application by a person carrying on business in Hallamshire, or within six miles thereof, for the registration of a trade mark in respect of metal goods may be made either to the Registrar or to the Cutlers' Company, at the option of the applicant.

3. An application for the registration of a trade mark made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner and the Cutlers' Company shall not proceed with such an application until authorised so to do by the Registrar.

4. The Registrar shall consider an application notified to him as aforesaid and shall either authorise the Cutlers' Company to proceed therewith or, if it appears to him that there is any objection to the application, shall give notice of his objection to the Cutlers' Company, who shall communicate it to the applicant.

5. Within the prescribed time after receipt of a notice of objection under the last foregoing paragraph, the applicant may submit to the Cutlers' Company either orally or in writing arguments against, or proposals for meeting, the objection, and the Cutlers' Company shall notify to the Registrar any arguments or proposals so submitted to them together with any observations which they may desire to make thereon.

6. The Registrar shall consider any arguments, proposals or observations notified to him as aforesaid and shall, if so required by an applicant who has submitted arguments or proposals as aforesaid, give the applicant an opportunity of being

heard by him, and may refuse authorisation to proceed with the application or may authorise the Cutlers' Company to proceed therewith either without modification and unconditionally or subject to such conditions, amendments or modifications, or to such limitations, if any, as he may think right to impose.

7. Where the Registrar refuses authorisation to proceed with an application, or authorises the Cutlers' Company to proceed therewith subject as aforesaid, the provisions of subsections (3) to (5) of section twelve of the principal Act shall have effect in relation to the refusal or conditional authorisation as they have effect in relation to a refusal to accept, or a conditional acceptance of, an application, except that for references therein to acceptance of the application there shall be substituted references to authorisation to the Cutlers' Company to proceed with the application.

8. Upon the registration of a trade mark in the Sheffield register, the Cutlers' Company shall give notice thereof to the Registrar, who shall thereupon enter the trade mark in the register, and such registration shall bear date as of the day of the application to the Cutlers' Company, and have the same effect as if the application had been made to the Registrar on that day.

9. The provisions of the Trade Marks Acts and of the rules with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this Schedule (and notwithstanding anything in any Act relating to the Cutlers' Company), apply to the registration of trade marks in respect of metal goods by the Cutlers' Company, and to all matters relating thereto, and the Trade Marks Acts and the rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield register, for the Registrar, the Patent Office, and the register respectively, and notice of every entry, cancellation, or correction made in the Sheffield register shall be given to the Registrar by the Cutlers' Company :

Provided that anything which by virtue of this Schedule is required or authorised to be done by, before or in relation to the Cutlers' Company or at their office may, with the consent of the party or parties concerned, be done by, before or in relation to the Registrar or at the Patent Office, as the case may be.

10. When the Registrar receives an application for the registration of a trade mark in respect of metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company.

11. Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under the

2ND SCH.  
—cont.

Trade Marks Acts may, in the prescribed manner, appeal to the Court or, in a case in which, if the decision had been a decision of the Registrar, the person aggrieved would have had an option under the Trade Marks Acts of appealing to the Board of Trade, to the Court or the Board at the option of the appellant.

12.—(1) For the purposes of this Schedule the expression “metal goods” means all metals, whether wrought, unwrought, or partly wrought, and all goods which are comprised in any of such classes as may be prescribed as being classes which refer predominantly to metal goods, and are goods composed wholly or principally of any metal, and for the purpose of determining whether any goods are goods principally of any metal regard shall be had to the importance and nature of the metal part or parts of the goods having regard to the purposes for which the goods are adapted.

(2) Any question arising in connection with an application made to the Cutlers’ Company for the registration of a trade mark, as to whether the goods in respect of which the trade mark is proposed to be registered are metal goods, shall be referred to and determined by the Registrar, whose decision shall be final.

(3) The validity of the registration by the Cutlers’ Company of a trade mark shall not be questioned on the ground only that the goods in respect of which it is so registered are not metal goods.

13. A certificate purporting to be under the hand of the master of the Cutlers’ Company as to any entry, matter or thing which the Cutlers’ Company are authorised by this Schedule or the rules to make or do shall be prima facie evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or not done.

Section 30

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### THIRD SCHEDULE.

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#### CONSEQUENTIAL AND MINOR AMENDMENTS.

##### PART I.

##### CONSEQUENTIAL.

Enactment Amended.

Amendments.

In the principal Act:—

Section six	-	-	After the words “forty-one of this Act” there shall be inserted the words “and of section thirty-two of the Trade Marks (Amendment) Act, 1937”.
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## Enactment Amended.

## Amendments.

3RD SCH.  
—cont.In the principal Act—  
*cont.*

- Section twelve - - In subsection (1), there shall be inserted at the end of the subsection the words “ for registration either in Part A or in Part B of the register ”, and in subsections (2) and (4) the words “ as to mode or place of user or otherwise ” shall be omitted.
- Section fourteen - - In subsections (4) and (6) the words “ as to mode or place of user or otherwise ” shall be omitted.
- Section sixteen - - After the words “ application for registration of a trade mark ” there shall be inserted the words “ in Part A or in Part B of the register ”, and after the words “ the said trade mark ” there shall be inserted the words “ in Part A or Part B, as the case may be ”.
- Section twenty - - For the words “ or (on appeal) by the Board of Trade ” there shall be substituted the words “ or on an appeal, which may be brought either to the Board of Trade or to the Court at the option of the appellant, by the Board or the Court, as the case may be ”.
- Section twenty-one - - The words “ as to mode or place of user or otherwise ” shall be omitted.
- Section thirty-two - - After the words “ shall be subject to appeal to the Board of Trade ” there shall be inserted the words “ or to the Court at the option of the appellant ”.
- Section thirty-four - - The words “ as to mode or place of user ” shall be omitted.
- Section forty-one - - For the words “ In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the original registration of such trade mark ” there shall be substituted the words

3RD SCH.  
—cont.

Enactment Amended.

Amendments.

In the principal Act—  
cont.

Section forty-one—cont.

“ In all legal proceedings relating to  
“ a trade mark registered in Part A of  
“ the register (including applications  
“ under section thirty-five of this Act)  
“ the original registration in Part A of  
“ the register of such trade mark ”,  
and for the words “ section eleven  
of this Act ” there shall be substi-  
tuted the words “ section six of the  
“ Trade Marks (Amendment) Act,  
“ 1937 ”.

Section forty-four

- For the words “ under this Act ” there  
shall be substituted the words “ of a  
trade mark ”.

At the end of the section there shall be  
added the words “ not being a descrip-  
“ tion which would be likely to be taken  
“ to import any such reference as is  
“ mentioned in paragraph (b) of sub-  
“ section (1) of section fifteen, or in  
“ paragraph (b) of subsection (2) of  
“ section eighteen, of the Trade Marks  
“ (Amendment) Act, 1937.”

Section fifty-four

- The words “ Except where expressly  
“ given by the provisions of this Act  
“ or rules made thereunder, there shall  
“ be no appeal from a decision of the  
“ Registrar otherwise than to the  
“ Board of Trade, but ” shall be  
omitted.

In the Trade Marks  
Act, 1919 :—

Section one

- In subsection (1), the words “ (including  
the Manchester Register) ” shall be  
omitted.

In subsection (2), there shall be inserted  
at the end of the subsection the words  
“ either before the commencement of  
“ the Trade Marks (Amendment) Act,  
“ 1937, or, on an application for regis-  
“ tration in Part A, thereafter.”



Enactment Amended.	Amendments.	3RD SCH. —cont.
<p>In the Trade Marks Act, 1919—<i>cont.</i></p> <p>Section one—<i>cont.</i></p>	<p>In subsection (3), after the words “ this Part of this Act ” there shall be inserted the words “ or registered under “ the principal Act on an application “ for registration in Part B ”.</p>	
<p>Section five - -</p>	<p>The words “ under the principal Act ” and the words “ under this Part of this Act ” shall be omitted.</p>	
<p>Section nine - -</p>	<p>In subsection (1), the words “ or the “ removal of any trade mark from the “ register in respect of any goods ”, the words “ or section thirty-seven ”, and the words “ or under Part II of this Act ”, shall be omitted.</p> <p>In subsection (3), the words “ under this Act or ” shall be omitted.</p>	

## PART II.

## MINOR.

In the principal Act :—

<p>Section four - -</p>	<p>For the word “ book ” there shall be substituted the word “ record ”.</p> <p>For the words “ and addresses ” there shall be substituted the words “ addresses and descriptions ”.</p> <p>After the word “ transmissions ” there shall be inserted the words “ the names, “ addresses and descriptions of all “ registered users ”.</p>
<p>Section six - ..</p>	<p>For the word “ book ” there shall be substituted the word “ record ”.</p>
<p>Section eight - -</p>	<p>The following subsection shall be added :—</p> <p>“ (2) Any question arising as to the class within which any goods fall shall be determined by the Registrar, whose decision shall be final.”</p>
<p>Section thirteen -</p>	<p>There shall be substituted for the proviso the following proviso :—</p> <p>“ Provided that the Registrar may cause an application for registration of a trade mark to be advertised before acceptance thereof if it is</p>

3RD SCH. —cont.	Enactment Amended. —	Amendments. —
	In the principal Act— <i>cont.</i>	
	Section thirteen— <i>cont.</i>	made under paragraph (5) of section nine of this Act, or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances so to do, and where an application has been so advertised the Registrar may, if he thinks fit, advertise it again when it has been accepted but shall not be bound so to do.”
	Section fourteen	- In subsection (8), for the words “ In proceedings ” there shall be substituted the words “ On an appeal ”. For subsection (11) the following subsection shall be substituted :— “ (11) If a person giving notice of opposition or an applicant sending a counter-statement after receipt of a copy of such a notice, or an appellant, neither resides nor carries on business in the United Kingdom, the tribunal may require him to give security for costs of the proceedings before it relative to the opposition or to the appeal, as the case may be, and in default of such security being duly given may treat the opposition or application, or the appeal, as the case may be, as abandoned.”
	Section sixteen -	- For the words “ unless the mark has been accepted ” there shall be substituted the words “ unless the application has been accepted ”.
	Section seventeen	- The words “ under the hand of the Registrar and ” shall be omitted.
	Section nineteen	- For the words “ Except by order of the Court ” there shall be substituted the words “ Except as provided by section twenty-one of this Act ” and for the words “ calculated to deceive ” there shall be substituted the words “ likely to deceive or cause confusion ”.

Enactment Amended.	Amendments.	3RD SCH. —cont.
<b>In the principal Act—</b> <i>cont.</i>		
Section twenty -	- For the words “ Where each of several “ persons claims to be the proprietor “ of the same trade mark, or of nearly “ identical trade marks in respect of “ the same goods or description of “ goods, and to be registered as such “ proprietor ” there shall be substituted the words “ Where separate applica- “ tions are made by different persons “ to be registered as proprietors res- “ pectively of trade marks which are “ identical or nearly resemble each “ other, in respect of the same goods “ or description of goods,”.	
Section twenty-one	- For the words “ the same trade mark or of nearly identical trade marks ” there shall be substituted the words “ trade marks which are identical or nearly resemble each other ”.	
Section twenty-six	- For the words “ for the same description of goods ” there shall be substituted the words “ for the same goods or description of goods ”.	
Section thirty	- The words “ at his registered address ” shall be omitted.	
Section thirty-one	- There shall be substituted for the words “ unless it is shown ” to the end of the section the following proviso :— “ Provided that the foregoing pro- visions of this section shall not have effect where the tribunal is satisfied either— (a) that there has been no bona fide trade use of the trade mark which has been removed during the two years immediately pre- ceding its removal ; or (b) that no deception or confusion would be likely to arise from the use of the trade mark which is the subject of the application for registration by reason of any previous use of the trade mark which has been removed.”	

3RD SCHEDULE  
—cont.

Enactment Amended.

Amendments.

In the principal Act—  
cont.

- Section thirty-two - The words " or by some person entitled by law to act in his name " shall be omitted, for the words " or address " there shall be substituted the words " address or description ", and the following subsection shall be added :—  
" (2) The Registrar may, on request made in the prescribed manner by a registered user of a trade mark, correct any error, or enter any change, in the name, address or description of the registered user."
- Section thirty-three - In subsection (1) for the words " assignment, transmission or other operation of law " there shall be substituted the words " assignment or transmission ", and for the words " trade mark, and shall cause an entry to be made in the prescribed manner on the register of the " assignment, transmission or other instrument affecting the title " there shall be substituted the words " trade mark in respect of the goods in respect of which the assignment or transmission has effect, and shall cause particulars of the assignment or transmission to be entered on the register."
- Section thirty-four - For the words from " but any such refusal " to the end of the section the following subsections shall be substituted :—  
" (2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient so to do and, where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

Enactment Amended.	Amendments.	3RD SCH. —cont.
In the principal Act— <i>cont.</i>		
Section thirty-four— <i>cont.</i>	(3) Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade or to the Court, at the option of the appellant. (4) Where leave as aforesaid is granted, the trade mark as altered shall be advertised in the prescribed manner, unless it has already been advertised, in the form to which it has been altered, in an advertisement under subsection (2) of this section."	
Section thirty-five	- In subsection (2), for the word " Court " there shall be substituted the word " tribunal ". In subsection (3), after the word " registration " there shall be inserted the word " assignment ".	
Section thirty-six	- After the word " is ", where that word secondly occurs, there shall be inserted the word " then ".	
Section forty-one	- The words " or seven years from the " passing of this Act, whichever shall " last happen " shall be omitted, and for the proviso the following subsection shall be substituted :— " (2) Nothing in this Act shall entitle the proprietor or a registered user of a registered trade mark to interfere with or restrain the use by any person of a trade mark identical with or nearly resembling it in relation to goods in relation to which that person or a predecessor in title of his has continuously used that trade mark from a date anterior— (a) to the use of the first-mentioned trade mark in relation to those goods by the proprietor or a predecessor in title of his; or (b) to the registration of the first-mentioned trade mark in respect of those goods in the name of the proprietor or a predecessor in title of his;	

3RD SCH.  
—cont.

Enactment Amended.

Amendments.

In the principal Act—

*cont.*

Section forty-one—

*cont.*

whichever is the earlier, or to object (on such use being proved) to that person being put on the register for that identical or nearly resembling trade mark in respect of those goods under section twenty-one of this Act.”

Section forty-nine

- The words “with the consent of the parties” shall be omitted.

Section fifty-two

- After the words “secretary or” there shall be inserted the words “an under-secretary or an”.

Section fifty-six

- Section fifty-six shall be repealed.

Section fifty-eight

- After the words “a secretary” there shall be inserted the words “or an under-secretary”.

Section sixty

- In subsection (1), at the end of paragraph (a), there shall be inserted the words “including the service of documents.”

Section seventy-one

- For the words “shall, with respect to any  
“action or other proceeding in relation  
“to trade marks the registration  
“whereof is applied for in the Man-  
“chester Branch, have the like juris-  
“diction” there shall be substituted  
the words “shall, with respect to any  
“action or other proceeding in relation  
“to a trade mark registered or pro-  
“posed to be registered pursuant to  
“an application sent to the Manches-  
“ter Branch where the registered  
“proprietor or the proposed registered  
“proprietor is within, or submits to,  
“the jurisdiction of that Court, have  
“the like jurisdiction”.

In the Trade Marks

Act, 1919:—

Section ten

- For the words “may be made a rule of court” there shall be substituted the words “may, by leave of the Court or “a judge thereof, be enforced in the “same manner as a judgment or order “of the Court to the same effect.”

FOURTH SCHEDULE.

Section 33.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 Edw. 7. c. 15.	The Trade Marks Act, 1905.	<p>In section nine, the proviso. Section eleven.</p> <p>In section twelve, in subsections (2) and (4), the words "as to mode or place of user or otherwise."</p> <p>In section fourteen, in subsections (4) and (6), the words "as to mode or place of user or otherwise."</p> <p>In section seventeen the words "under the hand of the Registrar and".</p> <p>In section nineteen, the words "or in the case of trade marks in use before the thirteenth day of August, one thousand eight hundred and seventy-five."</p> <p>In section twenty-one, the words "as to mode or place of user or otherwise."</p> <p>Sections twenty-two to twenty-four.</p> <p>In section thirty, the words "at his registered address."</p> <p>In section thirty-two, the words "or by some person entitled by law to act in his name."</p> <p>In section thirty-four, the words "as to mode or place of user."</p> <p>Section thirty-seven. Section thirty-nine.</p> <p>In section forty-one, the words "or seven years from the passing of this Act, which ever shall last happen."</p> <p>In section forty-two the words from "unless" to the end of the section.</p> <p>In section forty-nine, the words "with the consent of the parties."</p>

4TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
5 Edw. 7. c. 15—cont.	The Trade Marks Act, 1905—cont.	In section fifty-four, the words from the beginning of the section to “but”. Section fifty-six. Sections sixty-two to sixty-four. Section sixty-seven.
4 & 5 Geo. 5. c. 16.	The Trade Marks Act, 1914.	The whole Act.
9 & 10 Geo. 5. c. 79.	The Trade Marks Act, 1919.	In section one, in subsection (1), the words “(including the Manchester Register).” In section two, subsections (1) to (5). Sections three and four. In section five, the words “under the principal Act,” and the words “under this Part of this Act.” Section six. In section nine, in subsection (1), the words “or section thirty-seven” and the words “or under Part II of this Act,” and in subsection (3) the words “under this Act or”. The First Schedule.

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## CHAPTER 50.

An Act to make provision for the development and better organisation of the livestock industry and industries connected therewith; for paying a subsidy to producers of fat cattle; for regulating the importation of livestock and meat, the holding of livestock markets and the slaughtering of livestock; and for purposes connected with the matters aforesaid.

[20th July 1937.]

**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.

THE LIVESTOCK COMMISSION AND THE LIVESTOCK  
ADVISORY COMMITTEE.

1.—(1) With a view to the development and better organisation of the livestock industry in the United Kingdom, there shall be constituted a commission to be called “the Livestock Commission” (hereafter in this Act referred to as “the Commission”), who shall have the functions—

Constitu-  
tion and  
general  
functions of  
Livestock  
Commission.

- (a) of keeping generally under review the production, marketing and slaughtering of livestock, the preparation for sale of products of the slaughtering of livestock, and the marketing, consumption, treatment and use of such products, and
- (b) of advising and assisting the Ministers in matters relating to the livestock industry,

and such other functions as are entrusted to the Commission by or under the following provisions of this Act.

(2) The Commission shall consist of a chairman and not more than eight other members appointed by the Ministers.

(3) The Ministers may appoint a secretary to the Commission, and the Commission may appoint such other officers, and such servants, as the Ministers may, with the approval of the Treasury, determine; and the Ministers may pay to the members, officers and servants of the Commission, out of moneys provided by Parliament, such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Ministers may, with the approval of the Treasury, determine.

(4) The incidental provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

2.—(1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions; and if the Ministers are satisfied that, for the purposes of any inquiry on the part of the Commission into a particular matter, it is

Powers of  
Commission  
as to  
inquiries.

PART I.  
—*cont.*

11 & 12  
Geo. 5. c. 7.

necessary so to do, the Ministers may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Commission held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in accordance with that Act and as if that Act had been applied to the Commission in the manner thereby prescribed :

Provided that the said Act shall, in its application to the Commission, have effect as if for paragraph (a) of section two of the Act there were substituted the following paragraph :—

“(a) may refuse to allow the public or any portion of the public to be present at the proceedings of the Commission, if and so far as it is, in the opinion of the Commission, necessary so to do for reasons connected with the subject-matter of the inquiry or the nature of the evidence to be given;”.

(2) Any order under this section shall, as soon as may be after it is made, be laid before Parliament, and if either House of Parliament, within the next thirty days on which that House has sat after the order is laid before it, resolves that the order be annulled, it shall thereupon become void, without prejudice, however, to anything previously done thereunder or to the making of a new order.

Livestock  
Advisory  
Committee.

3.—(1) For the purpose of giving advice and assistance to the Commission in the discharge of their functions, there shall be constituted a committee, which shall be called, and is hereafter in this Act referred to as, the “Livestock Advisory Committee.”

(2) The members of the Livestock Advisory Committee shall be persons appointed by the Ministers, and shall consist of representative members and four additional members.

The representative members of the Committee shall be persons appointed as representing respectively the interests of—

(a) persons carrying on in the United Kingdom the business of keeping livestock,

(b) local authorities in Great Britain,

(c) persons carrying on in Great Britain the business of effecting sales of livestock by auction,

and such other interests concerned in the marketing, or preparation for sale, of livestock or products of the slaughtering of livestock as appear to the Ministers to be immediately affected, or likely to be immediately affected, by the operation of this Act; and the additional members of the Committee shall be appointed as being independent persons.

(3) Before appointing a person to be a representative member of the Livestock Advisory Committee, the Ministers shall consult such bodies, if any, as appear to the Ministers to be representative of the interest concerned.

(4) There shall be constituted three sub-committees of the Livestock Advisory Committee, one for England, one for Scotland and one for Wales (which sub-committees are hereafter in this Act respectively referred to as "the English sub-committee," "the Scottish sub-committee" and "the Welsh sub-committee"), and each of the said sub-committees shall, subject as hereinafter provided, consist of such members of the Committee as may be designated by the appropriate Minister:

Provided that, in relation to any of the said sub-committees, the appropriate Minister may appoint to be members of the sub-committee persons who are not members of the Committee, but who appear to the said Minister to be representative of one or more of the interests referred to in subsection (2) of this section; but not less than two-thirds of the members of the sub-committee shall be members of the Committee.

(5) Any matter falling to be considered by the Livestock Advisory Committee shall, if it is a matter arising in relation to England only, in relation to Scotland only or in relation to Wales only, stand referred to the English sub-committee, the Scottish sub-committee or the Welsh sub-committee, as the case may be, which shall consider the matter and report thereon to the Committee.

(6) For the purposes of the last two preceding subsections, Wales shall, notwithstanding anything to the

PART I.  
—cont.

PART I.  
—*cont.*  
20 Geo. 2.  
c. 42.

contrary in the Wales and Berwick Act, 1746, be deemed not to be included in England, and Monmouthshire shall be deemed to be included in Wales.

(7) Such expenses of the Livestock Advisory Committee and of the said sub-committees as the Ministers may approve shall be defrayed by the Commission, and shall be deemed to be expenses of the Commission.

(8) The incidental provisions contained in the Second Schedule to this Act shall have effect in relation to the Livestock Advisory Committee.

## PART II.

### THE CATTLE SUBSIDY.

Subsidy to  
producers of  
fat cattle.

4.—(1) Subject to the provisions of any orders and regulations under this Part of this Act, the Ministers may make, in accordance with a scheme made by the Commission and approved by an order of the Ministers for the time being in force, payments to producers of fat cattle in respect of—

- (a) steers, heifers or cow-heifers sold or slaughtered in the United Kingdom on or after the appointed day by or on behalf of such producers, or
- (b) the carcasses of steers, heifers or cow-heifers sold or slaughtered as aforesaid,

being animals, or, as the case may be, the carcasses of animals, which have been certified in accordance with the scheme to be of any of the descriptions for the time being defined by regulations under this Part of this Act.

Payments under this section are hereafter in this Act referred to as “subsidy payments,” and any scheme made for the purposes of this section is hereafter in this Part of this Act referred to as “a subsidy scheme.”

(2) Every subsidy payment in respect of an animal or carcase shall be computed in such manner as may be prescribed in relation to animals or carcasses, as the case may be, by an order made by the Ministers, after consultation with the Commission, and approved by the Treasury; and an order under this subsection may make different provision in relation to different descriptions of animals or their carcasses.

5.—(1) It shall be the duty of the Commission to make and submit a subsidy scheme to the Ministers and, if the Ministers by order approve the scheme, to carry it into effect.

**PART II.**  
—cont.  
Subsidy  
schemes.

(2) A subsidy scheme may provide for the issue (subject to the provisions of any regulations under this Part of this Act) of such certificates as are required for the purposes of this Part of this Act, and for determining the places at which, and the persons by whom, animals may be certified for the said purposes, and generally for securing that subsidy payments are properly made, and may authorise the persons having the function of issuing such certificates to charge, in respect of the examination of animals presented for certification and in respect of the certification of animals, such reasonable fees as may be determined by or under the scheme.

(3) The Ministers may, before approving any subsidy scheme submitted to them by the Commission, make such modifications in the scheme as the Ministers think proper.

6. The Ministers, after consulting the Commission, may make regulations—

(1) defining (by reference to standards of quality, places of origin or any other circumstances whatsoever) the descriptions of animals which may be certified for the purposes of this Part of this Act;

(2) directing—

(a) that no subsidy payment shall be made in respect of any animal or carcase, if the weight of the animal or carcase is less than such weight as may be specified in the regulations in relation to animals or carcasses, as the case may be;

(b) that such part of the actual weight of an animal or of a carcase as may be specified in the regulations shall be disregarded in computing its weight for the purposes of this Part of this Act;

and prescribing the manner in which the weight of any animal or carcase may be computed for those purposes;

**PART II.**  
—*cont.*

- (3) directing (without prejudice to any regulations which may be made by virtue of paragraph (1) of this section) that an application for the certification, for the purposes aforesaid, of an animal imported into the United Kingdom shall not be granted, unless it is shown to the satisfaction of the person whose function it is to entertain the application that the animal has been in the United Kingdom throughout such period immediately preceding the day on which the application was made as may be specified in the regulations;
- (4) directing that an application for the certification of an animal as aforesaid shall not be granted, if it appears to the person whose function it is to entertain the application—
- (a) in the case of a male animal, that by reason of late or ineffective castration the animal shows the physical characteristics of bulls, or
- (b) in the case of a female animal, that the animal is in milk or is pregnant;
- (5) prescribing, with respect to carcases generally or to carcases of animals of any particular description, the manner in which the carcases must have been dressed in order that payments in respect thereof may be made under this Part of this Act;
- (6) determining what animals are to be deemed, for the purposes of this Part of this Act, to be cow-heifers;

and any such regulations with respect to any of the matters mentioned in paragraphs (2) and (3) of this section may make different provision in relation to different descriptions of animals.

Marking of  
imported  
cattle.

7.—(1) With a view to ensuring the due making of subsidy payments, the Ministers may by order provide (subject to such exceptions, if any, as may be specified in the order) for the marking of cattle imported into the United Kingdom on or after the appointed day.

(2) If any person—

- (a) contravenes or fails to comply with an order under this section, or
- (b) with intent to deceive, alters or defaces any mark placed on an animal for the purposes of such an order,

PART II.  
—*cont.*

he shall be guilty of an offence and 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 such imprisonment.

8.—(1) The power to make an order under any of the provisions of this Part of this Act shall be construed as including a power, exercisable in the like manner and subject to the like consultation and approval, if any, to vary or revoke the order by a subsequent order, and the power to make and submit, or to approve, a subsidy scheme shall be construed as including a power, exercisable in the like manner, to make and submit, or to approve, as the case may be, a subsidy scheme varying or revoking such a scheme already approved; and every order approving a subsidy scheme shall set forth the scheme in a schedule to the order.

Incidental provisions as to orders and regulations under Part II.

(2) All orders and regulations under this Part of this Act shall be laid before Parliament as soon as may be after they are made.

(3) If the Commons House of Parliament, within the next thirty days on which that House has sat after there is or are laid before it—

- (a) an order under this Part of this Act prescribing the manner in which any subsidy payment is to be computed or approving a subsidy scheme, or

(b) any regulations under this Part of this Act, resolves that the order or regulations be annulled, the order or regulations shall thereupon cease to have effect, without prejudice, however, to anything previously done thereunder or to the making of a new order or new regulations, as the case may be.

9.—(1) Section four of the Cattle Industry (Emergency Provisions) Act, 1934, shall cease to have effect at the beginning of the appointed day, and the functions of the

Transitional operation of Cattle Industry

**PART II.**  
—cont.  
(Emergency  
Provisions)  
Acts.  
24 & 25  
Geo. 5. c. 54.

committee appointed under that section shall, in relation to the arrangements mentioned in section two of the said Act, be discharged, on and after the appointed day, by the Commission.

(2) An animal which has, before the appointed day, been certified in accordance with arrangements approved by the appropriate Ministers for the purposes of section two of the Cattle Industry (Emergency Provisions) Act, 1934, and which has, not later than one month after the date of the certification, been sold by a producer of cattle within the meaning of that Act, shall be deemed for the purposes of subsection (1) of the said section to have been sold as aforesaid before the appointed day, notwithstanding that the sale may in fact have been effected on or after that day.

Interpre-  
tation of  
Part II.

10. In this Part of this Act the expression "producers of fat cattle" means persons carrying on in the United Kingdom the business of keeping cattle for the purpose of selling them in an improved condition or of fattening them for slaughter; and the expression "description," in relation to animals, means a description for the time being defined by regulations under this Part of this Act.

### PART III.

#### REGULATION OF IMPORTATION OF LIVESTOCK AND MEAT.

Power of  
Board of  
Trade to  
regulate  
importation  
of livestock  
and meat.

11.—(1) Subject to the provisions of this section, the Board of Trade may by order regulate the importation into the United Kingdom of any such livestock or meat as may be described in the order, if it appears to the Board, having regard to the interests of all classes of persons concerned, whether producers or consumers, and to the commercial relations between the United Kingdom and other countries, that the making of the order is desirable in order to secure the stability of the market for livestock and meat in the United Kingdom.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, an order under this section may, in particular, regulate the importation into the United Kingdom of livestock or meat to which



the order relates by determining, for any such period as may be specified in the order,—

PART III.  
—cont.

- (a) the quantities of such livestock or meat, or of any description thereof, which may be imported;
- (b) the descriptions of such livestock or meat which may be imported;

and the order may describe such livestock or meat by reference to the country or place from which it is exported to the United Kingdom, and by reference to any other circumstances whatsoever, and may contain such provisions as appear to the Board of Trade to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) Any order under this section shall cease to have effect on the expiration of the period of thirty days from the beginning of the day on which the order is made, unless, before the expiration of that period, the order has been approved by a resolution passed by each House of Parliament, without prejudice, however, to anything previously done under the order or to the making of a new order.

In reckoning any period of thirty days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(4) Nothing in the preceding provisions of this section shall authorise the Board of Trade to regulate the importation of bacon.

(5) The power of the Board of Trade under section one of the Agricultural Marketing Act, 1933, to regulate the importation of agricultural products shall not be exercisable in relation to livestock or in relation to meat other than bacon, but any order made under that section for regulating the importation of livestock or such meat as aforesaid shall, if and so far as it was in force immediately before the passing of this Act, continue in force and be deemed to be an order duly made and approved under this section.

23 & 24  
Geo. 5. c. 31.

(6) In this section the expression “bacon” includes hams.

PART III.  
—*cont.*  
Power of  
Board of  
Trade to  
obtain in-  
formation  
as to stocks  
and impor-  
tation of  
livestock,  
meat, &c.

**12.**—(1) The Board of Trade, if they think it necessary or desirable so to do, either for the proper exercise of their powers under this Part of this Act or in connection with any international arrangements for controlling the export of livestock or meat to the United Kingdom, may by order—

- (a) require the occupier of any premises in the United Kingdom used, in connection with any trade or business, for keeping meat or any commodity wholly or in part derived from meat, to furnish to the Board, so often and in such form as may be determined by or under the order, a return giving such information with respect to the description and quantity of meat or that commodity kept in the said premises as may be specified in the order;
- (b) require any person carrying on in the United Kingdom the business of importing into the United Kingdom livestock, meat or any such commodity as aforesaid, to furnish to the Board, so often and in such form as may be determined by or under the order, a return giving such information as may be specified in the order with respect to any livestock or meat or any such commodity, as the case may be, imported, or proposed to be imported, by him into the United Kingdom.

(2) An order under this section may be made applicable either to the whole of the United Kingdom or to any part thereof.

Incidental  
provisions  
as to  
orders under  
Part III.

**13.**—(1) Any power to make an order conferred by any of the provisions of this Part of this Act shall be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order by a subsequent order.

(2) Any order under this Part of this Act shall be laid before Parliament as soon as may be after it is made.

#### PART IV.

##### LIVESTOCK MARKETS.

General  
regulation of  
holding

**14.**—(1) Subject to the provisions of this section, no premises in Great Britain other than premises on

which a market in respect of livestock was lawfully held at some time during the year which ended on the thirtieth day of November, nineteen hundred and thirty-six, shall, on or after the first day of November, nineteen hundred and thirty-seven, be used for holding a market in respect of livestock, unless the premises are approved for the purpose by an order of the Commission for the time being in force, being an order made with the approval of the appropriate Minister :

PART IV.  
—cont.  
of livestock  
markets.

Provided that this subsection shall not restrict—

(a) the use of a farm for the purpose of effecting at the farm—

(i) any sale, by or on behalf of the occupier thereof, of livestock which, at the time of the sale, is being kept by the occupier, or

(ii) any sale of livestock being a sale incidental to a sale of the farm or to the termination of a tenancy thereof,

or for the purpose of effecting at the farm sales of livestock on any occasion in respect of which special exemption of the farm from the operation of this subsection may be granted by the Commission; or

(b) the use of any premises for the purpose of effecting any such class of sales as may be exempted from the operation of this section by an order made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, after consultation with the Commission.

(2) If, upon an application to the Commission for their approval of any premises under this section, it appears to the Commission that it is intended to hold markets in respect of livestock on those premises in lieu of some other premises being premises on which a market in respect of livestock was lawfully held during the year ended on the thirtieth day of November, nineteen hundred and thirty-six, or which have already been approved under this section, the Commission, if and when they grant the application, may direct that

**PART IV.**  
—*cont.*

the said other premises shall be treated for the purposes of the preceding subsection as if no such market had been held thereon during that year or, as the case may be, may revoke their order approving those premises, without prejudice, however, to the making of a new order approving the premises.

(3) Where an application is made to the Commission for their approval of any premises under this section, the Commission, before coming to a decision on the application, shall consult the Livestock Advisory Committee and such local authorities and other bodies as appear to the Commission to be representative of interests concerned, and shall give to any person appearing to the Commission to be interested in the matter of the application a reasonable opportunity of making representations to the Commission, and take any such representations into consideration.

(4) Any order under paragraph (b) of the proviso to subsection (1) of this section may be revoked by a subsequent order made in like manner, and after the like consultation, as the original order; and, as soon as may be after any such order is made, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall cause notice of the making of the order, and of the place where copies of the order may be obtained, to be published in such manner as they think best for informing persons affected.

(5) This section shall not apply in relation to any premises in an area in which the holding of markets in respect of livestock is controlled by any order under this Part of this Act which is for the time being in force.

(6) For the purposes of this section a farm shall be deemed to include the farmhouse and all buildings occupied together with the farm.

**Livestock  
markets  
orders.**

**15.—(1)** If at any time the Commission are satisfied, in respect of any area in Great Britain, that with a view to the promotion of efficiency or economy in the marketing of livestock, it is expedient to control the holding in that area of markets in respect of livestock, the Commission, may, subject to the provisions of the next following subsection and to the provisions of Part I of the Third Schedule to this Act, submit to the

appropriate Minister the draft of an order (hereafter in this Act referred to as "a livestock markets order") for controlling the holding of such markets in the said area, and, subject to the provisions of Part I of the said Schedule, the said Minister, if satisfied that the making of the order is desirable for the promotion of efficiency or economy in the marketing of livestock, may make the order either in terms of the draft or with modifications thereof.

(2) When the Commission first decide that a livestock markets order is desirable in relation to any area, they shall forthwith serve a written notice of their decision (specifying the said area) on such bodies as appear to the Commission to be representative of local authorities and other interests likely to be affected by the order, and shall give any such bodies a reasonable opportunity of making to the Commission representations with respect to the terms of the draft order; and the Commission shall, in settling the terms in which the draft order is to be submitted to the appropriate Minister, take into consideration any such representations as aforesaid which may have been made to them by any such bodies, and also consult the Livestock Advisory Committee.

(3) If a livestock markets order when made by the appropriate Minister is opposed, the order shall be provisional only and shall not have effect until confirmed by Parliament.

(4) The provisions of Part II of the Third Schedule to this Act shall have effect in relation to any livestock markets order upon the making thereof.

(5) The powers conferred by this section to submit in draft, and to make, a livestock markets order shall be construed as including powers, exercisable in the like manner and subject to the like conditions, to submit in draft, and to make, an order varying or revoking a livestock markets order:

Provided that while, in the case of a livestock markets order which can have effect only if confirmed by Parliament, the Bill confirming the order is pending in either House of Parliament, the appropriate Minister shall have no power to vary or revoke the order.

PART IV.  
—*cont.*  
Matters for  
which pro-  
vision may  
be made by  
livestock  
markets  
orders.

**16.** A livestock markets order may make provision—

- (1) specifying the area in Great Britain in which the holding of markets in respect of livestock is controlled by the order (hereinafter referred to as “the controlled area”), specifying the several premises in the said area which may be used for holding such markets (hereinafter referred to as “approved market premises”), and directing that, subject to any exemptions for which provision may be made by the order as respects particular occasions or particular classes of sales, no premises in that area other than approved market premises shall, on or after such date as may be specified in the order, be used for holding such markets;
- (2) requiring the Commission to pay, in such class of cases, and according to such principles, as may be determined by the order, compensation to any person for any loss or damage which, by reason of the operation of the order, he may suffer in respect of his interest in any land used or appropriated for the holding of markets, in respect of his right to hold markets or in respect of his right to carry on the business of effecting sales by auction;
- (3) enabling the Commission—
  - (a) to serve from time to time on the owner of any approved market premises a written notice (hereinafter referred to as “an improvement notice”) requiring that, within such reasonable period as may be specified in the notice, there shall be made, to the reasonable satisfaction of the Commission, such alterations of the premises (by way of the construction, extension, provision, execution, demolition or removal of buildings, structures, works, plant or equipment on the premises) as may reasonably be so specified, being alterations which appear to the Commission to be desirable for promoting efficiency or economy in the marketing of livestock, and

- (b) in default of compliance with any valid requirement contained in such a notice, to cause to be done on the premises all such things as are necessary for securing compliance with that requirement, and to recover any expenses reasonably incurred by the Commission in so doing from the owner for the time being of the premises;
- (4) requiring the Commission to appoint a special advisory committee to advise and assist the Commission in the discharge of their functions under the order;
- (5) for securing that the expenses lawfully incurred by the Commission in connection with the preparation, promotion or operation of the order shall, in so far as they are not otherwise recovered by the Commission, be defrayed by means of contributions to be made to the Commission by the owners of, and by persons carrying on the business of effecting sales by auction on, approved market premises or such premises outside the controlled area as may be specified in the order, being premises which are used or appropriated for holding markets in respect of livestock, and the occupiers of which are, in the opinion of the Commission, likely to benefit by the operation of the order;
- (6) for the assessment and recovery of contributions payable under the order, and for securing that contributions so payable by any particular class of persons are assessed by reference to the amount required, or likely to be required, for paying compensation under the order to persons of that class and for meeting expenses incurred otherwise than on account of compensation;
- (7) for requiring the owner of any approved market premises or of any other premises in relation to which contributions are payable under the order, and any person carrying on the business of effecting sales by auction on any such premises as aforesaid, to furnish to the Commission such estimates, returns, accounts and other information as the Commission consider necessary for the operation of the order;

PART IV.  
—cont.

**PART IV.**  
—*cont.***(8) for the reference to arbitration—**

(a) of any dispute on the question whether or not compensation is payable to any person under the order, or on the question how much compensation is so payable,

(b) of any dispute, in connection with an improvement notice, as to the reasonableness of any requirement contained in the notice, or of any determination of the Commission in relation to the notice, or of any expenses incurred by the Commission in causing anything to be done in default of compliance with such a requirement, and

(c) of any dispute on the question whether or not any sum is payable by any person by way of contribution under the order, or on the question what sum is so payable.

Any provisions of a livestock markets order may be made so as to apply in relation to a specified description of livestock only, and such an order may make different provision with respect to different descriptions of livestock and with respect to different premises.

**Livestock  
markets  
byelaws.**

**17.—(1)** In relation to any premises in Great Britain which may lawfully be used for holding markets in respect of livestock, the Commission, if they consider it desirable so to do for promoting efficiency or economy in the marketing of livestock, may make byelaws—

(a) for regulating the holding and conduct of auctions in respect of livestock on any such premises (and in particular, but without prejudice to the generality of the preceding provision, for fixing or limiting the number of places at which such auctions may be separately held on the premises at the same time), and also for fixing or limiting the charges which may be made by persons in respect of sales of livestock by auction effected by them on any such premises;

(b) for fixing or limiting the charges which any person holding a market in respect of livestock on any such premises may make in relation to



livestock brought to the premises for the purpose of being marketed, and otherwise for regulating the management of any such premises; and

PART IV.  
—cont.

- (c) for fixing, subject to any exemptions for which provision may be made by the byelaws, the days on which, and the times at which, any such premises as aforesaid may be used for holding markets in respect of livestock;

and any such byelaws are hereafter in this Act referred to as "livestock markets byelaws."

(2) In framing any livestock markets byelaws for fixing or limiting charges which may be made by any person or class of persons, the Commission shall (among other considerations) have regard to any financial liabilities to which that person or class of persons may be subject by virtue of any livestock markets order for the time being in force.

(3) Livestock markets byelaws may be either general byelaws, that is to say, byelaws applying to premises generally or to any class of premises throughout Great Britain or in any part thereof, or special byelaws, that is to say, byelaws applying to particular premises only; and any livestock markets byelaws (whether general or special) may be made so as to apply in relation to a specified description of livestock only, and may make different provision with respect to different descriptions of livestock.

(4) No livestock markets byelaws shall have effect until confirmed by the appropriate Minister, and the provisions of the Fourth Schedule to this Act shall have effect with respect to the making, confirmation and publication of such byelaws.

### 18. If—

- (1) on any day any premises are used for holding a market in contravention of this Part of this Act or in contravention of any livestock markets order or livestock markets byelaws, or
- (2) any act is otherwise done on any premises in contravention of any livestock markets byelaws,

Offences  
under  
Part IV.

PART IV.  
—cont.

the person holding the market or doing the act, as the case may be, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds.

Apportionment of liabilities incurred in connection with livestock markets orders by owners of market premises

19.—(1) Where, by virtue of a livestock markets order, the owner of any premises incurs any liability—

- (a) to make any payment (whether to the Commission or to any other person) on account of the cost of making any alteration of those premises which has been required by the Commission to be made, or
- (b) to make contributions to the Commission in respect of those premises,

then, if the owner alleges that the said liability ought to be borne wholly or in part by any other person being a person who has an interest in, or is licensed to use, the premises or any part thereof, the owner may apply to the county court in accordance with rules of court, and thereupon the court, after hearing the parties and any witnesses they may desire to call, may make such order for securing that the owner is wholly or in part indemnified by that other person in respect of the liability in question as the court considers just and equitable in the circumstances of the case, having regard to the terms of any contract between the parties or any of them.

(2) Where, under any livestock markets order, any sum is recoverable by the Commission from a person in respect of any such liability as aforesaid incurred by him as being the owner of any premises, and that person proves that he—

- (a) is receiving any rent of the premises merely as agent or trustee for some other person, and
- (b) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole of the demand of the Commission,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but the Commission may, if they are or would be debarred

by the preceding provisions of this subsection from recovering the whole of the said sum from an agent or trustee, recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

PART IV.  
—*cont.*

20.—(1) Subject as hereinafter provided the Commission, with the approval of the appropriate Minister, may by an order, made with respect to any particular premises in Great Britain used or appropriated for holding markets in respect of livestock, limit the amount—

Provisions  
for limiting  
rents and  
other  
charges in  
respect of  
market  
premises.

- (a) of any rent or other consideration which may be reserved or made payable on, or in respect of, the grant, after the beginning of the day on which the order takes effect, of any lease of, or licence to use, those premises or any specified part thereof;
- (b) of any fine, premium or other like sum required to be paid as a condition of the grant as aforesaid of such a lease or licence, or as a condition of the renewal or continuance, after the beginning of the said day, of such a lease or licence, whether granted before or after the beginning of the said day;

and any such order may be varied or revoked by a subsequent order made in like manner, and subject to the like approval, as the original order:

Provided that an order under this section shall not be made in relation to any premises unless the Commission are satisfied that the making of the order is desirable to prevent persons who may have any interest in the premises taking undue advantage of the position which they enjoy by virtue of this Part of this Act; and before making such an order, the Commission shall give to any person appearing to them to have an interest in the premises concerned a reasonable opportunity of making representations to the Commission, and shall take any such representations into consideration.

(2) In this section the expression “lease” includes any under-lease or other tenancy and any agreement for a lease or for an under-lease.

K k

## PART IV.

—cont.

Delegation  
to Com-  
mission of  
certain  
functions  
under  
Markets and  
Fairs  
(Weighing  
of Cattle)  
Acts.  
50 & 51 Vict.  
c. 27.  
16 & 17  
Geo. 5. c. 21.  
54 & 55 Vict.  
c. 70.

21. The Minister of Agriculture and Fisheries or the Department of Agriculture for Scotland, as the case may be, may by order delegate to the Commission all or any of the functions which are exercisable in relation to markets by the said Minister or Department under the following enactments, that is to say :—

Section nine of the Markets and Fairs (Weighing of Cattle) Act, 1887, as amended by section two of the Markets and Fairs (Weighing of Cattle) Act, 1926, (which enables the said Minister or Department to grant exemption, in respect of particular markets, from the obligation to provide facilities for weighing cattle);

Section two of the Markets and Fairs (Weighing of Cattle) Act, 1891, (which requires suitable accommodation for weighing cattle to be provided to the satisfaction of the said Minister or Department at markets other than those exempted by his or their order);

Section four of the said Act of 1891, as amended by section two of the said Act of 1926, (which enables the said Minister or Department to exempt auctioneers at any particular market from the requirements of the said section four in respect of the sale of cattle);

Subsection (4) of section one of the said Act of 1926 (which enables the said Minister or Department to exempt auctioneers at particular markets from the requirements of that section in respect of the offering of cattle for sale);

and any such order may be varied or revoked by a subsequent order made in like manner as the original order.

Enforce-  
ment of  
Part IV.

22.—(1) With a view to the enforcement of this Part of this Act, or any livestock markets order or livestock markets byelaws for the time being in force, any member or officer of the Commission authorised in writing in that behalf by the Commission may, on producing his authority, enter and inspect at all reasonable times any premises in Great Britain which the Commission have reason for believing to be premises used for holding markets in respect of livestock.

(2) Any local authority other than a county council shall have power to enforce, within their area, the provisions of this Part of this Act and the provisions of any livestock markets order or livestock markets byelaws for the time being in force; and, in relation to any local authority having powers of enforcement under this subsection, the preceding subsection shall have effect as if any reference therein to the Commission or to Great Britain were a reference to that local authority or to their area, as the case may be.

PART IV.  
—cont.

23.—(1) In this Part of this Act the expression “owner” means, in relation to any premises, the person who is for the time being receiving the rack rent of those premises, whether on his own account or as agent or trustee for another person, or who would so receive that rack rent if the premises were let at a rack rent; and for the purposes of this subsection the rack rent of any premises shall be taken to be a rent not being less than two-thirds of the rent at which the premises might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the premises in a state to command such rent.

Interpreta-  
tion and  
extent of  
Part IV.

(2) The provisions of this Part of this Act, and the provisions of any livestock markets order or livestock markets byelaws for the time being in force, shall have effect notwithstanding anything inconsistent therewith contained in any Charter or Act relating to markets, or in any byelaws made under any Act other than this Act.

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

## PART V.

### SLAUGHTERING OF LIVESTOCK.

24.—(1) If, with respect to any arrangements made for the provision of a slaughter-house on any premises in Great Britain, or for the alteration of a slaughter-house provided on any such premises, the Commission are of opinion, having regard to the situation of the premises and to the manner in which it is proposed

Control of  
slaughter-  
ing in  
connection  
with ex-  
perimental  
operation of

PART V.  
—cont.  
central  
slaughter-  
houses.

under the arrangements that the slaughter-house should be designed, equipped and managed,—

- (a) that the carrying out of the said arrangements is likely to promote efficiency or economy in the slaughtering of livestock and to secure that, in connection with the slaughtering of livestock at the slaughter-house, the carcasses and meat of livestock slaughtered thereat are treated in a satisfactory manner and the other products of such slaughtering are utilised to the best advantage, and
- (b) that a scheme under this Part of this Act (hereafter in this Act referred to as “ a slaughter-house scheme ”) is desirable in connection with the carrying out of the said arrangements,

the Commission may, after consulting the Livestock Advisory Committee and such local authorities and other bodies as appear to the Commission to be representative of interests concerned, make and submit to the appropriate Minister such a slaughter-house scheme as appears to the Commission to be desirable in connection with the carrying out of the said arrangements; and the said Minister, if he is also of the opinion aforesaid, may, subject to the following provisions of this section, by order confirm the scheme.

(2) Subject to the following provisions of this Part of this Act, not more than three schemes shall be confirmed under this section :

Provided that a scheme so confirmed may be amended by a subsequent scheme made, submitted and confirmed in like manner and subject to the like conditions.

(3) A slaughter-house scheme shall be of no effect unless confirmed by order of the appropriate Minister, and where such a scheme is so confirmed, the scheme shall, subject to the following provisions of this Act, come into operation at the same time as the order confirming it.

(4) An order confirming a slaughter-house scheme shall set forth the scheme in a schedule to the order, and shall be laid before Parliament as soon as may be after the order is made, and if either House of Parliament, within the next thirty days on which that House has

sat after the order is laid before it, resolves that the order be annulled, the scheme shall thereupon cease to have effect.

PART V.  
—cont.

(5) The provisions of the Fifth Schedule to this Act shall have effect with respect to the submission and confirmation of slaughter-house schemes.

**25.—(1)** A slaughter-house scheme may make provision—

Matters for  
which  
provision  
may be  
made by  
slaughter-  
house  
schemes.

(a) directing that any slaughter-house which may be provided on such premises in Great Britain as are specified in that behalf in the scheme shall be deemed to be the central slaughter-house for the purposes of the scheme;

(b) declaring that the scheme applies to such area in Great Britain as may be described by the scheme, being the area within which the control of the slaughtering of livestock elsewhere than at the central slaughter-house appears to the Commission to be desirable for securing the economic operation of the central slaughter-house;

(c) directing that on and after the appointed day no person shall, elsewhere than at the central slaughter-house, carry on the business of slaughtering livestock for food in the said area, except on premises for the time being approved for the purpose by the Commission, and enabling the Commission—

(i) to approve any premises for use as a slaughter-house, either with or without limitations as to the period for which the approval is given,

(ii) to give from time to time, in relation to any premises approved as aforesaid, such directions with respect to the classes and number of animals which may be slaughtered on the premises as the Commission consider desirable for securing the economic operation of the central slaughter-house, and

(iii) to vary from time to time or revoke any directions so given, or to withdraw any

PART V.  
—cont.

such approval, if the Commission consider it desirable so to do for securing the economic operation of the central slaughter-house ;

- (d) requiring the person carrying on the central slaughter-house to pay, in such class of cases, and according to such principles, as may be determined by the scheme, compensation to any other person for any loss or damage which, by reason of the operation of the scheme, that other person may suffer in respect of his interest in any land used or appropriated for the carrying on of a slaughter-house, or in respect of his business as a slaughterer of livestock for food ;
- (e) for fixing or limiting the charges which may be made in respect of services performed, and the use of facilities provided, at or in connection with the central slaughter-house by or on behalf of the person carrying on that slaughter-house ;
- (f) directing—
  - (i) that upon the slaughtering, at the central slaughter-house, of any livestock the property in which is not vested in the person carrying on the slaughter-house, such of the products of the slaughtering (other than butcher's meat) as may be determined by or under the scheme shall be deemed to become the property of the said person ; and
  - (ii) that where any such products so become the property of the said person, he shall, in respect of those products or such of them as may be determined by or under the scheme, make to the person on whose behalf the livestock concerned are slaughtered at the central slaughter-house a payment or an allowance of an amount to be computed in such manner as may be so determined ;
- (g) for requiring the person carrying on any slaughter-house other than the central slaughter-house in the area to which the scheme applies, to furnish to the Commission such estimates, returns, accounts and other information relating to the carrying on of the slaughter-house as



the Commission consider necessary for the operation of any provisions of the scheme, having effect by virtue of paragraph (c) of this subsection, and also for requiring the person carrying on the central slaughter-house to furnish to the Commission such information relating to the carrying on of that slaughter-house as the Commission consider necessary for enabling the appropriate Minister and the Commission properly to discharge their respective functions in relation to the central slaughter-house ;

- (h) enabling any person authorised in that behalf in writing by the Commission, on production of his authority, to enter and inspect any such premises in the area to which the scheme applies as the Commission have reason for believing to be premises used for carrying on a slaughter-house ;
- (i) requiring the Commission to appoint a special advisory committee to advise and assist the Commission in the discharge of their functions under the scheme ;
- (j) for securing that the expenses lawfully incurred by the Commission in connection with the preparation, promotion or operation of the scheme shall, in so far as they are not otherwise defrayed, be defrayed by means of a levy imposed by the scheme on the person carrying on the central slaughter-house, and assessed in accordance with the scheme, and for the recovery by the Commission of sums payable by way of the said levy ;
- (k) for the reference to arbitration—
  - (i) of any dispute on the question whether or not compensation is payable to any person under the scheme or on the question how much compensation is so payable, and
  - (ii) of disputes as to any such other matters as may be specified in the scheme ;
- (l) determining what products are to be treated as butcher's meat for the purposes of the scheme.

**PART V.**  
**—cont.**

Any provisions of a slaughter-house scheme may be made so as to apply in relation to a specified description of livestock only, and such a scheme may make different provision with respect to different descriptions of livestock.

(2) The appointed day for the purposes of any slaughter-house scheme shall be such day as the appropriate Minister may by order appoint in relation to that scheme, being a day not earlier than that on which the said Minister decides, after consultation with the Commission, that the central slaughter-house for the purposes of the scheme has been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and is available for the slaughter of livestock.

**Offences  
against  
slaughter-  
house  
schemes.**

**26.** If any person carries on the business of slaughtering livestock on any premises in contravention of a slaughter-house scheme or of any directions given by the Commission under such a scheme, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding one hundred pounds for every day on which the offence continues after notice thereof has been served on him in writing by the Commission.

**Power of  
local autho-  
rities to  
provide and  
carry on  
slaughter-  
houses.**

**27.—(1)** A slaughter-house scheme may enable any local authority specified in the scheme (if and so far as that local authority are not enabled by virtue of any Act other than this Act so to do)—

- (a) to provide (whether within or outside the area of the authority) such a slaughter-house as is to be deemed by virtue of the scheme to be the central slaughter-house for the purposes of the scheme, and for the purpose of providing such a slaughter-house to acquire by agreement any land or interest in land and to borrow money;
- (b) to carry on, or to make arrangements (whether by letting the premises or otherwise) whereby some other person is enabled to carry on, any such slaughter-house as aforesaid provided by the local authority;
- (c) to acquire such products of the slaughtering of livestock at that slaughter-house (other than butcher's meat) as may be determined by or under the scheme; and

- (d) so far as may be permitted by the scheme, to prepare for sale, and to sell or otherwise dispose of, any products acquired by the authority by virtue of the scheme.

PART V.  
—cont.

(2) Sections six to ten of the Public Health Act, 1936, (which provide for the constitution of joint boards) shall apply in relation to the purposes of a slaughter-house scheme as they apply in relation to the purposes of that Act, and the said sections, in their application in relation to the purposes of such a scheme,—

26 Geo. 5. &  
1 Edw. 8.  
c. 49.

- (a) shall extend to the administrative county of London, and
- (b) shall have effect as if references in those sections to local authorities and their districts included references to sanitary authorities for the purposes of the Public Health (London) Act, 1936, and their districts.

26 Geo. 5. &  
1 Edw. 8.  
c. 50.

**28.**—(1) A slaughter-house scheme may make provision enabling the Commission, if and so long as the central slaughter-house for the purposes of the scheme is carried on by a local authority or joint board, to delegate to that authority or board, subject to such limitations and conditions (if any) as may be specified in the scheme or determined by the Commission, any functions which the Commission have for the purposes of the scheme, so, however, that—

Exercise of  
Commission's  
functions by  
local authorities or  
joint boards.

- (a) the local authority or joint board, acting in the discharge of functions delegated to them by virtue of this subsection, shall not, except with the concurrence of the Commission, withhold approval of any premises for use as a slaughter-house; and
- (b) where the local authority or joint board, acting as aforesaid, limit any such approval in point of time, or withdraw any such approval, or give any directions in relation to premises approved for use as a slaughter-house, the limitation, withdrawal or directions, as the case may be, shall not take effect until confirmed by the Commission.

(2) Any local authority other than a county council shall have power to enforce, within their area, the provisions of any slaughter-house scheme for the time being

PART V.  
—cont.

in force and, with a view to the enforcement of the scheme, any person authorised in writing in that behalf by a local authority having powers of enforcement under this subsection may, on producing his authority, enter and inspect at all reasonable times any such premises in the area to which the scheme applies as the local authority have reason for believing to be premises used for carrying on a slaughter-house; but nothing in this subsection shall authorise the entry or inspection, on behalf of a local authority, of any premises outside the area of that local authority.

(3) In this section the expression “joint board” means a joint board constituted under section six or section eight of the Public Health Act, 1936, as amended by this Part of this Act.

Revocation  
of slaughter-  
house  
schemes.

29.—(1) If, with respect to any slaughter-house scheme, it appears to the appropriate Minister, after consultation with the Commission, that the central slaughter-house for the purposes of the scheme has not, within one year from the beginning of the day on which the scheme came into operation, or within such longer period as the said Minister may allow, been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and become available for the slaughter of livestock, the said Minister may by order revoke the scheme :

Provided that, for the purposes of any provision of this Part of this Act limiting the number of slaughter-house schemes which may be confirmed, no account shall be taken of any scheme which has been revoked under this subsection.

(2) The appropriate Minister may also by order revoke any slaughter-house scheme for the time being in force if, at any time after he decides that the central slaughter-house for the purposes of the scheme has been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and is available for the slaughter of livestock, it appears to him, after consultation with the Commission, that the central slaughter-house either cannot economically be carried on, or is not being carried on as efficiently and economically as is practicable, or that the continued operation of the scheme would be contrary to the public interest.

(3) The revocation of a slaughter-house scheme by an order under this section shall be without prejudice to anything previously done under the scheme and (subject to the provisions of this Part of this Act limiting the number of slaughter-house schemes which may be confirmed) without prejudice to the making, submission and confirmation of a new scheme.

PART V.  
—cont.

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

**30.** If, with respect to any arrangements made for the provision or alteration of a slaughter-house which is to be deemed, by virtue of a slaughter-house scheme, to be the central slaughter-house for the purposes of the scheme, the appropriate Minister, after consulting the Commission, is of opinion (having regard to the situation of the premises and to the manner in which it is proposed under the arrangements that the slaughter-house should be designed, equipped and managed) that the carrying out of the said arrangements is likely to promote efficiency or economy in the slaughtering of livestock and to secure that, in connection with the slaughtering of livestock at the slaughter-house, the carcasses and meat of livestock slaughtered thereat are treated in a satisfactory manner and the other products of such slaughtering are utilised to the best advantage, the said Minister, with a view to assisting the carrying out of the said arrangements, may out of moneys provided by Parliament make to the person proposing to carry out the arrangements advances (either by way of grant or by way of loan, or partly in one way and partly in the other) of such amount, and on such terms and subject to such conditions, as the said Minister may, with the approval of the Treasury, determine :

Advances  
from  
Exchequer  
in connection  
with  
provision or  
alteration of  
central  
slaughter-  
houses.

Provided that not more than two hundred and fifty thousand pounds in all shall be advanced under this section, and not more than one hundred and fifty thousand pounds in all shall be so advanced by way of grants.

**31.**—(1) In this Part of this Act—

(a) the expression “slaughter-house” means a slaughter-house for the slaughtering of livestock for food, and includes any facilities provided, at or in connection with such a slaughter-house, for keeping livestock brought

Inter-  
pretation  
and extent  
of Part V.

PART V.  
—*cont.*

to be slaughtered at the slaughter-house or for keeping, or subjecting to any treatment or process, products of the slaughtering of livestock thereat; and

(b) the expression “ food ” means food for human consumption.

(2) A slaughter-house scheme shall have effect notwithstanding anything inconsistent therewith contained in any Act other than this Act relating to slaughter-houses, or in any byelaws made under any such Act; but save as aforesaid, nothing in this Part of this Act shall be taken to affect any provisions of any Act other than this Act which relate to slaughter-houses.

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

## PART VI.

SCHEMES FOR PERFORMANCE OF SERVICES IN  
CONNECTION WITH THE LIVESTOCK INDUSTRY.Service  
schemes.

**32.**—(1) On the request of any body or bodies appearing to the Commission to be substantially representative of the interests of any class or classes of persons concerned with one or more of the following activities, that is to say, the production, marketing and slaughtering of livestock and the preparation for sale, and the marketing, treatment and use, of products of the slaughtering of livestock, the Commission, after consulting the Livestock Advisory Committee and any other bodies appearing to the Commission to represent the interests of the said class or classes of persons, may make and submit to the appropriate Minister a scheme under this part of this Act (hereafter in this Act referred to as “ a service scheme ”) for one or more of the following purposes, that is to say :—

- (i) the encouragement, promotion or conduct of research and education in matters affecting any of the said activities ;
- (ii) the collection and dissemination of statistics and other information relating to any of the said activities ;
- (iii) the insurance of livestock or products of the slaughtering of livestock ;

- (iv) the advertisement of livestock or such products as aforesaid;
- (v) the grading or marking of livestock or such products as aforesaid;
- (vi) the improvement of breeding of livestock;
- (vii) any purpose similar to any of the purposes mentioned in paragraphs (i) to (vi) of this subsection.

(2) A service scheme may make provision—

- (a) constituting a body to administer the scheme (hereinafter referred to as “the authorised body”) and enabling that body to do, for any of the purposes for which the scheme may be made, such things (including the acquisition of any property by agreement and the borrowing of money) as may be authorised by the scheme, and to make, in respect of services performed by the said body, such charges as may be so authorised;
- (b) incorporating the authorised body, and for securing that the said body shall consist of persons appointed or elected in accordance with the scheme as representing the interests of such of the classes of persons mentioned in the preceding subsection as may be specified in the scheme;
- (c) for securing that the powers conferred by the scheme on the authorised body, or any of those powers, shall in any financial year be exercisable only in accordance with a programme for that year submitted by the said body to the Commission and approved by the Commission, giving particulars of what the said body propose to do in that year in the exercise of those powers, and containing an estimate of the expenditure to be incurred by them in carrying out the programme;
- (d) for securing that the expenses lawfully incurred by the authorised body in connection with the operation of the scheme shall be defrayed by means of contributions to be made to that body by the class or the several classes, as the case may be, of persons whose interests

PART VI.  
—cont.

are, by virtue of the scheme, to be represented by the members of the said body, for the apportionment of the amount required to defray such expenses between the classes of persons (if more than one) who are liable to contribute under the scheme, and for the assessment and recovery of such contributions ;

- (e) for requiring persons liable to contribute under the scheme to furnish to the authorised body such estimates, returns, accounts and other information as that body consider necessary for the operation of the scheme ;
- (f) for the reference to arbitration—
  - (i) of any dispute on the question whether or not any sum is payable by any person by way of contribution under the scheme, or on the question what sum is so payable, and
  - (ii) of disputes as to any such other matters as may be specified in the scheme.

(3) A service scheme for the marking of livestock or any products of the slaughtering of livestock may apply for the purposes of the scheme, with such adaptations as may be specified in the scheme, all or any of the provisions of subsections (3) and (4) of section two of the Agricultural Produce (Grading and Marking) Act, 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act, 1931, (which subsections provide for the punishment of persons forging, counterfeiting or improperly using any mark prescribed by virtue of that Act).

(4) A service scheme for the improvement of breeding of livestock shall, if it contains provisions whereby livestock kept or approved by or on behalf of the authorised body may be made available for breeding, be of no effect unless it also—

- (a) specifies the breed or breeds of livestock which may be so kept or approved, and
- (b) is so framed as to secure that no person other than a person carrying on the business of keeping livestock of the said breed or breeds shall be liable to contribute under the scheme towards defraying any expenses of the authorised body.

18 & 19  
Geo. 5. c. 19.  
21 & 22  
Geo. 5. c. 40.



(5) A service scheme may, subject to the provisions of the next following section, be made so as to apply throughout the United Kingdom or to any part thereof, and so that any powers or obligations under the scheme are conferred or imposed by reference to some part of the United Kingdom; but nothing in this section shall authorise the making of a service scheme which applies only to Northern Ireland or to a part thereof, or which confers powers or imposes obligations by reference only to Northern Ireland or a part thereof.

PART VI.  
—*cont.*

(6) The authorised body for the purposes of a service scheme shall, on receiving from the Commission a written demand in that behalf specifying the sum certified by the Ministers to be the amount of the expenses incurred by the Commission in connection with the preparation or promotion of the scheme, pay that sum to the Commission, and any expense incurred under this subsection by the said body shall be deemed to be part of the expenses lawfully incurred by them in connection with the operation of the scheme.

**33.**—(1) A service scheme may make provision for one or more of the following purposes, that is to say:—

- (a) for co-operation with the Commission in the preparation and promotion of livestock markets orders and livestock markets byelaws;
- (b) for securing that (subject to such provisions with respect to appeals to the Commission on the part of persons aggrieved as may be contained in the scheme) a person shall not, except under the authority of a licence in that behalf granted by the body administering the scheme, carry on the business of effecting sales by auction of livestock, or any particular description of livestock, on premises to which livestock markets byelaws apply;
- (c) for the compensation of persons for loss or damage which they may suffer by reason of the operation—
  - (i) of any provisions of the scheme having effect by virtue of paragraph (b) of this subsection, or
  - (ii) of any livestock markets order or livestock markets byelaws,

Special purposes for which service schemes may be made in connection with livestock markets orders and byelaws.

PART VI.  
—*cont.*

for the indemnification of persons in respect of their liability to contribute under such an order, or for the making of contributions to the Commission to be used in defraying expenses incurred by the Commission on account of compensation payable under such an order;

and the provisions of subsection (1) of the last preceding section which determine the circumstances in which a service scheme may be made and submitted to the appropriate Minister shall apply accordingly.

(2) A service scheme containing any provisions for the purpose mentioned in paragraph (b) of the preceding subsection may provide for the imposition of such penalties as may be prescribed by the scheme on persons contravening any of those provisions.

Registration  
of contri-  
butors  
under  
service  
schemes.

**34.**—(1) A service scheme may, so far as appears to the Commission to be necessary for the effectual assessment and collection of contributions payable under the scheme, make provision for securing that the persons liable to make such contributions, or any class of such persons, shall be registered under, and in accordance with, the scheme; and if any person contravenes any provisions of such a scheme which have effect by virtue of this subsection, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding fifty pounds for every day on which the offence continues after notice thereof has been served on him in writing by the authorised body.

15 & 16  
Geo. 5. c. 39.

(2) The appropriate Minister, with a view to facilitating the ascertainment of the persons, or the persons of any class, liable to make contributions under a service scheme, may furnish to the authorised body for the purposes of that scheme a list of those persons or persons of that class, so far as they are known to the said Minister; and notwithstanding anything in the Agricultural Returns Act, 1925, any returns made under that Act may be used for the purpose of compiling any list in pursuance of this subsection.

Provisions  
with respect

**35.**—(1) Where a service scheme is submitted to the appropriate Minister, he may, subject to the following

provisions of this section, by order confirm the scheme if he is of opinion that the scheme is likely—

- (a) to promote efficiency or economy in the production, marketing or slaughtering of livestock or in the preparation for sale, or the marketing, treatment or use, of products of the slaughtering of livestock, or increase the demand for livestock or such products as aforesaid, and to encourage and promote co-operation between the persons whose interests are to be represented by the members of the authorised body for the purposes of the scheme, or
- (b) to facilitate the preparation, promotion or operation of any livestock markets order or livestock markets byelaws,

and is desirable in the public interest :

Provided that the appropriate Minister—

- (i) shall not confirm a service scheme unless he is satisfied that there is a preponderating opinion in favour of confirmation of the scheme among the persons in the class, or in each of the classes, as the case may be, designated by the scheme as being liable to contribute thereunder, and
- (ii) in a case where, for any purpose, a service scheme enables the authorised body to do anything which may also be done for that purpose by a marketing board or a development board, shall, before confirming the scheme, consult the said board.

(2) A service scheme shall be of no effect unless confirmed by order of the appropriate Minister, and where such a scheme is so confirmed, the scheme shall, subject to the following provisions of this Act, come into operation at the same time as the order confirming it.

(3) An order confirming a service scheme shall set forth the scheme in a schedule to the order, and shall be laid before Parliament as soon as may be after the order is made, and if either House of Parliament, within the next thirty days on which that House has sat after the order is laid before it, resolves that the order be annulled, the scheme shall thereupon cease to have effect, without prejudice, however, to anything previously

PART VI.  
—cont.

to sub-  
mission,  
confirma-  
tion,  
amendment  
and  
revocation  
of service  
schemes.

**PART VI.** done thereunder or to the making, submission and con-  
—*cont.* firmation of a new scheme.

(4) The provisions of the Fifth Schedule to this Act shall have effect with respect to the making, submission and confirmation of service schemes.

(5) The power conferred by this Part of this Act to make, submit or confirm a service scheme shall include a power, exercisable in the like manner and subject to the like conditions, to make, submit or confirm a scheme amending a service scheme.

(6) The appropriate Minister may by order revoke a service scheme if it appears to him, after consultation with the Commission, that there is a preponderating opinion in favour of revocation of the scheme among the persons in the class, or in any one of the classes, as the case may be, designated by the scheme as being liable to contribute thereunder, or that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest; but the revocation of a service scheme shall be without prejudice to anything previously done under the scheme or to the making, submission and confirmation of a new scheme.

(7) An order revoking a service scheme may make provision with respect to the winding up of the authorised body, and with respect to the disposal of any assets of that body remaining after the payment of their debts and liabilities and of the cost and expenses of the winding up.

Annual re-  
ports on  
operation of  
service  
schemes.

**36.** The authorised body for the purposes of a service scheme shall, as soon as may be after the end of each financial year, prepare and submit to the Commission a report on the discharge of the functions of the said body in that year, and the said report shall include such accounts, audited in such manner, as the Commission, with the approval of the Ministers, may determine.

Interpre-  
tation of  
Part VI.

**37.** The preceding provisions of this Part of this Act, and the provisions of the Fifth Schedule to this Act, shall, in relation to a service scheme under which obligations to contribute are imposed on persons by reference to Northern Ireland or a part thereof, as well as to Great Britain or a part thereof, have effect as if the expression "the appropriate Minister" included

the Secretary of State concerned with agriculture in Northern Ireland.

PART VI.  
—cont.

## PART VII.

### FINANCIAL PROVISIONS.

**38.**—(1) The Cattle Fund established under section one of the Cattle Industry (Emergency Provisions) Act, 1934, shall be the fund for the purposes of this Act, and as such shall be administered and controlled by the Ministers subject to any directions which may be given by the Treasury; and the said fund is hereafter in this Part of this Act referred to as “the Fund.”

The Fund for purposes of this Act, and payments to be made thereto and therefrom.

(2) Subject as hereinafter provided, there shall, as from the beginning of the appointed day, be paid into the Fund out of moneys provided by Parliament such sums, not exceeding five million pounds in the aggregate in any one financial year, as the Ministers, with the approval of the Treasury, may from time to time determine :

Provided that in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-eight, there shall not, in the aggregate, be paid under this subsection into the Fund more than the number of pounds which bears to five million the same proportion as the number of days falling between the beginning of the appointed day and the end of the said financial year bears to three hundred and sixty-five.

(3) All sums received by the Commission otherwise than by way of payments made to them under the next following subsection shall be paid by them to the Minister of Agriculture and Fisheries in accordance with such directions as he may give, with the approval of the Treasury, and the said Minister, on receiving any sum so paid to him, shall pay it into the Fund.

(4) All subsidy payments, and all expenses otherwise incurred by the Ministers for the purposes of Part II of this Act, shall be respectively made and defrayed out of the Fund; and the Minister of Agriculture and Fisheries shall pay out of the Fund to the Commission the sums required to defray all expenses lawfully incurred by the Commission.

PART VII.  
—cont.

(5) There shall be paid out of the Fund to the Exchequer of the United Kingdom, in such manner and at such times as the Treasury may determine,—

- (a) amounts equivalent to the amounts which under Part I of this Act are paid out of moneys provided by Parliament in respect of remuneration and allowances payable to the members, officers and servants of the Commission, and
- (b) such amounts as, in the opinion of the Treasury, approximately represent the accruing liability attributable to the execution of this Act in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935, and the rental value of any premises belonging to the Crown and used by the Commission, being premises in respect of which no rent is payable.

Estimates of  
expenses of  
Commis-  
sion.

**39.**—(1) The Commission shall, as soon as may be after the beginning of the first accounting period, and not later than one month before the beginning of each subsequent accounting period, prepare and submit to the Ministers, in such form as they may determine, an estimate of the expenses of the Commission for that accounting period, being expenses to which this section applies, and may subsequently prepare and submit in like manner supplementary estimates of such expenses as aforesaid, and the Ministers may approve the estimates with or without modifications.

(2) The Commission shall not incur any such expenses as aforesaid for any accounting period, except in accordance with the estimates for that period previously approved under this section by the Ministers.

(3) In this section the expression “accounting period” means—

- (a) the period beginning on the day on which this Act is passed and ending on the thirty-first day of March, nineteen hundred and thirty-eight;
- (b) the financial year ending on the thirty-first day of March, nineteen hundred and thirty-nine, or any subsequent financial year;

and the expenses to which this section applies are all expenses other than expenses on account of compensation payable by virtue of this Act.

40. The Ministers may give directions, with respect to any expenses lawfully incurred by the Commission which are not specifically attributable to the discharge of any particular functions of the Commission, that those expenses shall, for the purposes of this Act, be treated to such extent as may be specified in the directions, as being incurred by the Commission for such purposes, or in the discharge of such functions, as may be so specified; and for the purposes of this section, any payment made out of the Fund under subsection (5) of the last but one preceding section shall be deemed to form part of the expenses lawfully incurred by the Commission.

PART VII.  
—cont.  
Apportionment of expenses of Commission.

41.—(1) The Minister of Agriculture and Fisheries shall prepare, in such form and manner as the Treasury may determine, an account for each financial year of the sums received into, and paid out of, the Fund under or by virtue of this Part of this Act; and the Commission shall prepare and submit to the Minister of Agriculture and Fisheries, at such time, and in such form and manner, as he may, with the approval of the Treasury, determine, an account for each financial year of sums received, and payments made, by the Commission.

Accounts relating to Fund, and accounts of Commission.

(2) The Minister of Agriculture and Fisheries shall, on or before the thirtieth day of November in each year, transmit to the Comptroller and Auditor General the accounts for the financial year ending on the last preceding thirty-first day of March which have been respectively prepared by, and submitted to, the said Minister under this section, and the Comptroller and Auditor General shall examine and certify the said accounts and lay copies thereof, together with his report thereon, before Parliament.

### PART VIII.

#### GENERAL AND SUPPLEMENTARY PROVISIONS.

##### *General Provisions.*

42.—(1) Without prejudice to any special provisions contained in this Act, the Commission may from time to time serve on any marketing board or development board a written notice requiring that board to

Power of Commission to obtain information from

PART VIII.  
—*cont.*  
marketing  
boards and  
develop-  
ment  
boards.  
21 & 22  
Geo. 5. c. 42.

furnish to the Commission such returns and other information specified in the notice as the Commission may reasonably require for the discharge of their functions under this Act or any order or scheme under this Act.

(2) Nothing in section seventeen of the Agricultural Marketing Act, 1931, as amended by subsection (2) of section twenty-four of the Agricultural Marketing Act, 1933, shall apply to any disclosure of information made by a board in compliance with a notice under this section.

Offences  
in connec-  
tion with  
the making  
of returns,  
and in  
connection  
with ob-  
struction.

**43.**—(1) If any person fails to furnish to any authority or body any estimate, return, account or other information which he is required under or by virtue of this Act to furnish to that authority or body, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds, and to a further fine not exceeding fifty pounds for every day on which the failure continues after a written demand for the return has been served on him by the said authority or body; and if any person knowingly or recklessly makes a statement false in a material particular in any document which he is so required to furnish to any authority or body, he shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Every person who obstructs any person in the exercise of any powers conferred on him by or under this Act shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

Restrictions  
on dis-  
closure of  
information.

**44.**—(1) No information with respect to any particular undertaking which has been obtained under or by virtue of this Act shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of this Act or of any order, regulations, byelaws or scheme under this Act; and if any person discloses any such information in contravention of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not



exceeding one hundred pounds or to both such imprisonment and such fine.

PART VIII.  
—cont.

(2) Nothing in the preceding subsection shall apply to the disclosure of any information for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by that subsection shall, in relation to any legal proceedings, extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court to disclose, that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

In this subsection any reference to legal proceedings or to a court shall be construed as including a reference to arbitrations or to an arbitrator, as the case may be.

45.—(1) For the purpose of any inquiry held in pursuance of any of the Schedules to this Act, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined :

Provisions  
as to  
inquiries.

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.

(2) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of this section, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

## PART VIII.

—cont.

Offences by  
corporations.

**46.** Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Provision as  
to rents,  
charges, & c.  
limited  
under this  
Act.

**47.** Where the amount of any rent or other consideration, or of any fine, premium or other like sum, or of any charge, is limited or fixed by virtue of any instrument having effect under this Act, no sum shall, by way of that rent or other consideration, or by way of that fine, premium or other like sum, or by way of that charge, be recoverable in excess of the amount to or at which it is so limited or fixed; and if any sum is paid by any person from whom, by virtue of this section, it is not recoverable, the amount of that sum shall be a debt due to that person from the person to whom the sum is paid.

Compensa-  
tion to local  
authority's  
servants.

**48.** Any livestock markets order or slaughter-house scheme may make provision—

- (a) for requiring any local authority to pay compensation to any officer or servant in the permanent service of that local authority who, by virtue of the order or scheme or of anything done in pursuance of, or in consequence of its provisions, suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision is made by any Act for the time being in force or by any instrument having effect by virtue of an Act;
- (b) directing that, for the purposes of any provisions of the order or scheme having effect by virtue of paragraph (a) of this section, the provisions as to the determination and payment of compensation set out in the Fourth Schedule to the Local Government Act, 1933, shall apply subject to such modifications (if any) of the provisions set out in that Schedule as may be specified in the order or scheme; and
- (c) for requiring, in the case of a livestock markets order, the Commission, or, in the case of a

23 & 24  
Geo. 5. c. 51.

slaughter-house scheme, the person carrying on the central slaughter-house, to pay to any local authority the amount of any sums which that local authority are obliged to pay by way of compensation under any provisions of the order or scheme having effect by virtue of this section.

PART VIII.  
—cont.

**49.**—(1) Any order or scheme under this Act may make provision for such matters as are incidental and supplementary to any of the matters for which provision is made by the order or scheme by virtue of the preceding provisions of this Act.

Incidental provisions as to orders, regulations and schemes.

(2) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, orders, regulations and schemes under this Act shall be deemed not to be statutory rules to which that section applies.

56 & 57 Vict.  
c. 66.

**50.**—(1) This section applies to—

- (a) any livestock markets order which has come into operation otherwise than by reason of its having been confirmed by Parliament,
- (b) any order confirming a slaughter-house scheme, and
- (c) any order confirming a service scheme.

Publication, validity, and commencement of certain orders.

(2) As soon as may be after any such livestock markets order as aforesaid has come into operation, the appropriate Minister shall cause to be published in the Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has come into operation and specifying the place where copies of the order may be obtained; and, as soon as may be after any other order to which this section applies has been made, the appropriate Minister shall cause to be published as aforesaid a notice stating that the order has been made and specifying the place where copies of the order may be obtained.

(3) The validity of an order to which this section applies shall not be called in question except in proceedings duly begun during the period of six weeks from the beginning of the day on which notice of the order having come into operation or of the order having been made, as the case may be, is published in accordance

**PART VIII.**  
—*cont.*

with this section; and unless the final decision in proceedings duly begun during the said period is that the order is invalid, the order shall be conclusive evidence that the requirements of this Act have been complied with in relation to the making of the order, and that the order and any scheme confirmed thereby have been duly made and confirmed, respectively, and are within the powers conferred by this Act.

(4) Subject as hereinafter provided, an order confirming a slaughter-house scheme or confirming a service scheme shall come into operation at the end of the period of six weeks from the beginning of the day on which notice of the making of the order is published in accordance with this section :

Provided that, if proceedings for the purpose of questioning the validity of such an order are duly begun within the period aforesaid, the court before which such proceedings are taken may, at any time before the end of the said period, direct that the order shall not come into operation before the final determination of the proceedings.

(5) Nothing in this section shall be construed as affecting the operation of any provisions of this Act which direct that a scheme shall cease to have effect upon the passing, by either House of Parliament, of a resolution that the order confirming the scheme be annulled.

Adminis-  
trative duty  
of Com-  
mission.

**51.** It shall be the duty of the Commission to enforce the provisions of Parts IV and V of this Act and any order, byelaws or scheme having effect by virtue of any of the said provisions.

Employ-  
ment of  
persons in  
connection  
with grad-  
ing and  
marking of  
carcasses.

**52.—(1)** The Minister of Agriculture and Fisheries and the Department of Agriculture for Scotland may respectively employ persons to grade and to mark carcasses and to perform services in connection with such grading and marking, and pay to such persons such sums by way of remuneration and allowances as the said Minister and the said Department, with the approval of the Treasury, may respectively determine.

(2) The Minister of Agriculture and Fisheries or the Department of Agriculture for Scotland, as the case may be, may charge, in respect of the performance by any person of any service which he is employed under this section by the said Minister or Department to perform,

such fee not exceeding five shillings as may be prescribed in relation to that service by regulations made by the said Minister or by the Secretary of State for Scotland, as the case may be; and any sums received by the said Minister or Department by virtue of this subsection shall be applied as an appropriation in aid of moneys provided by Parliament for the payment of expenses incurred under the preceding subsection by the said Minister or Department, as the case may be.

PART VIII.  
—*cont.*

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

**53.** The Commission shall, as soon as may be after the end of each financial year,—

Annual  
report to  
be made by  
Commission

- (1) prepare and submit to the Ministers a report on the discharge of the functions of the Commission in that year, and
- (2) transmit to the Ministers copies of any report with respect to that year submitted to the Commission under Part VI of this Act by the authorised body for the purposes of a service scheme;

and the Ministers, upon receiving any report or copy of a report submitted or transmitted to them under this section, shall lay a copy thereof before each House of Parliament.

**54.** Without prejudice to any special provisions contained in this Act, the expenses which, otherwise than on account of subsidy payments, are incurred for the purposes of this Act by the Minister of Agriculture and Fisheries, by a Secretary of State, by the Board of Trade or by the Department of Agriculture for Scotland shall, save in so far as any such expenses are directed by Part VII of this Act to be defrayed out of the Fund, be defrayed out of moneys provided by Parliament.

Adminis-  
trative  
expenses  
of Depart-  
ments.

#### *Supplementary Provisions.*

**55.** Any notice or demand to be served for the purposes of this Act, or of any order or scheme under this Act, may be served by post, and, if it is to be served on the owner or occupier of any premises, may be addressed “the owner” or “the occupier”, as the case

Service of  
notices, &c.

PART VIII. may be, of those premises (identifying them by their  
—*cont.* postal address) without further name or description.

Exercise of  
powers of  
Board of  
Trade.

**56.** Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Application  
to Scotland.

**57.** The following provisions shall have effect for the purpose of the application of this Act to Scotland :—

- (1) The expression “ county court ” means sheriff;
- (2) The expression “ local authority ” means a county or a town council, and includes any combination of any such councils and a joint committee appointed under any such combination;
- (3) Any two or more county or town councils may combine for any purpose of this Act on such terms and conditions, including provision for the appointment of a joint committee, as may be agreed between the councils;
- (4) The expression “ joint board ” includes a joint committee appointed for the purpose of any combination of local authorities;
- (5) Any sums payable by a local authority by way of a levy imposed under a slaughter-house scheme to defray the expenses incurred by the Commission in the preparation, promotion or operation of the scheme shall be defrayed in like manner as expenses incurred in the provision of a slaughter-house;
- (6) Subsection (2) of section twenty-two, and subsection (2) of section twenty-eight of this Act shall have effect as if the words “ other than a county council ” were omitted, but nothing in either of the said subsections shall be construed as authorising a local authority to institute proceedings for any offence against this Act;
- (7) Subsection (1) of section twenty-three of this Act shall not apply, and the expression “ owner ” in

Part IV of this Act has the like meaning as in the Public Health (Scotland) Act, 1897; PART VIII.  
—cont.

- (8) Section forty-five of this Act shall have effect with the substitution of references to an order for references to a summons; 60 & 61 Vict.  
c. 38.
- (9) Section forty-eight of this Act shall have effect as if for the reference therein to the Fourth Schedule to the Local Government Act, 1933, there were substituted a reference to the Second Schedule to the Rating (Scotland) Act, 1926, and paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929. 16 & 17  
Geo. 5. c. 47.  
19 & 20  
Geo. 5. c. 25.

**58.**—(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.

“ the appropriate Minister ” means—

(a) in relation to any of the matters specified in Part I of the Sixth Schedule to this Act, the Minister of Agriculture and Fisheries,

(b) in relation to any of the matters specified in Part II of that Schedule, the Secretary of State for Scotland, or

(c) in relation to any of the matters specified in Part III of that Schedule, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland;

“ the Gazette ” means—

(a) in relation to any instrument in relation to which the Minister of Agriculture and Fisheries is the appropriate Minister, the London Gazette,

(b) in relation to any instrument in relation to which the Secretary of State for Scotland is the appropriate Minister, the Edinburgh Gazette, or

(c) in relation to any instrument in relation to which the Minister of Agriculture and Fisheries and the Secretary of State for

**PART VIII.**  
—*cont.*

Scotland are denoted by the expression “the appropriate Minister”, the London Gazette and the Edinburgh Gazette,

and, in relation to a service scheme in relation to which the expression “the appropriate Minister” includes the Secretary of State concerned with agriculture in Northern Ireland, includes the Belfast Gazette;

“livestock” means cattle, sheep or pigs;

“local authority” means the common council of the city of London, the council of a metropolitan borough or the council of a county, county borough or county district;

“marketing board” and “development board” mean respectively the board administering a scheme under the Agricultural Marketing Act, 1931, or any corresponding enactment of the Parliament of Northern Ireland, and the board administering a scheme under Part II of the Agricultural Marketing Act, 1933;

“meat” means meat of livestock, and “carcases” shall be construed accordingly; and

“the Ministers” means the Minister of Agriculture and Fisheries and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland.

(2) Subject to the provisions of this Act with respect to slaughter-house schemes, the appointed day for the purposes of this Act shall be the first day of August, nineteen hundred and thirty-seven.

(3) For the purposes of this Act livestock or meat removed from the Isle of Man into the United Kingdom shall be deemed to be imported into the United Kingdom.

Short title  
and extent.

**59.**—(1) This Act may be cited as the Livestock Industry Act, 1937.

(2) This Act, save as otherwise expressly provided therein, extends to the whole of the United Kingdom.



## SCHEDULES.

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### FIRST SCHEDULE.

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Section 1 (4).

#### INCIDENTAL PROVISIONS AS TO LIVESTOCK COMMISSION.

##### *Constitution of Commission.*

1. The Commission shall be a body corporate, with a common seal and power to hold land without licence in mortmain.
2. The functions of the Commission and of their officers and servants shall be deemed to be exercised on behalf of the Crown.
3. Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but, notwithstanding anything in such an instrument, any member of the Commission may resign his office by a written notice given under his hand to the Ministers, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.
4. No member of the Commission shall be capable of being elected to, or of sitting in, the Commons House of Parliament.
5. It shall be the duty of the Ministers to satisfy themselves, with respect to any person whom they propose to appoint to be a member of the Commission or who is a member of the Commission, that that person will have or has, as the case may be, no such interest in any agricultural or commercial undertaking as is likely to affect him in the discharge of his functions as a Commissioner; and any such person shall, whenever requested by the Ministers so to do, furnish to them such information as they consider necessary for the performance of their duty under this paragraph.

##### *Meetings and proceedings of the Commission.*

6. Unless and until the Commission otherwise determine, three shall be a quorum at any meeting of the Commission, and the Commission shall have power to act notwithstanding any vacancy among the members of the Commission.
7. If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

1st SCH.  
—cont.

8. All acts done at any meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the Commission, be as valid as if that defect had not existed.

9. Minutes shall be kept of the proceedings of the Commission, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and the meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

10. Subject to the preceding provisions of this Schedule, the Commission shall have power to fix and regulate their own quorum and procedure.

*Agents, committees, offices and incidental powers of Commission.*

11. The Commission may employ such agents, and (without prejudice to any special provisions contained in this Act) constitute such advisory committees consisting wholly or partly of persons not being members of the Commission, as the Commission consider it desirable for the discharge of their functions to employ and constitute, and may (subject to the provisions of Part VII of this Act) pay to agents employed by the Commission such remuneration, and to the members of any advisory committee constituted by the Commission such travelling and other allowances, as the Commission, with the approval of the Ministers and the Treasury, may determine.

12. The Commission shall have an office at which communications and notices will at all times be received, and shall notify to the Ministers the address of that office and any change of that address.

13. The Commission may enter into such agreements, acquire such property, and do such things, as may in the opinion of the Commission be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose, as they think fit, of any property acquired by them; and the Commission shall have power to receive grants of money to be applied for any purpose for effecting which functions are entrusted to the Commission by or under this Act.

*The Common Seal.*

14. The application of the common seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary to the Commission.

*Instruments executed or issued by Commission.*1st Sch.  
—cont.

15. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specially authorised by them for the purpose.

16. Any document purporting to be a document duly executed or issued under the seal of the Commission or on behalf of the Commission shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

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**SECOND SCHEDULE.**

Section 3 (8).

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**INCIDENTAL PROVISIONS AS TO LIVESTOCK  
ADVISORY COMMITTEE.**

1. Every member of the Livestock Advisory Committee (hereafter in this Schedule referred to as "the Committee"), and every other person being a member of the English sub-committee, the Scottish sub-committee or the Welsh sub-committee, shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but, notwithstanding anything in such an instrument, any member of the Committee or of any of the said sub-committees may resign his office by a written notice given under his hand to the Ministers or to the appropriate Minister, as the case may be, and a member of the Committee or of any of the said sub-committees who ceases to hold office shall be eligible for re-appointment.

2. The Ministers shall appoint one of the additional members of the Committee to be chairman of the Committee, the Minister of Agriculture and Fisheries shall appoint two of the said members to be respectively chairmen of the English sub-committee and of the Welsh sub-committee, and the Secretary of State for Scotland shall appoint one of the said members to be chairman of the Scottish sub-committee.

3. Unless and until the Committee otherwise determines, the quorum of the Committee shall be such number as may be fixed by the Ministers, and the Committee and the sub-committees aforesaid shall have power to act notwithstanding any vacancy among the members thereof.

M m

2ND SCH.  
—cont.

4. Subject to the preceding provisions of this Schedule and to any directions which may be given by the Ministers, the Committee shall have power to fix and regulate its own quorum and procedure and the quorum and procedure of each of the said sub-committees.

5. The Commission shall appoint a person to act as secretary to the Committee.

Section 15  
(1) and (4).

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### THIRD SCHEDULE.

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#### PART I.

#### PROVISIONS TO BE COMPLIED WITH IN CONNECTION WITH THE MAKING OF LIVESTOCK MARKETS ORDERS.

1. Before submitting the draft of a livestock markets order to the appropriate Minister, the Commission shall cause notice of their intention to submit the draft order, specifying the place where the draft order may be inspected and copies thereof obtained, and the price (being a price approved by the said Minister) at which such copies will be supplied, and the time within which written objections to the draft order may be made to the said Minister, to be published in the Gazette and in such other manner as the Commission think best adapted for informing persons affected, and to be sent to every local authority having jurisdiction over any part of the area within which the holding of markets would be controlled by the order.

2. Before making any livestock markets order, the appropriate Minister shall consider any objections to the draft order which have been duly made to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the draft order as he may, after consultation with the Commission, consider desirable :

Provided that—

- (a) where an objection to the draft order has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the said Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the draft order, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry ; and

- (b) if the appropriate Minister decides to make any modifications in the draft order, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

3RD SCH.  
—cont.

## PART II.

### PROVISIONS APPLICABLE TO ANY LIVESTOCK MARKETS ORDER UPON THE MAKING THEREOF.

1. The appropriate Minister shall, as soon as may be after making a livestock markets order, cause the order to be published in such manner as he thinks best adapted for informing persons affected, together with a notice that he has made the order, and that the order will become final and come into operation unless within such period, not being less than thirty days, as may be specified in the notice, a memorial praying that the order shall not become law without confirmation by Parliament is presented to the said Minister by a local authority having jurisdiction over any part of the area within which the order controls the holding of markets, or by the occupier of any premises within the said area which are used or appropriated for holding markets in respect of livestock, or by some person carrying on the business of effecting sales by auction on such premises as aforesaid, or by some other person affected by the order and having such an interest as may be prescribed by regulations made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland as being sufficient for the purpose.

2. If no such memorial has been presented within the period aforesaid, or if every such memorial so presented has been withdrawn, the order shall thereupon come into operation, but if such a memorial has been so presented and has not been withdrawn, the order shall have no effect until confirmed by Parliament.

3. The appropriate Minister may submit any livestock markets order made by him to Parliament for confirmation.

4. If, while the Bill confirming a livestock markets order is pending in either House of Parliament, a petition is presented against the order, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear before the Select Committee and oppose the order, as in the case of a private Bill.

Section 17  
(4).

#### FOURTH SCHEDULE.

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##### PROVISIONS AS TO MAKING, CONFIRMATION AND PUBLICATION OF LIVESTOCK MARKETS BYELAWS.

1. At least two months before making any livestock markets byelaws, the Commission shall, subject to the following provisions of this Schedule, cause to be published in the Gazette, and in such other manner as they think best adapted for informing persons affected, a notice of the Commission's intention to make the byelaws—

- (a) specifying the place where the draft byelaws may be inspected and copies thereof obtained, and the price (being a price approved by the appropriate Minister) at which such copies will be supplied, and
- (b) stating that the Commission are prepared to receive and consider any objection to the proposed byelaws which may be made to them in writing within such period after the date of the publication of the notice, not being less than two months, as may be specified in the notice;

and the Commission shall, before making the byelaws, take into consideration any such objection so made to them before the end of the period specified in that behalf in the said notice.

2. When submitting any livestock markets byelaws to the appropriate Minister for confirmation, the Commission shall transmit to him any objection to the byelaws which has been duly made to the Commission and has not been withdrawn.

3. Before confirming any livestock markets byelaws submitted to him for confirmation, the appropriate Minister shall consider any objections to the byelaws which have been duly made, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the byelaws as he may, after consultation with the Commission, consider desirable :

Provided that—

- (a) where an objection to the byelaws has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the byelaws, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry; and

(b) if the appropriate Minister decides to make any modifications in the byelaws, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

4TH SCH.  
—cont.

4. As soon as may be after confirming any livestock markets byelaws, the appropriate Minister shall send to the occupier of any premises to which the byelaws apply, and shall, subject to the provisions of the next following paragraph, cause to be published, by advertisement in the Gazette and in such other manner as he thinks best for informing persons affected, a notice stating that the byelaws have come into operation, and specifying the place where copies of the byelaws may be obtained.

5. The Commission or the appropriate Minister shall not be obliged under this Schedule to cause to be published in the Gazette a notice of intention to make special byelaws or, as the case may be, a notice of the confirmation of special byelaws.

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## FIFTH SCHEDULE.

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Sections  
24 (5), 35 (4)  
and 37.

### PROVISIONS WITH RESPECT TO SUBMISSION AND CONFIRMATION OF SLAUGHTER-HOUSE SCHEMES AND SERVICE SCHEMES.

1. The Commission shall, before submitting a slaughter-house scheme or service scheme made by them to the appropriate Minister, cause to be published, by advertisement in the Gazette and in such other manner as the said Minister may direct, a notice stating that they have made the scheme, and specifying the place where the scheme may be inspected and copies thereof obtained, and the price (being a price approved by the appropriate Minister) at which such copies will be supplied, and the time (not being less than twenty-eight days after publication of the notice) within which objections to the scheme and representations with respect thereto may be made in writing to the said Minister.

2. The appropriate Minister, before confirming any such scheme submitted to him, shall consider any objections to the scheme and representations with respect thereto which have been duly made to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he may, after consultation with the Commission, consider desirable :

5TH SCH.  
—cont.

Provided that—

- (a) where an objection to the scheme has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the said Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the scheme, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry; and
- (b) if the appropriate Minister decides to make any modifications in the scheme, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

Section 58.

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## SIXTH SCHEDULE.

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### PART I.

#### MATTERS IN RELATION TO WHICH THE MINISTER OF AGRICULTURE AND FISHERIES IS THE APPROPRIATE MINISTER.

1. Any action to be taken with respect to the English sub-committee or the Welsh sub-committee of the Livestock Advisory Committee.
2. Any livestock markets order for controlling the holding of markets within an area wholly in England or any other order under Part IV of this Act being an order which relates to premises in England.
3. Any livestock markets byelaws applicable only to premises in England.
4. Any slaughter-house scheme applicable to an area wholly in England.
5. Any arrangements for the provision or alteration of a slaughter-house on premises in England.
6. Any service scheme under which obligations to contribute are imposed on persons by reference to an area no part of which is in Scotland.



## PART II.

6TH SCH.  
—cont.**MATTERS IN RELATION TO WHICH THE SECRETARY OF  
STATE FOR SCOTLAND IS THE APPROPRIATE MINISTER.**

1. Any action to be taken with respect to the Scottish sub-committee of the Livestock Advisory Committee.

2. Any livestock markets order for controlling the holding of markets within an area wholly in Scotland or any other order under Part IV of this Act being an order which relates to premises in Scotland.

3. Any livestock markets byelaws applicable only to premises in Scotland.

4. Any slaughter-house scheme applicable to an area wholly in Scotland.

5. Any arrangements for the provision or alteration of a slaughter-house on premises in Scotland.

6. Any service scheme under which obligations to contribute are imposed on persons by reference to an area no part of which is in England.

## PART III.

**MATTERS IN RELATION TO WHICH THE MINISTER OF  
AGRICULTURE AND FISHERIES AND THE SECRETARY OF  
STATE FOR SCOTLAND ARE DENOTED BY THE EXPRESSION  
“ THE APPROPRIATE MINISTER ”.**

1. Any livestock markets order for controlling the holding of markets within an area partly in England and partly in Scotland.

2. Any livestock markets byelaws applicable to premises in England and to premises in Scotland.

3. Any slaughter-house scheme applicable to an area partly in England and partly in Scotland.

4. Any service scheme under which obligations to contribute are imposed on persons by reference to an area part of which is in England and part of which is in Scotland.

**CHAPTER 51.**

An Act to provide for raising further money for the development of the postal, telegraphic, and telephonic systems, and for raising money for the purpose of repaying to the Post Office Fund moneys applied thereout for such development.

[20th July 1937.]

**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 :—

Grant for development of postal, telegraphic, and telephonic systems.

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-five million pounds, as may be required by the Postmaster-General for the purpose of developing, according to estimates approved by the Treasury, the postal, telegraphic, and telephonic systems, or for repaying to the Post Office Fund any moneys which may have been applied thereout for that purpose.

(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.

(5) Section five of the Telephone Transfer Act, 1 & 2 Geo. 5. 1911, (which relates to audit) shall have effect as if this Act were included amongst the Acts therein mentioned. c. 26.

2. This Act may be cited as the Post Office and Telegraph (Money) Act, 1937. Short title.

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## CHAPTER 52.

An Act to make provision with respect to the term of office of persons holding the office of chairman of traffic commissioners, of traffic commissioner for the metropolitan traffic area, of chairman of the appeal tribunal established by section fifteen of the Road and Rail Traffic Act, 1933, or of President of the Railway Rates Tribunal, and with respect to the application to such persons of the Superannuation Acts. [20th July 1937.]

**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.—(1) The chairman of the traffic commissioners established for each traffic area by section sixty-three of the Road Traffic Act, 1930, the traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, and the chairman of the appeal tribunal established by section fifteen of the Road and Rail Traffic Act, 1933, shall, subject to the provisions of the said sections respectively as amended by this section and to the provisions of this section, hold office during His Majesty's pleasure. Chairman of traffic commissioners and of appeal tribunal to hold office during His Majesty's pleasure. 20 & 21 Geo. 5. c. 43. 23 & 24 Geo. 5. c. 53.

(2) In accordance with the foregoing subsection—

(a) in subsection (5) of section sixty-three of the Road Traffic Act, 1930, for the words “shall hold office for such term not exceeding seven years as the Minister may determine at the time of his appointment, and shall

“ be eligible for re-appointment from time  
“ to time on the expiration of his term of  
“ office ” there shall be substituted the  
words “ shall hold office during His Majesty’s  
pleasure ” ;

(b) in subsection (5) of section ninety-eight of the Road Traffic Act, 1930, for the words “ shall hold office for such term not exceeding seven years as the Minister may at the time of his appointment determine, but shall be eligible for re-appointment at the expiration of any term of office ” there shall be substituted the words “ shall hold office during His Majesty’s pleasure ” ; and

(c) in subsection (4) of section fifteen of the Road and Rail Traffic Act, 1933, for the words “ A member of the tribunal shall hold office ” there shall be substituted the words “ The chairman of the tribunal shall hold office during His Majesty’s pleasure. A member of the tribunal other than the chairman shall hold office ”.

(3) A person appointed after the commencement of this Act to hold the office of chairman of the traffic commissioners established as aforesaid for any traffic area, of traffic commissioner for the metropolitan traffic area, or of chairman of the said tribunal, shall vacate his office on attaining the age of seventy years.

Application  
of Super-  
annuation  
Acts to  
chairman  
of traffic  
commis-  
sioners and  
of appeal  
tribunal.  
22 Vict.  
c. 26.

2. The Superannuation Acts, 1834 to 1935, shall apply to persons holding the office of chairman of the traffic commissioners established as aforesaid for any traffic area, of traffic commissioner for the metropolitan traffic area, or of chairman of the said tribunal, subject to the following modifications, that is to say:—

(a) section ten of the Superannuation Act, 1859 (which prohibits the grant of superannuation allowances to persons under sixty years of age except in cases of infirmity), shall have effect with the substitution, for the reference to sixty years, of a reference to sixty-five years; and

- (b) the proviso to subsection (2) of section one of the Superannuation Act, 1909 (which relates to deductions from additional allowances in cases of retirement after the age of sixty-five years), and the proviso to subsection (1) of section two of that Act (which relates to reduction of gratuities on death in cases of death after the age of sixty-five years), shall not apply.

**3.**—(1) Subsection (2) of section twenty of the Railways Act, 1921, so far as it relates to the term of office and the retirement of permanent members of the Railway Rates Tribunal, shall cease to apply to the President and, in lieu of retiring as provided by the said section, he shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years, but subject to the provisions of this subsection, shall hold office during good behaviour :

9 Edw. 7.  
c. 10.  
  
Compulsory  
retirement  
and super-  
annuation  
allowance  
of President  
of Railway  
Rates  
Tribunal.  
11 & 12  
Geo. 5. c. 55.

Provided that—

- (a) where the Lord Chancellor, the President of the Board of Trade and the Minister of Transport concur in considering it desirable in the public interest to retain the President in his office after he attains the age of seventy-two years, they may, with the approval of the Treasury, authorise his continuance in his office up to such later age not exceeding seventy-five years as they think fit; and
- (b) the power of His Majesty to remove the President from his office on account of misbehaviour shall be exercisable on the joint recommendation of the three persons aforesaid, and His Majesty on a like recommendation shall have power to remove him from his office on account of inability to perform the duties thereof.

(2) There may be granted to the President such a superannuation allowance as may under subsections (1) and (2) of section one hundred and twenty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925, be granted to a person holding one of the offices specified

15 & 16  
Geo. 5. c. 49.

in Part I of the Third Schedule to that Act, and any superannuation allowance granted to the President by virtue of this provision shall be defrayed as part of the expenses of the Railway Rates Tribunal :

Provided that this subsection shall not apply to the person holding the office of President at the date of the passing of this Act, unless within one month from the said date he gives notice in writing to the Lord Chancellor stating that he desires that it shall apply to him, and that he is willing to accept in substitution for the salary payable to him at the said date, a reduced salary of such amount as the Minister of Transport, with the approval of the Treasury, may fix as the salary proper to be paid to a person holding the said office with the benefit of this subsection.

In the event of the person holding the said office at the said date giving notice as aforesaid, the period of his service in the said office shall, for the purpose of the computation of the superannuation allowance to be granted to him, be deemed to have commenced on the first day of January, nineteen hundred and thirty-six.

(3) In this section the expression " the President " means the President of the Railway Rates Tribunal.

Short title.

4. This Act may be cited as the Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937.

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## CHAPTER 53.

An Act to provide for the Regulation of Wages of  
Workers in Agriculture in Scotland, and for  
purposes incidental thereto. [20th July 1937.]

**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 :—

Establish-  
ment of  
agricultural  
wages

1.—(1) Subject to the provisions of this Act, the Department of Agriculture for Scotland (in this Act referred to as the Department) shall, as soon as may be,

by order divide Scotland into districts and shall establish an agricultural wages committee for each district, and an Agricultural Wages Board for Scotland, to be called the Scottish Agricultural Wages Board.

committees  
and an  
Agricultural  
Wages  
Board.

(2) An agricultural wages committee (hereinafter referred to as a committee) and the Scottish Agricultural Wages Board (hereinafter referred to as the Board) shall respectively be constituted in accordance with the provisions of the Schedule to this Act and shall be established by order made by the Department.

(3) The Department, if they think it expedient, may on receipt of resolutions in that behalf passed by the several committees concerned from time to time by order vary the boundaries and number of the districts into which Scotland is divided under subsection (1) of this section and may make such provision as is necessary in consequence of any such variation, with regard to the establishment of committees for the districts affected by the variation.

(4) Every order made by the Department under subsection (1) or subsection (3) of this section shall be laid before both Houses of Parliament forthwith, and if an address to His Majesty is agreed to by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or the making of a new order.

2.—(1) Subject to the provisions of this Act, committees shall fix minimum rates of wages for workers employed in agriculture for time work, and may also, if and so far as they think it necessary or expedient, fix minimum rates of wages for workers employed in agriculture for piece work.

Duties and  
powers of  
agricultural  
wages com-  
mittees  
with respect  
to minimum  
rates of  
wages.

(2) Any such minimum rates may be fixed by a committee so as to apply universally to all workers employed in agriculture in the district for which the committee act, or to any special class of workers so employed, or to any special area in the district, or to any special class in a special area, subject in each case to any exceptions which may be made by the committee for employment of any special character, and so as to vary according as the employment is for a day, week, month,

or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of overtime.

In the exercise of their powers under this subsection, a committee shall, so far as is reasonably practicable, secure a weekly half-holiday for workers.

(3) Where a committee fix minimum rates in pursuance of this section, they shall determine the benefits or advantages (not being benefits or advantages prohibited by law) which may be reckoned as payment of wages in lieu of payment in cash, the extent to which they may be so reckoned, and, subject to regulations made by the Department in pursuance of paragraph (a) of subsection (1) of section eight of this Act, the value at which they are to be so reckoned.

(4) Where a committee in fixing a minimum rate provide for a differential rate in the case of overtime, they shall determine what employment is to be treated as overtime employment.

(5) The provisions of this Act with regard to the fixing, reconsideration, cancelling or varying a minimum rate shall apply to any determination under either of the last two foregoing subsections, in like manner as those provisions apply to a minimum rate.

(6) If, on an application in that behalf, a committee are satisfied that any worker employed or desiring to be employed on time work to which a minimum rate fixed under this Act is applicable is so affected by any physical injury or mental deficiency, or any infirmity due to age or to any other cause, that he is incapable of earning that minimum rate, the committee shall grant to the worker a permit exempting, as from the date of the application, or from any later date specified in the permit, the employment of the worker from the provisions of this Act requiring wages to be paid at not less than the minimum rate, subject to such conditions as may be specified in the permit, including, if the committee think fit, a condition as to the wages to be paid to the worker; and, while the permit has effect, an employer shall not be liable to any legal proceedings under this Act for paying wages to the worker at a rate less than the minimum rate if the conditions specified in the permit are complied with. If an application for a permit is not



disposed of within twenty-one days after the day on which it is received, then the employer of the worker to whom the application relates shall not be liable to any legal proceedings under this Act for paying wages to the worker at a rate less than the minimum rate during the interval between the expiration of the said period and the date on which the application is ultimately disposed of.

(7) In fixing minimum rates a committee shall, so far as practicable, secure for able-bodied men such wages as in the opinion of the committee are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

(8) A committee may, if they think it expedient, cancel or vary any minimum rate fixed under this Act.

(9) Before fixing, cancelling or varying any minimum rate, the committee shall give such notice as may be prescribed of the rate which they propose to fix or of their proposal to cancel the rate or of the proposed variation of the rate, as the case may be, and of the manner in which and the time within which objections to the proposal may be lodged, not being less than fourteen days from the date of the notice, and shall consider any objections to the proposal which may be lodged within the time mentioned in the notice.

Where the proposal is modified in consequence of any objection so lodged, notice of the modified proposal need not be given except where in the opinion of the Board the proposal has been altered so materially that a fresh notice ought to be given.

**3.—**(1) Where a committee have fixed any minimum rate of wages or have cancelled or varied any such rate, they shall forthwith send in the prescribed manner to the Department and to the Board notification of their decision.

Rates fixed  
by com-  
mittees.

(2) The Board, on receipt of such notification, shall as soon as practicable make such order as may be necessary for the purpose of carrying out the decision of the committee.

(3) The Board shall, as soon as may be after they have made an order under this section, send notification

thereof to the committee concerned, and give notice of the making of the order and the contents thereof in the prescribed manner.

(4) Any such minimum rate or the cancellation or variation thereof shall become effective from the date specified in that behalf in the order.

The date to be so specified shall be a date subsequent to the date of the order and where, as respects any employer who pays wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which wages are paid by that employer, the rate, or the cancellation or variation thereof, shall become effective as from the beginning of the next such period following the date specified in the order.

Complaints as to inadequate payment for piece work where no minimum piece rate has been fixed.

4. Any worker employed in agriculture in any district on piece work for which no minimum piece rate has been fixed or any person authorised by such a worker may complain to the committee for the district that the piece rate of wages paid to the worker for that work is such a rate as would yield in the circumstances of the case to an ordinary worker a less amount of wages than the minimum rate for time work applicable in the case of that worker and the committee may, on any such complaint after giving the employer an opportunity of making such representations as he thinks desirable, direct that the employer shall pay to the worker such additional sum by way of wages for any piece work done by him at that piece rate at any time within fourteen days before the date of complaint or at any time after the date of complaint and before the decision of the committee thereon as in their opinion represents the difference between the amount which would have been paid if the work had been done by an ordinary worker at the minimum rate for time work and the amount actually received by the worker by whom, or on whose behalf, the complaint is made, and any sum so directed to be paid may be recovered by or on behalf of the worker from the employer as a civil debt.

Power of Board to fix, cancel or vary minimum

5. If a committee—

- (a) do not, within two months after they are established and a chairman is appointed, fix and notify to the Board a minimum rate

- of wages which they are required to fix under this Act; or
- (b) fail to fix and notify to the Board a minimum rate of wages in substitution for any such rate as aforesaid which, by cancellation or otherwise, has ceased to operate; or
- (c) by a resolution of the representative members of the committee request the Board to fix, cancel, or vary a minimum rate of wages, as the case may be,

rates in certain cases.

the Board may, after giving the prescribed notices, by order fix, cancel or vary the rate as the case requires, and for that purpose shall have and may exercise all the powers of the committee.

6. The Department may direct a committee to reconsider any minimum rate which has been fixed by them, and thereupon the committee shall reconsider the same and notify to the Department the result of their reconsideration.

Power of the Department to direct the reconsideration of minimum rates.

7.—(1) Where any minimum rate of wages has been made effective by an order of the Board under this Act, any person who employs a worker in agriculture shall, in cases to which the minimum rate is applicable, pay wages to the worker at a rate not less than the minimum rate, and, if he fails to do so, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding one pound for each day on which the offence is continued after conviction.

Penalties and legal proceedings.

(2) In any proceedings against a person under this section it shall lie with that person to prove that he has paid wages at not less than the minimum rate.

(3) In any proceedings against an employer under this section the court shall, whether or not there is a conviction or a fine is imposed, order the employer to pay to the worker such sum as may be found by the court to represent the difference between the amount which ought at the minimum rate applicable to have been paid by the employer to the worker during the period of six months immediately preceding the date on which the complaint was served and the amount actually paid by the employer to the worker during that period.

N n

(4) Where an employer has been convicted under this section for failing to pay wages to any worker at not less than the minimum rate applicable, then, if notice of intention so to do has been served with the complaint, evidence may be given of any failure on the part of the employer to pay wages to that worker at not less than the minimum rate applicable to him at any time during the eighteen months immediately preceding the period of six months mentioned in the last preceding subsection, and on proof of the failure the court may order the employer to pay to the worker such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of wages at the minimum rate applicable during those eighteen months and the amount actually so paid.

(5) Where an offence for which an employer is under this section liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with the employer, or before or after the employer is proceeded against, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(6) It shall be a defence for an employer who is charged with an offence under this section to prove that he has used due diligence to secure compliance with the provisions of this Act, and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance.

(7) Where it appears to the Department that a sum is due from an employer to a worker on account of the payment of wages to him at less than the minimum rate applicable, or by reason of any direction given by a committee for the payment of an additional sum by way of wages for piece work, the Department may institute, on behalf of or in the name of the worker, civil proceedings before any court of competent jurisdiction for the recovery of the said sum :

Provided that in any such civil proceedings instituted by the Department the court shall have the same power to make an order for the payment of expenses by the Department as if they were a party to the proceedings.

(8) Where a permit granted in respect of a worker under section two of this Act contains a condition for the payment of wages to the worker at a rate not less than the rate therein specified, the amount of wages that may be recovered from an employer of the worker pursuant to subsection (3), subsection (4), or subsection (7) of this section shall, as respects any period during which the permit had effect, be calculated on the basis of the rate so specified instead of on the basis of the minimum rate.

(9) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by any other proceedings.

(10) Any agreement for the payment of wages in contravention of this Act, or for abstaining from exercising any right of enforcing the payment of wages in accordance with this Act, shall be void.

(11) Subject to any determination under this Act of the benefits or advantages which may be reckoned as payment of wages in lieu of cash and the value at which they are to be reckoned, and to any limitation or prohibition under this Act of the reckoning of benefits or advantages as payment of wages in lieu of cash, the court shall, in any proceedings under this Act, reckon as a payment of wages such amount as represents the value of any benefits or advantages (not being benefits or advantages prohibited by law) received by a worker under the terms of his employment.

8.—(1) The Department shall, in addition to any special power to make regulations given to them under this Act, have power to make regulations for the following purposes:— Regulations.

- (a) for prescribing the general principles on which a committee shall determine the value of the benefits or advantages (not being benefits or advantages prohibited by law) which may be reckoned as payment of wages in lieu of cash;
- (b) for prescribing the procedure to be followed on or in connection with applications or complaints to the committees or any sub-committees thereof; and

(c) as to the notice to be given of any matter under this Act, with a view to bringing, so far as practicable, the matter of which notice is to be given to the knowledge of persons affected.

(2) Any regulation made under this Act shall be laid before both Houses of Parliament forthwith; and, if an address to His Majesty is agreed to by either House of Parliament within the next subsequent twenty-eight days on which that House has sat 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 the making of a new regulation.

Appoint-  
ment and  
powers of  
officers.

9.—(1) The Department may appoint a secretary for the Board and a secretary for each committee and, subject to the consent of the Treasury as to number, such officers as they think necessary for the purpose of investigating complaints and otherwise securing the proper observance of this Act and such secretaries and officers shall receive such salaries or remuneration as the Department may, with the consent of the Treasury, determine.

(2) Any officer so appointed shall have power—

(a) after giving reasonable notice to require the production of, and to inspect, and take copies of, wages sheets or other records of wages paid to workers employed in agriculture;

(b) to enter at all reasonable times any premises or place for the purpose of such inspection or for the enforcement of this Act, but in the case of a dwelling-house not without giving reasonable notice; and

(c) to require any such worker, or the employer of any such worker, or any agent of the employer to give any information which it is in his power to give with respect to the employment of the worker or the wages paid to him.

(3) If any person—

(a) hinders or molests any officer acting in the exercise of his powers under this section; or

(b) refuses to produce any document or give any information which any such officer lawfully requires him to produce or give; or

- (c) produces or causes to be produced or knowingly allows to be produced any wages sheet, record or other document which he knows to be false in any material particular to any such officer; or
- (d) furnishes any information which he knows to be false to any such officer,

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.

10. Every officer appointed by the Department for the purpose of investigating complaints and securing the proper observance of this Act shall be furnished by the Department with a certificate of his employment, and when acting under or exercising any power conferred upon him by this Act shall, if so required, produce the said certificate to any person or persons affected.

Officers to produce certificates when required.

11. Any expenses of the Department and any expenses of the Board or of any Committee thereof, or of any agricultural wages committee or of any sub-committee thereof, which are sanctioned by the Department, including any expenses incurred with such sanction by any members of the Board, or of any such committee or sub-committee in the performance of their duties, and any sums paid with such sanction to any such members by way of compensation for loss of time, in each case up to an amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

Expenses.

12. The Department shall include in the annual report which they are required to make by subsection (2) of section four of the Small Landholders (Scotland) Act, 1911, a report of their proceedings under this Act and of the proceedings of the committees and of the Board, and for that purpose each committee and the Board shall, before such date in every year as the Department may fix, send to the Department a report of their proceedings under this Act during the preceding year.

Annual report.  
1 & 2 Geo. 5.  
c. 49.

13. In any legal proceedings the production of a document purporting to be a copy of a resolution or order passed or made by a committee or the Board, and certified to be a true copy by the chairman or secretary

Evidence of resolutions and orders of committee and Board.

of the committee or Board, shall be sufficient evidence of the resolution or order, and that any notices required to be given by this Act in relation to the resolution or order have been duly given, and no proof shall be required of the handwriting or official position of the person certifying the same.

Saving of  
agree-  
ments, &c.

**14.** Nothing in this Act shall prejudice the operation of any agreement or custom for the payment of wages at a rate higher than the minimum rate fixed under this Act.

Definitions.

**15.—(1)** In this Act unless the context otherwise requires—

The expression “agriculture” includes dairy-farming and the use of land as grazing, meadow, or pasture land or orchard land or woodland or for market gardens or nursery grounds;

The expression “worker” includes a boy, woman and girl;

The expression “employment” means employment under a contract of service or apprenticeship, and the expressions “employed” and “employer” shall be construed accordingly;

The expression “special class of workers” means in relation to an order or resolution fixing, varying or cancelling a rate of wages, such workers as are treated in the order or resolution as constituting a special class;

The expression “prescribed” means prescribed by regulations made under this Act.

(2) A resolution passed at a meeting of a committee unanimously by the representative members of the committee present and voting, shall be deemed to be a resolution of the representative members for the purposes of this Act.

Repeal.  
11 & 12  
Geo. 5. c. 48.

**16.** Section four of the Corn Production Acts (Repeal) Act, 1921, is, in so far as it applies to Scotland, hereby repealed.

Short title  
and extent.

**17.** This Act may be cited as the Agricultural Wages (Regulation) (Scotland) Act, 1937, and shall extend to Scotland only.



**SCHEDULE.**

Section 1.

**CONSTITUTION AND PROCEEDINGS OF AGRICULTURAL  
WAGES COMMITTEES AND THE AGRICULTURAL WAGES  
BOARD.****AGRICULTURAL WAGES COMMITTEES.**

1. A committee shall consist of not more than eight and not less than five members representing employers and an equal number of members representing workers in agriculture in the district for which the committee act (in this Act referred to as representative members), and of a chairman. In addition, the Department shall appoint two independent members.

2. The representative members shall be nominated or elected in the manner prescribed by regulations made under this Schedule.

3. The chairman of a committee shall be appointed annually by the committee, but, if the committee at any time fail to appoint a chairman within the prescribed period, the appointment shall be made by the Department.

A committee may nominate one or more persons for the office of vice-chairman, and the chairman may from time to time appoint one of those persons to preside in his absence.

A representative member of a committee shall not be qualified to be appointed chairman or vice-chairman of the committee of which he is a member.

4. At every meeting of a committee the chairman, if present, shall preside. If the chairman is absent, a vice-chairman, if present, shall preside. If both the chairman and the vice-chairmen are absent, such member as the members then present choose shall preside.

5. At a meeting of a committee the chairman or a vice-chairman presiding at the meeting in his absence shall be entitled to vote, and in case of equality of votes shall have a second or casting vote, but before exercising his right to vote the chairman or vice-chairman, if so authorised by a resolution of the representative members of the committee, may obtain the advice of the Board or a committee thereof as to the exercise of such right, and may adjourn the meeting in order to enable him to do so.

6. A committee may, in accordance with regulations under this Schedule, appoint one or more sub-committees consisting of persons representing employers and persons representing

workers in agriculture in the district in equal proportions, and of a chairman, if the committee think fit, and the committee may refer to any such sub-committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such sub-committee any of their powers and duties under this Act other than their power or duty to fix, cancel, or vary minimum rates of wages. The members of a sub-committee may, but need not be, members of the committee by which the sub-committee is appointed.

#### AGRICULTURAL WAGES BOARD.

7. The Board shall consist of six members representing employers and six members (of whom at least one shall be a woman) representing workers in agriculture (in this Act referred to as representative members) together with three members (in this Act referred to as appointed members) appointed by the Department.

8. The representative members shall be nominated or elected in the manner prescribed by regulations made under this Schedule.

9. The chairman of the Board shall be such one of the appointed members as the Department may nominate. At every meeting of the Board the chairman if present shall preside, and, if he is absent, such appointed member as the members then present choose shall preside.

10. The Board may, in accordance with regulations under this Schedule, appoint one or more committees consisting of members representing employers and members representing workers in agriculture in equal proportions and of one or more appointed members, and may refer to any such committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such committee any of their powers and duties under this Act, other than any power or duty to fix, cancel or vary minimum rates of wages.

#### GENERAL.

11. The proceedings of a committee or sub-committee or of the Board or any committee thereof shall not be invalidated by any vacancy in their number or by any defect in the appointment, nomination or election of the chairman, vice-chairman or any member of the committee, sub-committee or Board or committee thereof.

12. The Department may make regulations with respect to the proceedings and meetings of committees, sub-committees and the Board and any committee thereof including the appointment

of chairmen and the term of office of chairmen and other members, the method of voting and the number of members necessary to form a quorum, and any such regulations as to committees or sub-committees may be made so as to apply generally to the procedure of all committees or sub-committees or specially to the procedure of any particular committee or sub-committee; but, subject to the provisions of this Schedule and to any regulations so made, a committee, a sub-committee and the Board and any committee thereof may respectively regulate their proceedings in such manner as they think fit.

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## CHAPTER 54.

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.

[30th July 1937.]

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) The duties of customs chargeable by virtue of subsection (1) of section two of the Finance Act, 1933, on hops, hop oil and extracts, essences or other similar

Continuation of duty on hops, &c., and of

## PART I.

—cont.

additional  
duty and  
drawback  
on beer.  
23 & 24  
Geo. 5. c. 19.

preparations made from hops, and the additional duty of customs chargeable under subsection (2) of that section in respect of beer, shall continue to be charged until the end of the fifteenth day of August, nineteen hundred and forty-one.

(2) The additional excise drawback allowed in respect of beer under subsection (4) of the said section two shall continue to be allowed until the end of the fifteenth day of November, nineteen hundred and forty-one.

Extension  
of period of  
stabilisation  
of rates of  
Imperial  
preference.  
16 & 17  
Geo. 5, c. 22.  
26 Geo. 5. &  
1 Edw. 8.  
c. 34.

2. Subsection (1) of section seven of the Finance Act, 1926, (which, as extended by section four of the Finance Act, 1936, provides for the stabilisation of rates of Imperial preference during a period ending on the nineteenth day of August, nineteen hundred and thirty-seven) shall have effect as if the said period were extended by one year; and accordingly subsection (1) of the said section four shall be amended by substituting the words "nineteen hundred and thirty-eight" for the words "nineteen hundred and thirty-seven".

Provisions  
for fulfilling  
agreement  
with  
Canada.

3.—(1) The following provisions of this section shall have effect with a view to the fulfilment of the agreement made on the twenty-third day of February, nineteen hundred and thirty-seven, between His Majesty's Government in the United Kingdom and His Majesty's Government in the Dominion of Canada, being the agreement set out in the First Schedule to this Act.

22 & 23  
Geo. 5. c. 53.

(2) As from such date as the Treasury may by order declare to be the date on which it has been mutually agreed under article seventeen of the said agreement that that agreement shall come into force, the Ottawa Agreements Act, 1932, and any other enactment relating to customs which amends or relates to that Act, shall have effect as if the said agreement were substituted for the agreement set out in Part I of the First Schedule to that Act.

(3) The following provisions shall have effect as respects the preferential rate of any new duties of customs for the time being chargeable under section nine of the Finance Act, 1933, on articles being stockings or socks made wholly of silk or containing silk components the value whereof exceeds twenty per cent. of the aggregate

of the values of all the components thereof, and being Empire products:—

PART I.  
—cont.

(a) for the purposes of this subsection—

(i) the expression “the existing preferential rate” means the preferential rate provided in subsection (5) of the said section nine; and

(ii) the expression “the agreed preferential rate” means whichever is the higher of the following rates, namely, twenty-eight and eight-ninths per cent. of the value of the article or eight shillings per pound weight;

(b) if only one duty is for the time being chargeable as aforesaid on any such article, the duty shall be chargeable on the article either at the agreed preferential rate or at the existing preferential rate, whichever is the lower;

(c) if two or more duties are for the time being so chargeable on any such article, the aggregate amount thereof payable in respect of the article shall not exceed whichever of the two following amounts is the less, namely, the aggregate amount of those duties which would be so payable if they were charged at the existing preferential rate or the amount of duty which would be so payable if a single duty were charged at the agreed preferential rate;

(d) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the operation of paragraphs (b) and (c) of this subsection were suspended, the Treasury shall by order direct that the operation thereof shall be suspended so long as the order remains in force, but any such order shall be revoked if and when the Treasury are satisfied that any such agreement is being contravened by reason of the order;

(e) in relation to any such articles manufactured in a country the Government of which is a party to one of the scheduled agreements, the provisions of paragraphs (b) and (c) of this subsection shall not in any case have effect at any time when that agreement is not in force.

PART I.  
—cont.  
15 & 16  
Geo. 5. c. 36.

(4) The duty of customs chargeable under section three of the Finance Act, 1925, shall not be charged on reed organs (including harmoniums) imported complete, being Empire products :

Provided that—

- (a) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the foregoing provisions of this subsection were suspended, the Treasury shall by order direct that those provisions shall be suspended so long as the order remains in force, but any such order shall be revoked if and when the Treasury are satisfied that any such agreement is being contravened by reason of the order; and
- (b) in relation to any such organ manufactured in a country the Government of which is a party to one of the scheduled agreements, the said provisions of this subsection shall not in any case have effect at any time when that agreement is not in force.

(5) The last two foregoing subsections shall be deemed to have had effect as from the twenty-first day of April, nineteen hundred and thirty-seven.

(6) Section five of the Ottawa Agreements Act, 1932, shall cease to have effect.

(7) This section shall be construed as one with the Ottawa Agreements Act, 1932, and the enactments amending that Act.

Provisions  
as to ex-  
emption of  
sculptures,  
&c. from  
import  
duties.  
22 & 23  
Geo. 5. c. 8.

4.—(1) Any order made by the Treasury under subsection (3) of section one of the Import Duties Act, 1932, directing that works of art to which this section applies, or any class or description thereof, shall be added to the First Schedule to that Act, may provide that no article shall be exempt from duty as being a work of art of a class or description to which the order relates unless it is certified by or on behalf of the director of a museum or gallery specified in the order, being a museum or gallery the expenses of which are defrayed out of moneys provided by Parliament, to be a work of art of that class or description.

(2) Any such order may further contain provisions—

- (a) as to the form of the certificates to be issued thereunder, as to the form and manner in which applications therefor are to be made, and as to the particulars and documents to be furnished with any such application ;
- (b) as to the number of replicas or impressions of the same article in respect of which such certificates may be issued ;
- (c) as to the place in which any article, in respect of which exemption is claimed under the order, is to be deposited and kept pending the production of such a certificate or payment of duty, as to the conditions on which an article is to be so deposited, and as to the sale or disposal of an article so deposited in the event of failure to produce the certificate or pay the duty.

(3) The expenses of the director of any museum or gallery under any such order shall be defrayed out of moneys provided by Parliament.

(4) The works of art to which this section applies are sculptures, whether in the round, in relief or in intaglio, and engraved or etched blocks, plates or other material and impressions thereof.

5.—(1) The duty of excise chargeable under the Revenue Act, 1869, in respect of male servants shall cease to be chargeable, and no licence shall be required to be taken out under that Act in respect of the employment of a male servant :

Provided that nothing in the foregoing provisions of this subsection shall affect the rate of the duty chargeable under the Game Licences Act, 1860, in respect of licences to kill game taken out or renewed on behalf of servants employed as gamekeepers, and accordingly the provisions of that Act set out in the first column of the Second Schedule to this Act shall be amended in the manner shown in the second column of that Schedule.

(2) No licence to kill game shall be taken out or renewed by any person under the Game Licences Act, 1860, on behalf of a servant employed as a gamekeeper unless that person has signed and delivered to the officer issuing or renewing the licence a declaration in writing in

PART I.  
—cont.

Repeal of male servant duty, and effect thereof on game licence duty.  
32 & 33 Vict. c. 14.  
23 & 24 Vict. c. 90.

PART I.  
—cont.

such form and containing such particulars as may be prescribed by the Treasury, and, if any person makes a statement which he knows to be false in any such declaration, he shall be liable to an excise penalty of twenty pounds.

(3) This section shall come into operation on the first day of January, nineteen hundred and thirty-eight.

Regulation  
of sale of  
sweets by  
holders of  
off-licences.  
10 Edw. 7. &  
1 Geo. 5.  
c. 8.

**6.**—(1) The provisions applicable to retailers' off-licences in the First Schedule to the Finance (1909–10) Act, 1910, shall be amended by inserting at the end thereof the following paragraph :—

“ 4. A person holding the off-licence to be taken out by a retailer of wine or the off-licence to be taken out by a retailer of sweets may not sell sweets in open vessels.”

(2) This section shall come into operation on the first day of October, nineteen hundred and thirty-seven.

Amendment  
as to un-  
laden  
weight of  
goods  
vehicles.  
10 & 11  
Geo. 5. c. 18.

**7.**—(1) For the purpose of paragraph 5 of the Second Schedule to the Finance Act, 1920, the unladen weight of a goods vehicle shall be taken to include the weight of any receptacle, being an additional body, placed on the vehicle for the purpose of the carriage of goods or burden of any description, if any goods or burden are loaded into, carried in and unloaded from the receptacle without the receptacle being removed from the vehicle :

Provided that the weight of a receptacle shall not be included in the unladen weight of a goods vehicle by virtue of this section—

- (a) unless the receptacle is placed on the vehicle by or on behalf of the person in whose name the vehicle is registered under the Roads Act, 1920; or
- (b) if the receptacle is constructed or adapted for the purpose of being lifted on or off the vehicle with goods or burden contained therein.

(2) This section shall come into operation on the first day of January, nineteen hundred and thirty-eight.

10 & 11  
Geo. 5. c. 72.

Reduction  
of duty on  
certain  
tricycles.

**8.**—(1) The rate of the duty chargeable in respect of tricycles under section thirteen of the Finance Act, 1920, shall, in the case of tricycles neither constructed nor adapted for use nor used for the carriage of a driver



or passenger, be reduced to two pounds ; and accordingly the following sub-paragraph shall be substituted for sub-paragraph (c) of paragraph 1 of the Second Schedule to that Act—

PART I.  
—cont.

“(c) tricycles—

- neither constructed nor adapted for use  
nor used for the carriage of a driver  
or a passenger - - - - - £2
- other tricycles - - - - - £4”

(2) This section shall come into operation on the first day of January, nineteen hundred and thirty-eight.

9.—(1) Vehicles to which this section applies, and which are chargeable with duty under sub-paragraph (c) of paragraph 5 of the Second Schedule to the Finance Act, 1920, shall be chargeable thereunder at the rates applicable to electrically propelled vehicles, whether they are so propelled or not.

Reduction  
of duty on  
tower  
wagons.

(2) The vehicles to which this section applies are goods vehicles—

- (a) which are used for the purposes of an electricity undertaking, gas undertaking or electric transport undertaking, and for no other purpose ; and
- (b) into which there is built, as part of the vehicle, a telescopic contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment ; and
- (c) which are neither constructed nor adapted for use nor used for the conveyance of any load except such a contrivance and articles used in connection therewith.

(3) In this section the expression “electricity undertaking” means an undertaking for supplying electricity or for supplying light by means of electricity, the expression “gas undertaking” means an undertaking for supplying gas or for supplying light by means of gas, and the expression “electric transport undertaking” means an undertaking for supplying transport by means of electrically propelled vehicles.

(4) This section shall come into operation on the first day of January, nineteen hundred and thirty-eight.

## PART II.

## INCOME TAX.

Income tax  
for 1937-38.

**10.**—(1) Income tax for the year 1937-38 shall be charged at the standard rate of five shillings 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.

(2) All such enactments as had effect with respect to the income tax charged for the year 1936-37 shall have effect with respect to the income tax charged for the year 1937-38.

Higher rates  
of income  
tax for  
1936-37.

**11.** Income tax for the year 1936-37 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 1935-36 respectively exceeded the standard rate for that year.

Prevention  
of avoidance  
of tax by  
certain  
transactions  
in securi-  
ties.

**12.**—(1) Where the owner of any securities (in this and the next following subsection referred to as “the owner”) agrees to sell or transfer those securities, and by the same or any collateral agreement—

(a) agrees to buy back or re-acquire the securities;  
or

(b) acquires an option, which he subsequently exercises, to buy back or re-acquire the securities;

then, if the result of the transaction is that any interest becoming payable in respect of the securities is receivable otherwise than by the owner, the following provisions shall have effect—

(i) the interest payable as aforesaid shall, whether it would or would not have been chargeable to tax apart from the provisions of this section, be deemed for all the purposes of the Income

Tax Acts to be the income of the owner and not to be the income of any other person; and

PART II.  
—cont.

- (ii) if the securities are of such a character that the interest payable in respect thereof may be paid without deduction of tax, the owner shall be chargeable to tax at the standard rate under Case VI of Schedule D in respect of the interest which is deemed to be his income as aforesaid, unless he shows that it has borne tax at the standard rate.

(2) The references in the last foregoing subsection to buying back or re-acquiring the securities shall be deemed to include references to buying or acquiring similar securities, so, however, that where similar securities are bought or acquired, the owner shall be under no greater liability to tax than he would have been under if the original securities had been bought back or re-acquired.

(3) Where any person carrying on a trade which consists wholly or partly in dealing in securities agrees to buy or acquire any securities, and by the same or any collateral agreement—

- (a) agrees to sell back or re-transfer the securities;  
or  
(b) acquires an option, which he subsequently exercises, to sell back or re-transfer the securities;

then, if the result of the transaction is that any interest becoming payable in respect of the securities is receivable by him, no account shall be taken of the transaction in computing for any of the purposes of the Income Tax Acts the profits arising from or loss sustained in the trade.

(4) The last foregoing subsection shall have effect, subject to any necessary modifications, as if references to selling back or re-transferring the securities included references to selling or transferring similar securities.

(5) This section shall not apply to any transaction where the relevant agreements were made before the sixth day of April, nineteen hundred and thirty-seven.

O o

PART II.  
—cont.

(6) For the purpose of this section—

- (a) the expression “ interest ” includes a dividend ;
- (b) the expression “ securities ” includes stocks and shares ;
- (c) securities shall be deemed to be similar if they entitle their holders to the same rights against the same persons as to capital and interest and the same remedies for the enforcement of those rights, notwithstanding any difference in the total nominal amounts of the respective securities or in the form in which they are held or the manner in which they can be transferred.

(7) The Commissioners of Inland Revenue may by notice in writing require any person to furnish them within such time as they may direct (not being less than twenty-eight days), in respect of all securities of which he was the owner at any time during the period specified in the notice, such particulars as they consider necessary for the purposes of this section and for the purpose of discovering whether tax has been borne in respect of the interest on all those securities, and, if that person without reasonable excuse fails to comply with the notice, he shall be liable to a penalty not exceeding fifty pounds and after judgment has been given for that penalty to a further penalty of the like amount during every day on which the failure continues.

Amend-  
ment as to  
relief in  
respect of  
losses.  
8 & 9 Geo. 5.  
c. 40.

**13.** For the purposes of section thirty-four of the Income Tax Act, 1918 (which relates to relief in respect of certain losses) the amount of a loss sustained in a trade shall, in all cases, be computed in like manner as the profits or gains arising or accruing from the trade are computed under the Rules applicable to Case I of Schedule D :

Provided that—

- (a) nothing in this section shall affect the provisions of paragraph (2) of Rule 15 of the Rules applicable to Cases I and II of Schedule D (which relates to losses of assurance companies carrying on life assurance business); and

- (b) where relief is claimed by virtue of this section in respect of a loss sustained in a trade which consists wholly or partly in dealing in securities, section twelve of this Act shall apply, for the purpose of computing the amount of the loss, as if subsection (5) thereof were omitted therefrom.

PART II.  
—cont.

14.—(1) Notwithstanding anything in subsection (6) of section twenty-one of the Finance Act, 1922, a company which is deemed for the purposes of that subsection to be under the control of not more than five persons shall not be deemed to be a subsidiary company, unless it can be deemed to be under the control of not more than five persons only by including among the persons mentioned in paragraph (a), (b) or (c) of subsection (1) of section nineteen of the Finance Act, 1936, or in subsection (3) of section twenty of that Act, a company to which the provisions of the said section twenty-one do not apply and which is not the nominee of any other person.

Amendments of  
12 & 13  
Geo. 5. c. 17,  
s. 21.

(2) In the case of a company to which section twenty-one of the Finance Act, 1922, applies, being an investment company, the following provisions shall have effect :—

- (a) the Special Commissioners may, if they think fit, give a direction under subsection (1) of that section if it appears to them that the company has not within any year of assessment distributed to its members, in such manner as to render the amount distributed liable to be included in the statements to be made by the members of the company of their total income for the purposes of surtax, a reasonable part of its actual income from all sources for that year ;
- (b) in determining for the purpose of this subsection whether the company has or has not distributed as aforesaid a reasonable part of its actual income from all sources for any year of assessment, the Special Commissioners shall deem all the said income to have become available for distribution as soon as it became due and payable to the company ;
- (c) where an order has been made or a resolution passed for the winding up of the company, the

PART II.  
—cont.

Special Commissioners may, if they think fit, treat either of the following periods, that is to say,—

(i) the period from the end of the last year or other period for which accounts of the company have been made up to the date of the order or resolution; or

(ii) the period from the end of the last year of assessment to the date of the order or resolution;

as if it were a year of assessment for the purposes of this subsection;

(d) for the purposes of this subsection, the provisions of section twenty-one of the Finance Act, 1922, and any other enactment relating thereto shall apply as if a year of assessment, or a period which by virtue of this subsection is treated as a year of assessment, were a year or period for which accounts of the company have been made up, but subject to the modifications set out in the Third Schedule to this Act.

(3) Where a direction is given under subsection (1) of section twenty-one of the Finance Act, 1922, with respect to an investment company, the Special Commissioners, in determining the respective interests of the members for the purpose of apportioning income in accordance therewith under paragraph 8 of the First Schedule to that Act, may, if it seems proper to them so to do, attribute to each member an interest corresponding to his interest in the assets of the company available for distribution among the members in the event of a winding up.

(4) In this section and in any other provisions of this or any other Act relating to section twenty-one of the Finance Act, 1922, the expression “investment company” shall have the same meaning as in section twenty of the Finance Act, 1936, and any references to the date of the order or resolution for the winding up of a company shall be construed—

(a) in the case of a company within the meaning of the Companies Act, 1929, or the Companies Act (Northern Ireland), 1932, as references to

the time of the commencement of the winding up; and

PART II.  
—cont.

- (b) in the case of any other body corporate, as references to the time of the making of the order, or of the passing of the resolution, or of the signing of the instrument, or of the making of the application, or of the doing of the act, as the case may be, which initiates the winding up of the body corporate.

(5) The provisions of this section shall have effect for the purposes of assessment to surtax for the year 1935–36 and subsequent years :

Provided that the provisions of subsection (2) of this section shall not have effect for the purposes of assessment to surtax for the year 1935–36 in relation to any company which before the twenty-first day of April, nineteen hundred and thirty-seven, made up accounts for a period ending in the year 1935–36.

15.—(1) In computing for any year of assessment the amount of profits or gains arising or accruing from any trade the profits of which are chargeable to tax under Case I of Schedule D, there shall be allowed a deduction of an amount hereafter provided in respect of the depreciation of any premises being mills, factories or other similar premises, wherever situate, which, during the period of computation, are owned by the person carrying on the trade and occupied by him for the purposes thereof.

Allowance  
for depre-  
ciation of  
mills,  
factories,  
&c.

(2) Where the premises—

- (a) are assessable to tax under No. I of Schedule A ;  
and  
(b) do not consist of or comprise electricity works  
or brickworks ;

the amount of the deduction to be allowed under this section shall be an amount equal to the repairs allowance of the premises, or an amount equal to the appropriate fraction of the rating value of the premises, whichever is the less ; and for the purposes of this subsection the appropriate fraction of the rating value shall be taken to be, in the case of premises situate in the administrative county of London or in Scotland, one-sixth, and, in the case of other premises, one-fifth, of the rating value.

## PART II.

—cont.

(3) Where the premises—

- (a) are not assessable to tax under No. I of Schedule A; or
- (b) consist of or comprise electricity works or brickworks;

the amount of the deduction to be allowed under this section shall be an amount equal to one per cent. of the actual cost to the person carrying on the trade of any building (including the site thereof) which forms part of the premises, being either—

- (i) a building which contains, and is used wholly or mainly for the purpose of operating, machinery worked by steam, electricity, water or other mechanical power; or
- (ii) a building the depreciation of which is substantially increased by the operation of machinery so worked on the premises in any such building as is mentioned in paragraph (i) of this subsection :

Provided that no non-rateable machinery within the meaning of section twenty-two of the Finance Act, 1936, shall be deemed to form part of a building for the purpose of this subsection.

(4) Where the period of computation is less than twelve months, or the premises are not owned by the person carrying on the trade and occupied by him for the purposes thereof for the whole of the period of computation, the deduction to be allowed under the foregoing provisions of this section shall be proportionately reduced; and where in the course of the period of computation there has been any alteration of the premises, or of the repairs allowance or rating value thereof, the amount of the deduction to be allowed under this section shall be the aggregate of the amounts of the deductions which would have been allowable thereunder if each part of the period of computation, before and after the alteration, had itself been a period of computation.

(5) A person occupying any premises as the tenant thereof shall be treated for the purposes of this section as if he were the owner thereof if, under the covenants to repair contained in the lease or agreement by virtue of which he occupies the premises, the whole of the burden of any depreciation of the premises falls upon him.



## (6) For the purpose of this section—

PART II.  
—cont.

(a) the expression “electricity works” means any building in which electrical energy is generated, converted or transformed for supply by way of trade;

(b) the expression “period of computation”, in relation to any trade, means the period by reference to the profits or gains of which the profits or gains arising or accruing from the trade are to be computed for the year of assessment in question;

(c) the expression “rating value” in relation to any premises, means—

(i) in the case of premises situate in England outside the administrative county of London, the net annual value of the premises as appearing in the valuation list for the time being in force under the Rating and Valuation Act, 1925;

15 & 16  
Geo. 5. c. 90.

(ii) in the case of premises situate in the administrative county of London, the gross value of the premises as appearing in the valuation list for the time being in force under the Valuation (Metropolis) Act, 1869;

32 & 33 Vict.  
c. 67.

(iii) in the case of premises situate in Scotland, the gross annual value of the premises as appearing in the valuation roll for the time being in force under the Rating (Scotland) Act, 1926;

16 & 17  
Geo. 5. c. 47.

(iv) in the case of premises situate in Northern Ireland, the net annual value of the premises as shown in the valuation lists for the time being in force under the Valuation Acts (Northern Ireland), 1852 to 1932, or in any provisional or revised valuation for the time being in force by virtue of any enactment pending the annual revision of valuation under the said Acts;

(d) the expression “repairs allowance”, in relation to any premises, means the reduction authorised in respect of the premises for the purposes of Rule 7 of No. V of Schedule A.

**PART II.**

—cont.

9 &amp; 10

Geo. 5. c. 32.

(7) The proviso to paragraph (2) of Rule 5 of the rules applicable to Cases I and II of Schedule D, and section eighteen of the Finance Act, 1919, shall cease to have effect.

Continuance  
of allowance  
for repairs  
under

13 &amp; 14

Geo. 5. c. 14,  
s. 28.

25 &amp; 26

Geo. 5. c. 24.

**16.**—(1) Section twenty-eight of the Finance Act, 1923 (which relates to the allowance for repairs and which was continued in force by section twenty-four of the Finance Act, 1935, until the fifth day of April, nineteen hundred and thirty-seven) shall continue in force until the fifth day of April, nineteen hundred and forty-two.

(2) This section shall be deemed to have had effect as from the sixth day of April, nineteen hundred and thirty-seven.

Amendment  
as to allow-  
ance in  
respect of  
earned  
income of  
wives.

**17.** For the purposes of subsection (2) of section eighteen of the Finance Act, 1920 (which provides for an increased personal allowance to a claimant whose total income includes earned income of his wife) any earned income of the claimant's wife arising in respect of any pension, superannuation or other allowance, deferred pay, or compensation for loss of office, given in respect of his past services in any office or employment of profit, shall be deemed not to be earned income of his wife.

Amend-  
ment as to  
discount on  
tax paid in  
advance.

**18.** Section one hundred and fifty-nine of the Income Tax Act, 1918 (which provides for an allowance of discount on tax paid in advance under Schedule D), shall be amended by inserting at the end thereof the following subsection :—

“(2) The Commissioners of Inland Revenue may, on application made to them in writing within one month from the date of such a payment in advance by any person, repay to him the amount of any allowance which might have been made to him under this section if he had made a request therefor at the time of the payment.”

**PART III.****NATIONAL DEFENCE CONTRIBUTION.**

Charge of  
national  
defence  
contribu-  
tion.

**19.**—(1) There shall be charged, on the profits arising in each chargeable accounting period falling within the five years beginning on the first day of April, nineteen hundred and thirty-seven, from any trade or

business to which this section applies, a tax (to be called the "national defence contribution") of an amount equal to five per cent. of those profits in a case where the trade or business is carried on by a body corporate and four per cent. of those profits in any other case.

PART III.  
—cont.

(2) Subject as hereafter provided, the trades and businesses to which this section applies are all trades or businesses of any description carried on in the United Kingdom, or carried on, whether personally or through an agent, by persons ordinarily resident in the United Kingdom.

(3) The carrying on of a profession by an individual or by individuals in partnership shall not be deemed to be the carrying on of a trade or business to which this section applies if the profits of the profession are dependent wholly or mainly on his or their personal qualifications:

Provided that for the purpose of this subsection the expression "profession" does not include any business consisting wholly or mainly in the making of contracts on behalf of other persons or the giving to other persons of advice of a commercial nature in connection with the making of contracts.

(4) Where the functions of a company or society incorporated by or under any enactment consist wholly or mainly in the holding of investments or other property, the holding of the investments or property shall be deemed for the purpose of this section to be a business carried on by the company or society.

(5) This section shall not apply to any trade or business carried on by statutory undertakers and consisting wholly or mainly in the rendering in the United Kingdom or a Dominion as defined in section twenty-seven of the Finance Act, 1920, of any of the following services, namely:—

- (a) the supply of water, gas, electricity or hydraulic power;
- (b) the provision or maintenance of a canal or other inland waterway, or a harbour, dock, quay, pier, road, bridge, ferry or tunnel;
- (c) the conservancy of a river;

PART III.  
—cont.

- (d) the carriage of goods or passengers by railway, or the carriage of passengers by road, or the carriage of goods by canal or inland navigation.

For the purposes of this subsection and any other provision of this Act relating to the national defence contribution—

- (i) the expression “statutory undertakers” means any local or public authority authorised by or by virtue of any enactment to render any of the services aforesaid in the United Kingdom or a Dominion as defined in section twenty-seven of the Finance Act, 1920, and any other person so authorised who is precluded by or by virtue of any enactment from charging any higher price for those services than that authorised by or by virtue of the enactment or, in the case of a body corporate, is either so precluded or precluded by or by virtue of any enactment from paying a dividend at any higher rate, or distributing by way of dividend any greater amount, than that authorised by or by virtue of the enactment;
- (ii) the expression “pier” means a pier wholly or mainly used for loading or unloading goods or embarking or disembarking passengers.

(6) This section shall not apply to the business carried on by the British Broadcasting Corporation.

(7) If the Commissioners appointed for the purposes of the Special Areas (Development and Improvement) Acts, 1934 and 1937, certify that, for the purpose of inducing any persons to establish an industrial undertaking in any of the special areas, it is expedient that those persons, in addition to being provided with financial assistance under section three of the Special Areas (Amendment) Act, 1937, should be given relief in respect of any national defence contribution which may become chargeable in respect of the profits of the undertaking, the Treasury may agree to remit the whole or any part of any national defence contribution so chargeable.

1 Edw. 8. &  
1 Geo. 6.  
c. 31.

Computa-  
tion of  
profits and  
accounting  
periods.

20.—(1) For the purpose of the national defence contribution, the profits arising from a trade or business in each chargeable accounting period shall be separately computed, and shall be so computed on income tax

principles as adapted in accordance with the provisions of the Fourth Schedule to this Act.

PART III.

—cont.

For the purpose of this subsection, the expression “ income tax principles ” in relation to a trade or business means the principles on which the profits arising from the trade or business are computed for the purpose of income tax under Case I of Schedule D, or would be so computed if income tax were chargeable under that Case in respect of the profits so arising.

(2) For the purpose of the national defence contribution, the accounting periods of a trade or business shall be determined as follows :—

- (a) in a case where the accounts of the trade or business are made up for successive periods of twelve months, each of those periods shall be an accounting period ;
- (b) in a case where the accounts of the trade or business have been made up as aforesaid but have ceased to be so made up, the accounting periods from the end of the last period of twelve months for which they were so made up shall be such periods not exceeding twelve months as the Commissioners of Inland Revenue may determine ;
- (c) in any other case the accounting periods of a trade or business shall be such periods not exceeding twelve months as the Commissioners of Inland Revenue may determine ;

and the expression “ chargeable accounting period ” means—

- (i) any accounting period determined as aforesaid which falls wholly within the five years beginning on the first day of April, nineteen hundred and thirty-seven ; and
- (ii) in a case where any such accounting period falls partly within and partly without the said five years, such part of that period as falls within those five years.

(3) Where a chargeable accounting period is not a period for which the accounts of the trade or business have been made up, such division and apportionment to specific periods of the profits and losses for any period

**PART III.**  
—*cont.*

for which the accounts relating to the trade or business have been made up, and such aggregation of any such profits or losses or any apportioned part thereof, shall be made as appears necessary to arrive at the profits arising in the chargeable accounting period.

(4) Any apportionment under the last foregoing subsection shall be made in proportion to the number of months or fractions of months in the respective periods, unless the Commissioners of Inland Revenue having regard to any special circumstances otherwise direct.

**Exemption  
and abate-  
ment in  
respect of  
minimum  
profits.**

**21.**—(1) Where the profits arising in any chargeable accounting period from a trade or business do not exceed two thousand pounds, those profits shall not be chargeable to the national defence contribution.

(2) Where the profits arising in any chargeable accounting period from a trade or business exceed two thousand pounds but are less than twelve thousand pounds, those profits shall, for the purpose of assessment to the national defence contribution, be reduced by a sum equal to one-fifth of the difference between the amount of those profits and twelve thousand pounds.

(3) In relation to a chargeable accounting period of less than twelve months, references in this section to two thousand pounds and twelve thousand pounds shall be construed as references to a sum which bears the same proportion to two thousand pounds or to twelve thousand pounds, as the case may be, as the length of the period bears to twelve months.

**Provisions  
as to  
subsidiary  
companies.**

**22.**—(1) Where a body corporate resident in the United Kingdom is a subsidiary of another body corporate so resident (hereafter in this section referred to as “the principal company”) the principal company may, by notice in writing given to the Commissioners of Inland Revenue before the expiration of any chargeable accounting period of the subsidiary or within two months thereafter, require that the provisions of subsection (2) of this section shall apply to the subsidiary as respects that period and all subsequent chargeable accounting periods throughout which it continues to be a subsidiary of the principal company :

Provided that, if the first chargeable accounting period of the subsidiary ended before the passing of this

Act, a notice given as respects that period within two months from the passing of this Act shall have effect for the purposes of this section as if it had been given within two months from the end of that period.

PART III.  
—cont.

(2) Where such a notice is given, the profits or losses arising in any chargeable accounting period to which the notice relates from the trade or business carried on by the subsidiary shall be treated, for the purpose of the provisions of this Act relating to the national defence contribution other than the provisions of paragraph 2 and sub-paragraph (2) of paragraph 3 of the Fourth Schedule to this Act, as if they were profits or losses arising in the corresponding chargeable accounting period from the trade or business carried on by the principal company.

(3) For the purpose of this section—

- (a) a body corporate shall be deemed to be a subsidiary of another body corporate if and so long as not less than nine-tenths of its ordinary share capital is beneficially owned by that other body corporate;
- (b) the expression “ordinary share capital” has the same meaning as in the Fourth Schedule to this Act;
- (c) a chargeable accounting period of a subsidiary shall be deemed to correspond to such chargeable accounting period of the principal company as the Commissioners of Inland Revenue may determine.

**23.**—(1) The amount of the national defence contribution chargeable on the profits arising in any chargeable accounting period from the business of a building society shall not exceed one and one-half per cent. of the amount of those profits computed in accordance with the provisions of this Part of this Act, but without allowing any deduction for interest paid on money borrowed by the society from members or depositors.

Special provision as to building societies.

(2) For the purpose of this section the expression “building society” means a society regulated by any of the Acts regulating building societies, or a society registered under the Industrial and Provident Societies Acts, 1893 to 1928, which carries on a business of such a nature that it could have been established under any of

**PART III.** the Acts regulating building societies, and no other  
—*cont.* business.

Assessment,  
collection,  
appeals, &c.

**24.**—(1) The national defence contribution shall be assessed and collected by the Commissioners of Inland Revenue in accordance with the provisions of Part I of the Fifth Schedule to this Act, and shall be due and payable at the expiration of one month from the date of the assessment, and shall be recoverable as a debt due to His Majesty from the person on whom it is assessed.

(2) Any person who is dissatisfied with any such assessment may appeal subject to and in accordance with the provisions of Part II of the said Schedule.

(3) The provisions of Part III of the said Schedule shall have effect for the purpose of carrying into effect the provisions of this section and of Parts I and II of the said Schedule and otherwise for supplementing those provisions.

Deduction  
of national  
defence  
contribution  
in  
computing  
liability to  
income  
tax.

**25.**—(1) The amount of the national defence contribution payable in respect of the profits arising from a trade or business in any chargeable accounting period shall be allowed to be deducted as an expense in computing for the purpose of income tax the profits and gains arising from that trade or business in that period.

(2) Where an amount is allowed to be deducted as an expense by virtue of this section, any income tax overpaid in consequence thereof by any person shall be repaid to him.

#### PART IV.

##### NATIONAL DEBT.

Provisions  
as to per-  
manent  
annual  
charge  
for the  
National  
Debt.

**26.**—(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-eight, shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

(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

9 & 10  
Geo. 5. c. 37.



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.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed for all purposes to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

27. No issue shall be made out of the Consolidated Fund under section forty-eight of the Finance Act, 1930 (which provides in the case of a deficit in any year for the redemption in the next year of a corresponding amount of debt) in respect of the deficit for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-seven.

28.—(1) Where an application is made for a direction under section fifty-five of the National Debt Act, 1870 (which, as extended by paragraph 6 of the Third Schedule to the Finance Act, 1921, relates to unclaimed stock, dividends and principal moneys payable on redemption) either—

(a) for the re-transfer of any stock the nominal value whereof exceeds twenty pounds; or

(b) for the payment of any dividends or other moneys amounting in all to more than twenty pounds;

the direction may, if the Governor or Deputy Governor of the Bank thinks fit, be withheld until three months after public notice of the application has been given by advertisement in such manner and containing such particulars as he may direct.

(2) In this section "the Bank" means the Bank of England, or, if the application is made to the Bank of Ireland, the Bank of Ireland.

(3) Sections fifty-six and fifty-seven of the National Debt Act, 1870, shall cease to have effect.

29. Notwithstanding anything in section thirty-two of the National Debt Act, 1870, a stock certificate issued under Part V of that Act after the passing of this Act shall not be convertible into a nominal certificate.

PART IV.  
—cont.  
18 & 19  
Geo. 5. c. 17.

Amendment  
as to deficit  
for 1936-37.  
20 & 21  
Geo. 5. c. 28.

Advertisement  
of applications  
for un-  
claimed  
stock,  
dividends  
and other  
moneys.  
33 & 34 Vict.  
c. 71.  
10 & 11  
Geo. 5. c. 32.

Amendment  
as to stock  
certificates.

## PART V.

## MISCELLANEOUS AND GENERAL.

Repeal of stamp duties on certain honours and dignities.

**30.**—(1) Stamp duty shall not be chargeable upon any grant or letters patent of the honour or dignity of a duke, marquis, earl, viscount, baron, baronet or knight, or upon any grant or warrant of precedence to take rank among nobility, or upon any docket, or warrant under the sign manual of His Majesty, relating to any such grant, letters patent or warrant of precedence.

(2) This section shall be deemed to have had effect as from the tenth day of May, nineteen hundred and thirty-seven.

Exemption from death duties in case of land transferred to National Trust.

**31.**—(1) Where any estate or interest in land (in this section referred to as “the settled property”) is given, devised or bequeathed by any person (in this section referred to as “the disponent”) in such manner as to render the National Trust entitled indefeasibly to the settled property subject to one or more life interests created by the gift, devise or bequest, being life interests to which this section applies, but to no other interest so created, exemption from death duties shall be granted subject to and in accordance with the provisions of this section.

(2) The life interests to which this section applies are—

- (a) a life interest (whether extending to the whole or to a part only of the rents and profits arising from the settled property, and whether or not determinable upon an event other than death) given to the disponent;
- (b) a like interest given to the spouse or a child of the disponent and commencing, so as to entitle the beneficiary as from its commencement to receipt for his own use of all the rents and profits to which it extends, on the date of the cesser of an interest given to the disponent as aforesaid;
- (c) a like interest given to the spouse or a child of the disponent and commencing as aforesaid on the date on which the gift is made;
- (d) a like interest devised or bequeathed to the spouse or a child of the disponent and commencing as aforesaid on the date of the disponent's death.

(3) In the case of any estate duty that would, but for this provision, have been leviable in respect of the settled property or any part thereof on or with reference to the death after the passing of this Act of the disponent, or of a person, whether being the disponent or a spouse or child of his, to whom such an interest as aforesaid is given, devised or bequeathed, exemption shall be granted, if on the death the settled property passes, or a benefit accrues therefrom, to the National Trust, as follows, that is to say—

- (a) exemption shall be granted as to an amount of that duty (whether being the whole or a part thereof) corresponding to the extent to which the settled property passes, or a benefit accrues therefrom, to the National Trust as compared with the extent to which the settled property passes, or a benefit accrues therefrom, to any person or persons entitled to such an interest or interests as aforesaid;
- (b) for the purposes of this subsection, the extent to which on a death the settled property passes, or a benefit accrues therefrom, to any person shall be computed by reference to the extent to which that person becomes on the death entitled to receive for his own use the rents and profits arising from the settled property computed as at the death :

Provided that, where the death is that of the disponent under a gift and the National Trust is immediately before the death entitled to any extent to receipt of the rents and profits of the settled property for its own use, the settled property shall be deemed to that extent to pass to the National Trust on the death ;

- (c) where exemption is granted as to a part of the estate duty leviable on or with reference to any death, the residue thereof shall be charged and borne in like manner as if the passing on the death, or the benefit accruing on the death, as the case may be, had been a passing, or a benefit accruing, wholly to the person or persons other than the National Trust mentioned in paragraph (a) of this subsection.

PART V.  
—cont.

(4) In the case of any succession duty that would, but for this provision, have been leviable in respect of a succession taken by the National Trust after the passing of this Act and comprising the settled property or any part thereof, exemption shall be granted as to the whole of that duty :

Provided that the exemption from succession duty granted by this subsection shall not have effect in the case of a succession conferred otherwise than by such a gift, devise or bequest as aforesaid.

(5) The exemptions from duty conferred by the foregoing provisions of this section shall not have effect unless within six months from the date on which the gift is made, or the date of the death of the testator, as the case may be, or, in the case of a gift made before the date of the passing of this Act, that date, or within such extended period as the Commissioners of Inland Revenue may allow, the interest of the National Trust has been so dealt with as to be held by the Trust inalienably.

21 & 22  
Geo. 5. c. 28.

(6) Where the requirements of subsection (1) of section forty of the Finance Act, 1931, are fulfilled in relation to any estate or interest in land given, devised or bequeathed by any person to the National Trust, then, if that person dies after the passing of this Act, the estate or interest shall be exempt from any duties which might under that subsection have been remitted by the Treasury.

(7) In this section the expression "the National Trust" has the same meaning as in section forty of the Finance Act, 1931.

Fixed contribution to Exchequer from Post Office Fund.

**32.** For the purpose of any calculation required to be made for the purpose of section thirty-nine of the Finance Act, 1933 (which relates to the Post Office Fund) as respects the financial year ending on the thirty-first day of March, nineteen hundred and thirty-eight, and the two following financial years, the fixed contribution to the Exchequer shall be taken to be the sum of ten million seven hundred and fifty thousand pounds.

Amendments as to Government annuities.  
19 & 20  
Geo. 5. c. 29.

**33.**—(1) The charge required by subsection (3) of section six of the Government Annuities Act, 1929, to be made in respect of the grant of a Government annuity, when the consideration therefor is a sum of money, shall cease to be made.

(2) The period after the expiration of which no authority given or certificate granted under section seven of the said Act (which relates to payment of consideration for annuities) continues valid under subsection (7) of that section shall, instead of being a period of five days from the date of the authority or certificate as provided in that subsection, be a period of fifteen days from that date :

PART V.  
—cont.

Provided that, where the authority or certificate is given or granted in the last fifteen days of the month of February, May, August or November, the said period shall be a period expiring at the end of the month in which it is given or granted.

**34.**—(1) This Act may be cited as the Finance Act, 1937.

Short title,  
construc-  
tion, extent  
and repeals.  
39 & 40 Vict.  
c. 36.

(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.

(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.

(5) 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.

(6) The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule—

(a) in the case of the enactments set out in Part I of that Schedule, as from the sixth day of April, nineteen hundred and thirty-seven ;

PART V.  
—*cont.*

- (b) in the case of the enactments set out in Part II of that Schedule, as from the passing of this Act; and
- (c) in the case of the enactments set out in Part III of that Schedule, as from the first day of January, nineteen hundred and thirty-eight.

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## SCHEDULES.

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Section 3.

### FIRST SCHEDULE.

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#### UNITED KINGDOM—CANADA TRADE AGREEMENT.

The Governments of the United Kingdom and of Canada, recognizing that the revival and development of trade is an essential feature of the prosperity and well-being of all countries and to this end desiring further to facilitate trade and commerce between the United Kingdom and Canada, and having resolved to replace by the present Agreement the Agreement concluded between them at Ottawa on the 20th August, 1932, have agreed upon the following provisions :—

##### ARTICLE 1.

The Government of the United Kingdom undertake that goods grown, produced or manufactured in Canada and consigned from any part of the British Empire which are now free of duty, shall continue to enjoy entry free of customs duty into the United Kingdom, subject, however, to the reservations set forth in Schedule I appended hereto.

##### ARTICLE 2.

The Government of the United Kingdom undertake that the goods the manufacture of Canada enumerated in Schedule II appended hereto when consigned from any part of the British Empire shall not on importation into the United Kingdom be subjected to duties of customs higher than those specified in that Schedule.

##### ARTICLE 3.

The Government of the United Kingdom undertake in respect of the goods the growth, produce or manufacture of Canada enumerated in Schedule III appended hereto that the difference between the rate of the duties of customs on such goods on

importation into the United Kingdom when consigned from any part of the British Empire and the rate upon similar goods the growth, produce or manufacture of any foreign country shall not be less than the rates set out in that Schedule :

1ST SCH.  
—cont.

Provided that the duty on either wheat in grain, copper, zinc or lead, as provided in this Agreement, may be removed if at any time Empire producers of wheat in grain, copper, zinc or lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices and in quantities sufficient to supply the requirements of United Kingdom consumers; and,

Provided further that while the arrangements contained in the Report of the Import Duties Advisory Committee of the 2nd July, 1935, are in force, the duties on lead and zinc shall be in accord with the proposals in Appendices B and C of that Report.

#### ARTICLE 4.

The Government of the United Kingdom undertake that until the 19th August, 1942, tobacco grown, produced or manufactured in Canada and consigned from any part of the British Empire shall enjoy on importation into the United Kingdom the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2s. 0½d. per lb., in which event the margin of preference shall be equal to the full duty.

#### ARTICLE 5.

The Government of Canada, recognizing that it is the present policy of the Government of the United Kingdom to promote the orderly marketing of bacon and hams and of meat in the United Kingdom with due regard to the normal development of trade, declare their willingness so far as their power extends to continue to assist the Government of the United Kingdom in carrying out this policy and, in particular, to furnish from time to time estimates of forthcoming shipments of bacon and hams and cattle and beef.

As regards bacon and hams, the Government of the United Kingdom undertake :

- (1) That any duty or levy which may be imposed on bacon and hams imported into the United Kingdom shall not apply to imports of Canadian bacon and hams when consigned from any part of the British Empire;
- (2) that there will be no regulation by them of such imports unless the rate at which the trade from Canada progresses towards two and one half million hundred-weight per

1st SCH.  
—cont.

annum should become abnormal and such as to endanger the effective working of the system of supply regulation ;

- (3) that no such regulation would be put into effect without prior consultation with the Government of Canada.

As regards cattle and beef, the Government of the United Kingdom undertake :

- (1) That any duty or levy which may be imposed on cattle or beef imported into the United Kingdom shall not apply to imports of Canadian cattle or beef when consigned from any part of the British Empire ;
- (2) that, if so requested, they will make themselves responsible for Canadian interests in any International Conference that may be set up to arrange for regulating supplies imported into the United Kingdom and will use their best endeavours to ensure that Canada secures an equitable share in the trade in cattle and beef ;
- (3) that any Agreement for the setting up of such a Conference, to which they may become a party, will not provide for any reduction in imports of Canadian fat cattle and beef into the United Kingdom below recent levels ;
- (4) that any such Agreement will recognize that special provision may become necessary for increased shipments of fat cattle and beef from Canada and will provide for specified reductions, if necessary, in shipments of chilled beef from foreign countries ;
- (5) that there will be no regulation of imports of cattle or beef from Canada unless, after consultation with the Government of Canada, it appears to the Government of the United Kingdom that the effective working of a general scheme for the orderly marketing in the United Kingdom of meat cannot otherwise be secured.

#### ARTICLE 6.

The Government of Canada undertake that the goods the growth, produce or manufacture of the United Kingdom enumerated in Schedule IV appended hereto, when conveyed without transshipment from any part of the British Empire enjoying the benefits of the British Preferential Tariff into a sea, lake or river port of Canada, shall not be subjected to duties of customs higher than those specified in that Schedule.

The Government of Canada undertake as regards goods the growth, produce or manufacture of the United Kingdom other than those enumerated in Schedule IV that, under the British Preferential Tariff, no new protective duty shall be imposed and



no existing protective duty increased except after an inquiry at which United Kingdom producers shall enjoy full rights of audience.

1ST SCH.  
--cont.

#### ARTICLE 7.

The Government of Canada undertake that goods the growth, produce or manufacture of the United Kingdom enumerated in Schedule IV, when not of a class or kind made in Canada and when subject to duties of customs on importation into Canada, shall, when conveyed without transshipment from any part of the British Empire enjoying the benefits of the British Preferential Tariff into a sea, lake or river port of Canada, enjoy the benefit of preferential tariff margins which, in the case of any such goods, shall not be less than the difference between the rate of duty provided for in this agreement and the rate of duty now levied upon like goods the growth, produce or manufacture of any foreign country, provided however that, if the duty on foreign goods becomes less than such preferential tariff margin, no duty shall be levied on the like goods of United Kingdom origin.

#### ARTICLE 8.

The Government of Canada undertake in respect of the goods the growth, produce or manufacture of the United Kingdom enumerated in Schedule V appended hereto that the difference between the rates of duties of customs on such goods on importation into Canada, when conveyed without transshipment from any part of the British Empire enjoying the benefits of the British Preferential Tariff into a sea, lake or river port of Canada, and the rates upon similar goods the growth, produce or manufacture of any foreign country shall not be less than the margins set out in that Schedule.

#### ARTICLE 9.

The two Governments undertake that, except as provided for in legislation already in force, goods the growth, produce or manufacture of either country covered by the provisions of Articles 1 and 2, or of the first paragraph of Article 6, as the case may be, shall not be subjected on importation into the other country to any imposts or charges other than the customs duties leviable in accordance with the provisions of the said Articles unless equal imposts or charges are imposed on similar goods the growth, produce or manufacture of the importing country.

#### ARTICLE 10.

Each Government reserve the right to suspend or modify the preferential margin specified in respect of any item in Schedule III or Schedule V, as the case may be, if, after inquiry, it appears to that Government that a predominating share of the trade in such

1st Sch.  
—cont.

item is controlled by any organisation or combine of exporters and that by virtue of the guaranteed margin that organisation or combine is exercising this control to the prejudice of consumers or users of the goods in question.

#### ARTICLE 11.

Neither Government will, without the consent of the other Government, amend their regulations regarding qualification for preferential tariff treatment so as to increase above fifty per centum the prescribed proportion of the value of any class of manufactured articles which must be derived from expenditure in the British Empire in order to entitle the articles to preference.

#### ARTICLE 12.

The Government of Canada, recognizing that the entry of Canadian goods into the United Kingdom market free of duty, as assured in Article 1 of this Agreement and, in particular, their exemption from liability to any special or dumping duty, even if sold in that market at less than their comparable selling price in Canada, warrant more nearly reciprocal treatment of United Kingdom goods offered for sale in similar circumstances in Canada, agree to exempt particular classes of United Kingdom goods from special or dumping duty under the conditions set out in the following paragraphs.

If it appears to the Government of the United Kingdom that any goods enjoying entry free of duty into the United Kingdom under the provisions of Article 1 of this Agreement are exported from Canada to the United Kingdom at export or selling prices lower than the fair market value for home consumption, as determined on the bases laid down in Section 6 of the Customs Tariff of Canada, and that in consequence thereof the sale of similar United Kingdom goods is being prejudicially or injuriously affected, they may notify the Government of Canada of the facts of the case and request that United Kingdom goods of each or any class or kind normally manufactured by the Canadian industry manufacturing the goods in question shall be exempt from special or dumping duty on importation into Canada.

On receipt of such notification and request the Government of Canada will take suitable steps to correct the situation complained of and, if other measures are ineffectual, will exempt United Kingdom goods, as specified in the notification, from special or dumping duty for such period as may prove necessary. Recognizing that in certain circumstances it may be found necessary to exempt from special or dumping duty other United Kingdom goods of a class or kind normally manufactured by the Canadian industry manufacturing the goods in question, the Government of Canada

agree that they will accord sympathetic consideration to any request that the United Kingdom Government may make under this Article for such exemption and will, in consultation with the United Kingdom Government, determine what measures shall be taken to restore fair trading conditions.

1ST SCH.  
—cont.

#### ARTICLE 13.

The Government of the United Kingdom will invite the Governments of the non-self-governing Colonies and Protectorates to continue to accord to Canada any preference which may for the time being be accorded to any other part of the British Empire :

Provided that the operation of this paragraph shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the High Commission Territories in South Africa.

The Government of Canada undertake to accord to those non-self-governing Colonies, Protectorates and Mandated Territories, to which the benefits of the British Preferential Tariff are at present accorded, and also to Malta, the benefit of any preferences for the time being accorded to any part of the British Empire :

Provided that nothing in this paragraph shall interfere with existing obligations or special arrangements already in force between Canada and other parts of the British Empire; and,

Provided further that the Government of Canada shall not be bound to continue to accord any preferences to any Colony or Protectorate which, not being precluded by international obligations from according preferences, either (i) accords to Canada no preferences, or (ii) accords to some other part of the British Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the High Commission Territories in South Africa) preferences not accorded to Canada.

#### ARTICLE 14.

The Government of Canada undertake to accord to goods the growth, produce or manufacture of any of the non-self-governing Colonies, Protectorates or Mandated Territories of Togoland under British Mandate, the Cameroons under British Mandate, the Tanganyika Territory or Palestine, treatment not less favourable than that accorded to similar goods the growth, produce or manufacture of any foreign country.

1ST SCH.  
—cont.

## ARTICLE 15.

The Government of the United Kingdom will invite the Governments of the Colonies and Protectorates shown in Schedule VI appended hereto to continue in operation the preferences accorded to Canada on the commodities and at the rates shown in that Schedule, and the Government of Canada will continue in operation the preferences accorded to the Colonies, Protectorates and Mandated Territories by Canada as set out in Schedule VII appended hereto :

Provided that the Government of Canada shall not be bound to continue to accord any preferences to any Colony or Protectorate which, not being precluded by international obligations from according preferences, either (i) accords to Canada no preferences, or (ii) accords to some other part of the British Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the High Commission Territories in South Africa) preferences not accorded to Canada ; and,

Provided further that, in the event of the denunciation and termination of the Canada–West Indies Trade Agreement dated the 6th July, 1925, either Government shall be at liberty, on giving at least six months' notice, to terminate the provisions of this Article not earlier than the termination of that Agreement.

## ARTICLE 16.

In the event of circumstances arising which in the judgment of the Government of the United Kingdom or of the Government of Canada, as the case may be, necessitate a variation in the terms of this Agreement, the proposal to vary those terms shall be the subject of consultation between the two Governments.

## ARTICLE 17.

The Agreement will come into force on a date to be mutually agreed between the two Governments. On the coming into force of the present Agreement, the Agreement concluded between the two Governments at Ottawa on the 20th August, 1932, shall cease to have effect. Pending the coming into force of the present Agreement, the two Governments will apply its provisions as far as may be possible and will consult together with regard to the dates on which particular provisions of the 1932 Agreement shall be deemed to have been replaced by provisions of the present Agreement. The Agreement will remain in force until the 20th August, 1940. Unless six months before the 20th August, 1940, notice of termination shall have been given by either Government

to the other, the Agreement will remain in force until the expiry of six months from the date on which a notice of termination is given.

1ST SCH.  
—cont.

Done in duplicate, at Ottawa, this twenty-third day of February, 1937.

Signed on behalf of the Government of the United Kingdom.

F. L. C. FLOUD.

Signed on behalf of the Government of Canada.

W. L. MACKENZIE KING.

CHAS. A. DUNNING.

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### SCHEDULE I.

(See Article 1.)

As regards eggs, poultry, butter, cheese and other milk products, the Government of the United Kingdom reserve to themselves the right, if they consider it necessary in the interests of the United Kingdom producer to do so, to review at any time the basis of preference so far as relates to the articles above enumerated and after notifying the Canadian Government either to impose a preferential duty on Canadian produce whilst maintaining preferential margins, or in consultation with the Canadian Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

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### SCHEDULE II.

(See Article 2.)

Article.	Rate of Duty.
Motor cars (including motor bicycles and motor tricycles) and accessories and component parts of motor cars, motor bicycles and motor tricycles.	22 $\frac{2}{3}$ per cent. ad valorem.
Stockings and socks of natural silk or where the value of the natural silk component exceeds 20 per cent. of the aggregate of the values of all the components of the article.	28 $\frac{8}{9}$ per cent. ad valorem, or 8s. per lb., whichever is the greater.
Reed organs (including harmoniums) complete.	Free.

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1st SCH.  
—cont.

## SCHEDULE III.

(See Article 3.)

Article.	Margin of Preference.
Wheat, in grain - - - - -	2s. per quarter.
Butter - - - - -	15s. per cwt.
Cheese - - - - -	15% ad valorem.
Apples, raw (excluding apples con- signed direct to a registered cider manufacturer for use in making cider).	4s. 6d. per cwt.
Pears, raw - - - - -	4s. 6d. per cwt.
Apples, canned - - - - -	3s. 6d. per cwt., in addition to the difference in the rates of duty in respect of sugar content.
Eggs in shell—	
(a) not exceeding 14 lbs. in weight per great hundred.	1s. per great hundred.
(b) over 14 lbs., but not exceeding 17 lbs.	1s. 6d. per great hundred.
(c) over 17 lbs. - - - - -	1s. 9d. per great hundred.
Condensed milk, whole, sweetened or slightly sweetened.	5s. per cwt., in addition to the difference in the rates of duty in respect of sugar content.
Condensed milk, whole, not sweetened.	6s. per cwt.
Milk powder and other preserved milk excluding condensed milk, not sweetened.	6s. per cwt.
Honey - - - - -	7s. per cwt.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods.	2d. per lb.
Timber of all kinds imported into the United Kingdom in substan- tial quantities from Canada, in so far as now dutiable.	10% ad valorem.
Fish, fresh sea, excluding fish livers	10% ad valorem.
Chilled or frozen salmon - - - - -	1½d. per lb.
Salmon, canned - - - - -	10% ad valorem.
Other fish, canned - - - - -	10% ad valorem.

Article.	Margin of Preference.	1st Sch. —cont.
Asbestos - - - - -	10% ad valorem.	
Zinc - - - - -	10% ad valorem.	
Lead - - - - -	10% ad valorem.	
Patent leather not forming part of another article and goods composed wholly of patent leather.	15% ad valorem.	

### SCHEDULE IV.

(See Article 6.)

*Note.*—The rates of duty set out below will be subject to discounts in accordance with the provisions of Section 5 of the Customs Tariff.

Tariff Item.	Article.	Rate of duty.
ex8	Extracts of meat and fluid beef, not medicated - - -	10 p.c.
20a	Butter produced from the cocoa bean - - -	Free.
23	Preparations of cocoa or chocolate, n.o.p., and confectionery, coated with or containing chocolate, the weight of the wrappings and cartons to be included in the weight for duty - - - and per pound	12½ p.c. 2½ cts.
34	Mustard, ground - - - - -	17½ p.c.
41	Salt, n.o.p., in bags, barrels and other coverings - Bags, barrels, and other usual coverings used in the importation of the salt specified in this item - - -	Free.
65	Biscuits, not sweetened - - - - -	12½ p.c.
65a	Diabetic breads and biscuits, under regulations prescribed by the Minister - - - - -	Free.
66a	Biscuits, sweetened or unsweetened, valued at not less than 20 cents per pound wholesale, f.o.b. any port in the United Kingdom, said value to be based on the net weight and to include the value of the usual retail package - - - - -	Free.
ex82	(d) Rosebushes, n.o.p. - - - - - each	1½ cts.
ex90	Vegetables, prepared or preserved :— (b) Pickled or preserved in salt, brine, oil or in any other manner, n.o.p. - - - - -	15 p.c.
105d	Jellies, jams, marmalades, preserves, fruit butters and condensed mince meats - - - per pound	2 cts.
105e	Fruits and peels, crystallized, glacé, candied or drained; cherries and other fruits of crème de menthe, maraschino or other flavour - - -	20 p.c.
ex120	Herring (not including kippered herring in sealed containers) packed in oil or otherwise, in sealed containers - - - - -	20 p.c.
123	Salmon and all other fish, prepared or preserved, including oysters, n.o.p. - - - - -	17½ p.c.

1st SCH.  
—cont.

Tariff Item.	Article.	Rate of duty.
141	Sugar candy and confectionery, n.o.p., including sweetened gums, candied pop-corn, candied nuts, flavouring powders, custard powders, jelly powders, sweet-meats, sweetened breads, cakes, pies, puddings and all other confections containing sugar, the weight of the wrappings and cartons to be included in the weight for duty per pound	¼ ct. 15 p.c.
143a	Cigarettes, the weight of the paper covering to be included in the weight for duty - per pound	\$3.50.
144	Cut tobacco - - - - - per pound	80 cts.
145	Manufactured tobacco, n.o.p., and snuff per pound	75 cts.
147	Ale, beer, porter and stout, when imported in bottles - - - - - per gallon Provided, that six quart bottles or twelve pint bottles shall be held to contain one gallon.	15 cts.
152	Lime juice, fruit syrups and fruit juices, n.o.p. -	15 p.c.
156	Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; whisky and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirits or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent. of proof spirit, per gallon of the strength of proof - Provided, as to all goods specified in Item No. 156 when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of 15 per cent. under proof.	\$5.00.
159	Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as essences, extracts, or ethereal and spirituous fruit essences, n.o.p. - per gallon and	\$5.00. 30 p.c.
160	Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, lotions, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind :— (a) when in bottles or flasks containing not more than four ounces each - - - - - (b) when in bottles, flasks or other packages, containing more than four ounces each per gallon	30 p.c. \$5.00.



1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
168	Malt flour containing less than 50 per centum in weight of malt; malt syrup or malt syrup powder; extracts of malt, fluid or not; grain molasses—all articles in this item upon valuation without British or foreign excise duties, under regulations prescribed by the Minister . . .	25 p.c.
169	Books, viz. :—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, but not to include Christmas annuals, or publications commonly known as juvenile and toy books . . .	Free.
171	Books, printed, periodicals and pamphlets, or parts thereof, n.o.p., not to include blank account books, copy books, or books to be written or drawn upon . . .	Free.
178 178c }	Advertising and printed matter, viz. :—Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p. :— (i) when produced in countries entitled to the British Preferential Tariff and relating exclusively to products of such British countries, but not relating to Canadian products . . . (ii) n.o.p. . . . per pound	Free. 5 cts.
180	Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, n.o.p., engravings or prints or proofs therefrom, and similar works of art, n.o.p.; blue prints, building plans, maps, and charts, n.o.p. . . .	12½ p.c.
180c	Decalcomania transfers, when imported exclusively for use in the manufacture of vitreous enamelled products or of tableware of china, porcelain or semi-porcelain . . .	Free.
181a	Pictorial post-cards, greeting cards and similar artistic cards or folders . . .	20 p.c.
187	Albumenized and other papers and films chemically prepared for photographers' use, n.o.p. . . .	Free.
187a	Hypersensitive or supersensitive panchromatic films and infra-red films, unexposed, for aerial photography . . .	Free.

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
ex192	Electrical insulating pressboard, not less than .040 inch in thickness . . . . .	Free.
192b	Sandpaper, glass or flint paper, and emery paper or emery cloth . . . . .	12½ p.c.
192c	Roofing and shingles of saturated felt . . . . .	Free.
193	Paper sacks or bags of all kinds, printed or not . . . . .	15 p.c.
194	Playing cards, in packs or in sheet form, n.o.p.; cards and sheets partly lithographed or printed, for use in the manufacture of such playing cards . . . . .	15 p.c.
195	Paper hanging or wall papers, including borders or bordering . . . . .	17½ p.c.
ex197 } ex199 }	Hand-made papers, not to include mould-made deckle-edge papers, valued at not less than 40 cents per pound wholesale . . . . .	10 p.c.
197b	Wrapping paper of all kinds, not pasted, coated or embossed . . . . .	17½ p.c.
198	Ruled and border and coated papers, boxed papers, pads not printed, papier-mâché ware, n.o.p. . . . .	20 p.c.
199	Papeteries, envelopes, and all manufactures of paper, n.o.p. . . . .	20 p.c.
199c	Waxed stencil paper for use on duplicating machines . . . . .	10 p.c.
200a	Regenerated cellulose, and cellulose acetate, transparent, in sheets, not printed, and manufactures of regenerated cellulose or of cellulose acetate, n.o.p. . . . .	20 p.c.
203a	Chemical compounds composed of two or more acids or salts soluble in water, adapted for dyeing or tanning . . . . .	Free.
203b	Aniline and coal tar dyes, adapted for dyeing, in bulk, or in packages of not less than one pound . . . . .	Free.
206a	Biological products, animal or vegetable, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of man, when manufactured under licence of the Department of Pensions and National Health under regulations prescribed by the Food and Drugs Act; and biological products, animal or vegetable, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of animals or poultry, when imported under permit of the Veterinary Director General . . . . .	Free.
ex208a	Chloride of lime and hypochlorite of lime :— 1. When in packages of not less than twenty-five pounds weight each . . . . .	Free.
208e	Cresylic acid and compounds of cresylic acid, used in the process of concentrating ores, metals or minerals, n.o.p. . . . .	Free.
208j	Sal ammoniac and nitrate of ammonia . . . . .	Free.
208l	Bichloride of tin and tin crystals . . . . .	Free.
208m	Sulphate of copper (blue vitriol) . . . . .	Free.
208n	Sulphate of iron (copperas) . . . . .	Free.
208o	Cream of tartar in crystals and tartaric acid crystals . . . . .	Free.
208r	Oxide of tin or of copper . . . . .	Free.

Tariff Item.	Article.	Rate of duty.	1st Sch. — cont.
208s	Sulphate of zinc and chloride of zinc . . . . .	Free.	
208t	All chemicals and drugs, when of a kind not produced in Canada, which were on August 20, 1932, dutiable at rates of 15, 25, and 25 p.c., under Tariff Item 711 . . . . .	Free.	
209c	Bichromate of potash, crude; red and yellow prussiate of potash . . . . .	Free.	
210	Peroxide of soda; silicate of soda in crystals or in solution; bichromate of soda; nitrate of soda or cubic nitre, n.o.p.; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda; prussiate of soda and sulphite of soda . . . . .	Free.	
210d	Sodium, sulphate of, crude, or salt cake - per pound	$\frac{1}{2}$ ct.	
212	Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined . . . . .	Free.	
215	Stearic acid, n.o.p. . . . .	Free.	
216	Acids, n.o.p., of a kind not produced in Canada . . . . .	Free.	
218	Acid phosphate, not medicinal . . . . .	Free.	
219	(i) Solutions of peroxides of hydrogen, n.o.p. . . . . (ii) Solutions of hydrogen peroxide containing 25 per centum or more by weight of hydrogen peroxide . . . . .	12 $\frac{1}{2}$ p.c. Free.	
219c	Non-alcoholic preparations or chemicals, such as are used for disinfecting, dipping or spraying, when in packages not exceeding three pounds each, in weight, the weight of such packages to be included in the weight for duty . . . . .	5 p.c.	
219d	Sulphuric ether; chloroform, n.o.p.; preparations of vinyl ether for anæsthetic purposes . . . . .	Free.	
ex220	All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n.o.p. :— (a) When dry . . . . . (b) Liquid, when containing not more than two and one-half per centum of proof spirit . . . . .	17 $\frac{1}{2}$ p.c. 20 p.c.	
228	Soap powders, powdered soap, mineral soap, and soap, n.o.p. . . . .	20 p.c.	
229	Soap, common or laundry, per one hundred pounds	50 cts.	
230	Castile soap . . . . .	Free.	
232	Glue, liquid, powdered or sheet, and gelatine, n.o.p. and per pound	17 $\frac{1}{2}$ p.c. 2 cts.	
232c	Gelatine, edible . . . . .	10 p.c.	
ex232d	Mucilage and adhesive paste . . . . . and per pound	15 p.c. 1 $\frac{1}{2}$ cts.	
234	Perfumery, including toilet preparations, non-alcoholic, viz., hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin . . . . .	15 p.c.	

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
236	Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, woven fabric of cotton weighing not more than seven and one-half pounds per one hundred square yards, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, spinal braces and abdominal supports -	10 p.c.
238a	Manufactures of celluloid, or of which celluloid is the component of chief value, n.o.p. - - -	10 p.c.
240	Ultramarine blue, dry or in pulp; whitening or whitening; Paris white and gilders' whitening; blanc fixé; satin white - - - - -	Free.
241a	Litharge, other than for battery purposes - -	Free.
242	Dry red lead; orange mineral; antimony oxide, titanium oxide, and zinc oxide such as zinc white and lithopone; white pigments containing not less than 14 per cent. by weight of titanium dioxide - - - - -	Free.
243	Dry white lead - - - - -	15 p.c.
244	White lead ground in oil - - - - -	20 p.c.
245	Ochres, ochrey earths, siennas and umbers - -	5 p.c.
246	Oxides, fireproofs, rough stuff, fillers, laundry blueing, and colours, dry, n.o.p. - - - -	12½ p.c.
246b	Stains and oxides, valued at not less than 20 cents per pound, for use exclusively as colouring constituents in the manufacture of vitreous enamels and pottery glazes; and liquid gold paint, for use exclusively in the manufacture of tableware of china, porcelain or semi-porcelain - - -	Free.
247	Liquid fillers, anti-corrosive and anti-fouling paints, and ground and liquid paints, n.o.p. - - -	17½ p.c.
ex247 } 247a }	Artists' and school children's colours; fitted boxes containing the same; artists' brushes; pastels, of a value of one cent per stick, or over; artists' canvas, coated and prepared for oil painting -	Free.
248	Paints and colours, ground in spirits, and all spirit varnishes and lacquers - - - per gallon	75 cts.
249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n.o.p. - - - per gallon and	15 cts. 10 p.c.
250	Paris green, dry - - - - -	Free.
252	Shoe blacking; shoemakers' ink; shoe, harness and leather dressing, and knife or other polish or composition, n.o.p. - - - - -	12½ p.c.
254	Gums, viz.:—Australian, copal, damar, elemi, kaurie, mastic, sandarac, Senegal, tragacanth, gедda, and barberry; gum chicle or sappato gum, crude; lac, crude, seed, button, stick and shell; ambergris; Pontianac - - - - -	Free.
256	Printing ink - - - - -	12½ p.c.
259a	Sesame seed oil, crude - - - - -	Free.

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
264	Essential oils, n.o.p., including bay oil, otto of limes, and peppermint oil - - - - -	Free.
ex265a	Halibut liver oil, crude or refined - - - - -	Free.
265b	Cod liver oil, crude or refined - - - - -	Free.
276b	Cotton seed and crude cotton seed oil, when imported by manufacturers of cotton seed meal and refined cotton seed oil, for use exclusively in the manufacture of such commodities, in their own factories - - - - -	Free.
277	Palm and palm kernel oil, unbleached or bleached, not edible; shea butter - - - - -	Free.
278	Oils, viz.:—cocoanut, palm and palm kernel, not edible, for manufacturing soap; carbohc or heavy oil - - - - -	Free.
278b	Crude peanut oil, for refining for edible purposes, used as materials in Canadian manufactures - - - - -	Free.
278c	Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil - - - - -	Free.
278d	Olive oil for manufacturing soap or tobacco or for canning fish; olive oil for use in the processing of textile fibres, including the finishing of fabrics - - - - -	Free.
ex282a	Firebrick, n.o.p. - - - - -	7½ p.c.
284	Drain pipes, sewer pipes and earthenware fittings therefor, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, n.o.p.; earthenware tiles, n.o.p. - - - - -	20 p.c.
285	Tiles or blocks of earthenware or of stone prepared for mosaic flooring - - - - -	15 p.c.
286	Earthenware and stoneware, viz.:—demijohns, churns or crocks, n.o.p. - - - - -	20 p.c.
287	All tableware of china, porcelain, semi-porcelain, or white granite, but not to include tea-pots, jugs and similar articles of the type commonly known as earthenware - - - - -	Free.
288	Stoneware and Rockingham ware and earthenware, n.o.p. - - - - -	20 p.c.
288a	Chemical stoneware composed of a non-absorbent vitrified body specially compounded to resist acids or other corrosive reagents - - - - -	Free.
288b	Hand forms of porcelain, when imported by manufacturers for use exclusively in the manufacture of rubber gloves in their own factories - - - - -	Free.
289	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of earthenware, stone, cement, clay or other material, n.o.p. - - - - -	15 p.c.
296c	Magnesium carbonate, imported for use in the compounding or manufacture of rubber products - - - - -	Free.
300	Crucibles of clay, sand or plumbago - - - - -	Free.
312a	Asbestos in any form other than crude, and all manufactures thereof, when made from crude asbestos of Empire origin, n.o.p. - - - - -	Free.

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
316a	Incandescent lamp bulbs and glass tubing for use in the manufacture of incandescent lamps, and mantle stocking for gas light - - -	Free.
318	Common and colourless window glass - - -	Free.
319	Glass, in sheets, and bent plate glass, n.o.p. - - -	Free.
320	Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p. - - -	Free.
321	Plate glass, not bevelled, in sheets or panes, exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p. - - -	Free.
322	Plate glass, n.o.p. - - -	17½ p.c.
323	Silvered glass, bevelled or not and framed or not, n.o.p. - - -	20 p.c.
326 } ex326a }	(i) Demijohns or carboys, bottles, flasks, phials, jars and balls, of glass, not cut, n.o.p.; lamp chimneys of glass, n.o.p.; decanters and machine-made tumblers of glass, not cut nor decorated, n.o.p. -	15 p.c.
	(ii) Opal glassware, glass tableware, cut glassware and illuminating glassware, n.o.p. - - -	10 p.c.
326a	Manufactures of glass, n.o.p. - - -	10 p.c.
326e	Articles of glass, not plate or sheet, designed to be cut or mounted; articles of glassware, when imported by manufacturers of silverware to be used in receptacles made of, or electro-plated with, precious metals, in their own factories - - -	Free.
326g	High thermal shock-resisting glassware - - -	Free.
339a	Lead capsules for bottles - - -	Free.
340	Type for printing, including chases, quoins and slugs, of all kinds - - -	7½ p.c.
341	Babbit metal and type metal, in blocks, bars, plates and sheets - - -	10 p.c.
ex352 } ex427 } ex445k } ex446a } ex462 } ex352 } ex362 } ex519 } ex597a } ex624 } ex647 } et al. } 353 }	Fixed or stationary meters, of a size or capacity not made in Canada, for hydraulic engineering; gauges, indicators and recorders for water or other liquid levels, volume or flow, of a class or kind not made in Canada - - -	Free.
	Antiquities (other than spirits or wines) produced more than 100 years prior to date of importation, under such regulations, including proof of antiquity, as may be prescribed by the Minister -	Free.
	Aluminum and alloys thereof, crude or semi-fabricated, viz. :—pigs, ingots, blocks, notch bars, slabs, billets and blooms; bars, rods and wire; angles, channels, beams, tees and other rolled or drawn sections and shapes; pipes and tubes; plates, sheets and strips, including circles; leaf, n.o.p., or foil, less than .005 inch in thickness, plain or embossed, with or without backing; wire and cable, twisted or stranded, reinforced with steel or not; aluminum powder - - -	Free.

Tariff Item.	Article.	Rate of duty.	1st Sch. —cont.
353a	Aluminum leaf, less than .005 millimetres in thickness; aluminum scrap . . . . . Provided, that nothing shall be deemed to be aluminum scrap except waste or refuse aluminum, fit only to be re-melted.	Free.	
354	Manufactures of aluminum, n.o.p. . . . .	15 p.c.	
354a	Kitchen or household hollow-ware of aluminum, n.o.p. . . . .	20 p.c.	
357	Britannia metal, nickel silver, Nevada and German silver, manufactures of, not plated, n.o.p. . . . .	15 p.c.	
361	Gold and silver leaf; Dutch or schlag metal leaf; brocade and bronze powders . . . . .	15 p.c.	
362	Articles consisting wholly or in part of sterling or other silverware, n.o.p.; manufactures of gold or silver, n.o.p. . . . .	20 p.c.	
362b	Toilet articles of all kinds, including atomizers, brushes, buffers, button hooks, combs, cuticle knives, hair receivers, hand-mirrors, jewel boxes, manicure scissors, nail files, perfume bottles, puff jars, shoe horns, trays and tweezers, of which the manufactured component material of chief value is sterling silver . . . . .	17½ p.c.	
362c	Nickel-plated ware, gilt or electro-plated ware, n.o.p. . . . .	17½ p.c.	
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases . . . . .	15 p.c.	
369	Parts of clock movements or of clockwork mechanisms, finished or unfinished, not including plates . . . . .	10 p.c.	
370	Copper rollers, and stones, used in the printing of textile fabrics or wall paper . . . . .	Free.	
ex377a } et al. }	Wrought iron in the form of billets, bars, rods, sheets, strips, plates or skelp . . . . .	Free.	
377c	Ingots, cogged ingots, blooms, slabs, billets, n.o.p., of iron or steel, of a class or kind not made in Canada, when imported by manufacturers of forgings for use exclusively in the manufacture of forgings, in their own factories, under regulations prescribed by the Minister . . . . .	Free.	
ex378	(b) Not further processed than hammered or pressed, n.o.p. . . . . (c) Cold rolled, drawn, reeled, turned or ground, n.o.p. . . . . (d) Hot rolled, valued at not less than 4 cents per pound, n.o.p. . . . .	10 p.c. 10 p.c. Free.	
ex378a	Bars or rods, of iron or steel, hot rolled, viz. :— Rounds over 4½ inches in diameter and squares over 4 inches . . . . .	Free.	

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
ex379	Bars or rods, of iron or steel, including billets weighing less than 60 pounds per lineal yard, hot rolled, as hereunder defined, under regulations prescribed by the Minister :— (e) Bars of iron or steel, hot rolled, 5 inches in diameter and larger, when imported by manufacturers of polished shafting for use in their own factories . . . . . (f) Sash or casement sections of iron or steel, hot or cold rolled, not punched, drilled nor further manufactured, when imported by manufacturers of metal window frames, for use in their own factories - . . . . .	Free. Free.
380	Plates of iron or steel, hot or cold rolled :— (a) Not more than 66 inches in width, n.o.p. . . . . (b) More than 66 inches in width, n.o.p. . . . . (c) Flanged, dished or curved, n.o.p. . . . . (d) With chequer, diamond or other raised pattern on contact surface . . . . .	per ton \$4.25. Free. 5 p.c. Free.
ex381	Sheets, of iron or steel, hot or cold rolled :— (a) .080 inch or less in thickness, n.o.p. . . . .	7½ p.c.
382	Hoop, band or strip, of iron or steel :— (a) Hot rolled, .080 inch or less in thickness, n.o.p. . . . . (b) Hot rolled, more than .080 inch in thickness n.o.p. . . . . (c) Cold rolled or cold drawn, .080 inch or less in thickness, n.o.p. . . . . (d) Cold rolled or cold drawn, more than .080 inch in thickness, n.o.p. . . . .	5 p.c. \$3.00. 7½ p.c. 12½ p.c.
383	Sheets, plates, hoop, band or strip, of iron or steel :— (a) Coated with tin, of a class or kind not made in Canada, n.o.p. . . . . (b) Coated with tin, n.o.p. . . . . (c) Coated with zinc, n.o.p. . . . . (d) Coated with metal or metals, n.o.p. . . . . (e) Coated with paint, tar, asphaltum or otherwise coated, n.o.p. . . . . (f) Coated with vitreous enamel, n.o.p. . . . . (g) Corrugated, coated or not . . . . .	Free. Free. 7½ p.c. 5 p.c. 5 p.c. 10 p.c. 10 p.c.
385	Sheets, plates, hoop, band or strip, of iron or steel, hot rolled, valued at not less than five cents per pound, n.o.p. . . . .	Free.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound . . . . .	Free.



Tariff Item.	Article.	Rate of duty.
ex386	<p>Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister :—</p> <p>(a) Plates, when imported by manufacturers for use exclusively in the manufacture or repair of the pressure parts of boilers, pulp digesters, steam accumulators and vessels for the refining of oil, in their own factories . . . . .</p> <p>(h) Sheets, plates, hoop, band or strip, hardened, tempered or ground, not further manufactured than cut to shape, without indented edges, when imported by manufacturers of saws for use exclusively in the manufacture of saws, in their own factories . . . . .</p> <p>(m) (i) Sheets of iron or steel, cold rolled, when imported by manufacturers for use exclusively in the manufacture of sheets coated with tin . . . . .</p> <p>(ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories . . . . .</p> <p>(p) Sheets of iron or steel, hot or cold rolled, with silicon content of .075 p.c. or more, when imported by manufacturers of electrical apparatus, for use in the manufacture of electrical apparatus in their own factories . . . . .</p> <p>(q) Hoop steel, hot or cold rolled, plain or coated, .064 inch or less in thickness, not more than three inches in width, when imported by manufacturers of barrels or kegs or by manufacturers of flat hoops for barrels and kegs, for use exclusively in their own factories . . . . .</p>	<p>Free.</p> <p>Free.</p> <p>Free.</p> <p>Free.</p> <p>5 p.c.</p> <p>Free.</p> <p>Free.</p>
387c	<p>Steel grooved (or girder) rails for electric tramway use, weighing not less than 75 pounds per lineal yard, punched, drilled, or not, of shapes and lengths not made in Canada . . . . .</p>	<p>Free.</p>
388	<p>Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p. ; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p. . . . .</p>	<p>Free.</p>

1st Sch.  
—cont.

1ST SCH.  
—cont.

Tariff Item.	Article.	Rate of duty.
388b	Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p. per ton	\$4.00.
388d	Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees and other shapes or sections, punched, drilled or further manufactured than hot rolled or cast, n.o.p. - -	20 p.c.
388e	Iron or steel side or centre sill sections, of all sizes not manufactured in Canada, weighing not less than 35 pounds per lineal yard, not punched, drilled or further manufactured, when imported by manufacturers of railway cars, for use in their own factories - - - - -	Free.
390c	Piston ring castings of steel, in the rough as from the moulds - - - - -	Free.
392	Forgings, of iron or steel, in any degree of manufacture, n.o.p. - - - - -	17½ p.c.
ex392 } 392a }	Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, of a weight of 20 tons or over - -	Free.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders - - - - -	Free.
ex394	Axles and axle bars, n.o.p., and axle blanks, and parts thereof, of iron or steel :— (a) For railway vehicles, including locomotives and tenders - - - - -	7½ p.c.
396	Pipe, cast, of iron or steel, valued at not more than five cents per pound - - - - - per ton	\$5.00.
396a	Pipe, cast, of iron or steel, n.o.p. - - - - -	Free.
ex397	Pipes and tubes, of wrought iron or steel, plain or coated :— (c) Not joined, with plain ends, not more than 2½ inches in diameter, n.o.p. - - - - - (d) N.o.p. - - - - -	5 p.c. 12½ p.c.
ex397b } 398a }	Pipes and tubes of iron or steel, seamless, cold drawn, plain ends, polished, valued at not less than five cents per pound; steel tubes, welded or seamless, more than 10½ inches in diameter, with plain ends, when imported for use exclusively in the manufacture or repair of rolls for paper-making machinery - - - - -	Free.

Tariff Item.	Article.	Rate of duty.	1st Sch. —cont.
401	Wire, of iron or steel :— (a) Barbed fencing, coated or not - - - - (b) Twisted, braided or stranded, including wire rope or cable, coated or not, n.o.p. - (c) Drawn flat or cold rolled flat after drawing, coated or not, n.o.p., not more than .25 inch in width and less than .1875 inch in thickness - - - - (d) Coated with zinc or spelter, curved or not, in coils, .144, .104, or .092 inch in diameter, with tolerance not to exceed .004 inch, and not for use in telegraph or telephone lines, n.o.p. - - - - (e) Coated with zinc or spelter, n.o.p. - - - - (f) Single or several, coated, n.o.p., or covered with any material, including cable so covered - - - - (g) N.o.p. - - - -	Free. 15 p.c. 7½ p.c. Free. 10 p.c. 15 p.c. 15 p.c.	
402a	Woven or welded wire fencing, of iron or steel, coated or not, n.o.p.; wire cloth or wire netting, of iron or steel, coated or not - - - -	20 p.c.	
402b	Woven netting, of iron or steel, coated, made from wire of 17 gauge or heavier, with meshes not smaller than one inch and not larger than two inches, with specially strengthened joints, when for use exclusively on fur farms, under regulations prescribed by the Minister - - - -	12½ p.c.	
406	Coil chain, coil chain links, including repair links, and chain shackles, of iron or steel :— (a) One and one-eighth inches in diameter and over - - - - (b) Less than one and one-eighth inches in diameter - - - -	Free. 15 p.c.	
407	Silent chain and finished roller chain, of iron or steel and complete parts thereof, of a class or kind not made in Canada, n.o.p., either chain of the type which operates over gears or sprockets with machine cut teeth - - - -	Free.	
407a	Chains, of iron or steel, n.o.p., and complete parts thereof - - - -	15 p.c.	
408	Malleable sprocket chain and link belting chain of iron or steel, including roller chain of all kinds for operating on steel sprockets or gears, when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories, under regulations prescribed by the Minister -	Free.	
409	Cream separators and complete parts therefor, including steel bowls - - - -	Free.	
409m	Internal combustion traction engines; traction attachments designed to be combined with automobiles in Canada for use as traction engines; complete parts of all the foregoing - - - -	Free.	

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
410b	Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter - -	Free.
410l	Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining metallurgical or quarrying operations.	5 p.c.
410n	Diamond drills and core drills, not including motive power, electrically operated rotary coal drills, and coal cutting machines, n.o.p., and integral parts of the foregoing, for use exclusively in mining operations - - - - -	Free.
410u	Blowers, of iron or steel, n.o.p., for use in the smelting of ores, or in reduction, separation or refining of metals, ores or minerals; rotary kilns, revolving roasters and furnaces of metal, n.o.p., for use in the roasting of ore, mineral, rock or clay; furnace slag trucks and slag pots, n.o.p.; and integral parts of all the foregoing -	12½ p.c.
410z	Machinery and apparatus, n.o.p., and complete parts thereof, for the recovery of solid or liquid particles from flue or other waste gases at metallurgical or industrial plants, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter - -	5 p.c.
412b	Flat bed cylinder printing presses, to print sheets of a size 25 by 38 inches or larger, and complete parts thereof; machines designed to fold or sheet-feed paper or cardboard, and complete parts thereof - - - - -	Free.
412d	Offset presses; lithographic presses; printing presses and typemaking accessories therefor, n.o.p.; complete parts of the foregoing, not to include saws, knives and motive power - -	Free.
414	Typewriters and complete parts thereof - -	Free.
414c	Adding, bookkeeping, calculating and invoicing machines and complete parts thereof, n.o.p. -	Free.
415	Electric vacuum cleaners and attachments therefor; hand vacuum cleaners; and complete parts of all the foregoing, including suction hose, n.o.p. -	5 p.c.
415d	Sewing machines, with or without motive power incorporated therein; complete parts of sewing machines - - - - -	5 p.c.
422	Street or road rollers and complete parts thereof -	Free.
424	Fire engines and other fire extinguishing machines; chassis for same; complete parts other than chassis parts - - - - -	Free.
425	Lawn mowers - - - - -	10 p.c.

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
427	All machinery composed wholly or in part of iron or steel, n.o.p., and complete parts thereof - - -	10 p.c.
ex427 } ex446a } et al. }	Motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, motion picture screens, portable motion picture projectors complete with sound equipment; complete parts of all the foregoing, not to include electric light bulbs, tubes, or exciter lamps - - - - -	Free.
427a	All machinery composed wholly or in part of iron or steel, n.o.p., of a class or kind not made in Canada; complete parts of the foregoing - - -	Free.
427b	Ball and roller bearings - - - - -	Free.
427c	Machinery for dairying purposes, viz. :—power churns, power milk coolers, power fillers and cappers, power ice cream mixers, power butter printers, power cream savers, power bottle sterilizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing machinery to include motive power - - -	Free.
427d	Machines designed for making rigid composite box ends of wood—consisting of a centre with separate nailing edges attached—from scrap or waste mill stock, and complete parts thereof, not to include motive power - - - - -	Free.
427e	Automatic machines for making and packaging cigarettes, not to include tobacco preparing machines - - - - -	Free.
428d	Magnetos and complete parts thereof, when imported by manufacturers of internal combustion engines, for use exclusively in the manufacture of such internal combustion engines, in their own factories - - - - -	Free.
428e	Diesel and semi-diesel engines, and complete parts thereof, n.o.p. - - - - -	Free.
428f	Air-cooled internal combustion engines of not greater than 1½ h.p. rating, and complete parts thereof - - - - -	Free.
ex429	Cutlery of iron or steel, plated or not :— (b) Table knives and table forks - - - - - (c) Penknives, jack-knives and pocket knives of all kinds - - - - - (d) Knives, n.o.p. - - - - - (e) Spoons - - - - - (f) Scissors and shears, n.o.p.- - - - - (g) Razor blades; razors and complete parts thereof - - - - -	15 p.c. Free. Free. 15 p.c. Free. Free.
430	Nuts and bolts with or without threads, washers, rivets, of iron or steel, coated or not, n.o.p.; nut and bolt blanks, of iron or steel, per one hundred pounds and	25 cts. 7½ p.c.

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
430a	Hinges and butts, of iron or steel, coated or not, n.o.p.; hinge and butt blanks, of iron or steel, per one hundred pounds	75 cts. 5 p.c.
ex431b	Adzes, anvils, vises, cleavers, hatchets, saws, augers, bits, drills, screw-drivers, planes, spokeshaves, chisels, mallets, metal wedges, wrenches, sledges, hammers, crowbars, cantdogs, and track tools, picks, mattocks, and eyes or polls for the same	10 p.c. Free.
ex431b	Files and rasps	Free.
431c	Machinists' or metal workers' precision tools and measuring instruments, viz.:—Calipers, micrometers, metal protractors and squares, bevels, verniers, gauges, gauge blocks, parallels, buttons, mercury plumb bobs, dividers, trammels, scribes, center punches, pocket speed indicators, straight edges, key seat clamps and other clamps and vises used by toolmakers for precision work, precision tools and measuring instruments, n.o.p.	Free.
431d	Engineers', surveyors' and draughtsmen's precision instruments and apparatus, viz.:—Alidades; altazimuth surveying instruments; aneroid barometers, engineering, military and surveying; angle prisms; boards, military sketching; box sextants; clinometers; compasses; cross staff heads; curves, adjustable, irregular, railroad and ship; curvimeters; drafting instruments of all kinds, including fitted cases containing the same; dipping needles; drafting machines; heliographs; integrators; levels, tripod and hand or pocket types; levelling rods; liners, section; meters, portable, for hydraulic engineering; pantographs; planimeters; protractors; parallel rulers; parallel ruling attachments; poles, ranging; pedometers and paceometers; plane tables, military and topographic; scales, flat and triangular; slide rules; splines; straight edges, steel and wooden; tacheometers; tallying machines, pocket; tee squares, steel and wooden; telemeters; theodolites; transits, tripod and hand or pocket types; triangles of all types; tripods for use with any of the foregoing instruments	Free.
431e	Measuring rules and tapes of all kinds	15 p.c.
432	Hollow-ware, of iron or steel, coated or not, n.o.p.	10 p.c.
432a	Kitchen and dairy hollow-ware of iron or steel, coated with tin, including cans for shipping milk or cream, not painted, japanned or decorated	15 p.c.
432b	Hollow-ware, of iron or steel, coated with vitreous enamel	17½ p.c.
432d	Manufactures of tinplate, painted, japanned, decorated or not, and manufactures of tin, n.o.p.	15 p.c.

Tariff Item.	Article.	Rate of duty.	1st Sch. —cont.
ex432d } ex339 }	Collapsible tubes of lead or tin or lead coated with tin - - - - -	10 p.c.	
433	Baths, bathtubs, basins, closets, lavatories, urinals, sinks, and laundry tubs of iron or steel, coated or not - - - - -	5 p.c.	
ex434 } 434a }	Motor rail cars or units for use on railways, and chassis for same; complete parts of the foregoing	Free.	
434b } ex438 }	Steel wheels for use on railway rolling stock - -	7½ p.c.	
ex435	Locomotives and motor cars for railways, of a class or kind not made in Canada, and complete parts thereof, for use exclusively in mining or metallurgical operations - - - - -	Free.	
ex438a	Automobiles and motor vehicles of all kinds, n.o.p.; chassis for the foregoing - - - Provided, that machines or other articles mounted on the foregoing or attached thereto for purposes other than for loading or unloading the vehicle shall be valued separately and duty assessed under the tariff items regularly applicable thereto.	Free	
ex438 } ex438a } ex711 }	Electric trackless trolley buses and chassis for same; complete parts of the foregoing - -	Free.	
438b	Bearings, clutch release; bearings, graphite; bearings, steel backed non-ferrous; bushings, graphited or oil impregnated; ceramic insulator spark plug cores, not further manufactured than burned and glazed, printed or decorated or not, without fittings; commutator copper segments; commutator insulating end rings; discs of hot rolled steel, spun or forged, with or without centre hole, for disc wheels; distributor rotors, cam assemblies and vacuum control assemblies; door bumper shoes; electric wiring terminals, sockets, fittings and connectors; gaskets of metal and asbestos, composite; ignition contact points; keys for shafting; lenses for head, tail, dome, signal and cowl or parking lamps; lock washers; piston ring castings in the rough, with or without gates and fins removed; steel bolts capped with stainless steel; switches for lamps, and parts thereof; vulcanized fibre in sheets, rods, strips and tubing; all the foregoing being of a class or kind not made in Canada, when for use in the manufacture of the automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424, or for use in the manufacture of parts thereof, or for the replacement or repair of automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 - -	Free.	

1st Sch.  
—cont.

Tariff Item.	Article.	Rate of duty.
438c	<p>Ammeters; arm rests and wheel housing lining of indurated fibre, pressed to shape; axle housings, one piece welded, machined or not; carburettors and parts thereof; chassis frames; cigar and cigarette lighters, including base and parts thereof; control ventilator gear box; cylinder lock barrels, with or without alvees and keys thereof; dash heat indicators; fuel pumps and parts thereof; gasoline gauges and parts thereof; hinges, finished or not, for bodies; horns and parts thereof; instrument bezel assemblies and parts thereof; instrument board lamps; locks, electric ignition, steering gear, transmission, or combinations of such locks, and parts thereof; mouldings of metal, with nails set in position, lead filled or not; oil filters and parts thereof; oil gauges and parts thereof; pipe lines, bent to shape and equipped with fittings or not, and tubing therefor, for fuel, air, or liquid for actuating hydraulic brakes; purifiers for air, and parts thereof; purifiers for oil and parts thereof; radiator grills, assembled or not, but not polished or plated, and not to include finish or decorative moulding; radiator ornaments, unplated; radiator shutter assemblies, automatic; radiator water gauges; radiator shells, not plated, nor metal finished in any degree; shackles, bearing spring and parts thereof; speedometers and parts thereof; spring covers of metal and closing strips or shapes therefor; stampings, body, cowl, hood, fender and instrument board, of metal, in the rough, trimmed or not, but not metal finished in any degree; starter switch assembly and parts thereof; steering wheels, and rims therefor; sun visor blanks of gypsum weatherboard; thermostats and parts thereof; throttle and spark buttons assemblies; vacuum tanks; windshield wipers and parts thereof; all the foregoing being of a class or kind not made in Canada, when imported for use in the manufacture of the automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 or for use in the manufacture of parts thereof, or for the replacement or repair of automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 -</p>	Free.
438d	<p>Front and rear axles; brakes; clutches; internal combustion engines; steering gears; magnetos; rims for pneumatic tyres larger than thirty inches by five inches; transmission assemblies; steel road wheels; and complete parts of the foregoing, all of a class or kind not made in Canada, when imported by manufacturers of automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 for use only in the manufacture of motor trucks or motor truck chassis -</p>	Free.



Tariff Item.	Article.	Rate of duty.	1st Sch.—cont.
438e	Parts, n.o.p., for automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424, not to include wireless receiving sets, die castings of zinc, electric storage batteries, parts of wood, tires and tubes or parts of which the component material of chief value is rubber :— (1) Brake linings and clutch facings whether or not including metallic wires or threads :— (a) when made from crude asbestos of Empire origin . . . . . (b) when made from crude asbestos of non-Empire origin . . . . . (2) Automobile and motor vehicle engines, stripped, n.o.p., and complete parts thereof, n.o.p. . . . . (3) Parts, n.o.p., not electro-plated, whether finished or not . . . . .	Free.  15 p.c.  Free.  Free.	
438f	Hot rolled strip of iron or steel with rolled or mill edge, not being of greater value than 2½ cents per pound, of a class or kind not made in Canada, when imported by manufacturers of automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 or by manufacturers of parts of automobiles, motor vehicles or chassis enumerated in tariff items 438a and 424 to be used in the manufacture of such automobiles, motor vehicles or chassis, or parts thereof, in their own factories	Free.	
438g	Motor cycles or side cars therefor, and complete parts of the foregoing . . . . .	Free.	
438h	Annular ball bearings and parts thereof, when imported for use only as original equipment in the manufacture of goods enumerated in tariff items 438a and 424, under regulations prescribed by the Minister . . . . .	Free.	
439f	Children's carriages, sleds and other vehicles; complete parts of all the foregoing . . . . .	15 p.c.	
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p. . . . .	Free.	
440l	Aircraft and complete parts thereof, not including engines, under regulations prescribed by the Minister . . . . .	Free.	
440m	Engines and complete parts thereof, when imported for use only in the equipment of aircraft . . . . .	Free.	
440n	Complete parts for repair of engines enumerated in tariff item 440m . . . . .	Free.	
441e	Guns and rifles of a class or kind not made in Canada	5 p.c.	
445c	(i) Electric telegraph apparatus and complete parts thereof . . . . . (ii) Electric telephone apparatus and complete parts thereof . . . . .	Free.  10 p.c.	
445d	Electric wireless or radio apparatus and complete parts thereof . . . . .	Free.	

1st SCH.  
—cont.

Tariff Item.	Article.	Rate of duty.
445f	Electric dynamos or generators and transformers, and complete parts thereof, n.o.p. - - -	15 p.c.
445g	Electric motors, and complete parts thereof, n.o.p.	15 p.c.
ex445k	Electrical instruments and apparatus of precision of a class or kind not made in Canada, viz.:—meters or gauges for indicating and/or recording altitude, amperes, comparisons, capacity, density, depth, distance, electrolysis, flux, force, frequency, humidity, inductance, liquid levels, ohms, operation, power factor, pressure, space, speed, stress, synchronism, temperature, time, volts, volume, watts; complete parts thereof - - -	Free.
445l	Electric storage batteries, composed of plates measuring not less than eleven inches by fourteen inches and not less than three-quarters inch in thickness; complete parts thereof - - -	Free.
445m	Flame proof electric switch gear, for use underground in coal mines, and complete parts thereof	Free.
446	Electric steam turbo generator sets, 700 h.p. and greater, of a class or kind not made in Canada, and complete parts thereof - - -	Free.
446a	Manufactures, articles or wares, of iron or steel or of which iron or steel or both are the component materials of chief value, n.o.p. - - -	10 p.c.
ex446a	Cellulose acetate film reinforced with wire mesh -	Free.
ex446a et al. }	Electric welding apparatus, not including motors -	10 p.c.
446b	Steel bicycle rims, not enamelled nor plated - -	Free.
446c	Golf shafts of seamless steel, coated or not, but not chromium plated - - -	Free.
446d	Bottles or cylinders of seamless steel used as high-pressure containers for gas - - -	Free.
451	Buckles, clasps, eyelets, hooks and eyes, dome, snap or other fasteners of iron, steel, brass or other metal, coated or not, n.o.p. (not being jewellery)	15 p.c.
451a	(i) Spring-beard needles and latch needles - -	10 p.c.
	(ii) Needles, of any material or kind, n.o.p. - -	10 p.c.
451b	Pins manufactured from wire of any metal, n.o.p. -	17½ p.c.
462	Philosophical, photographic, mathematical and optical instruments, n.o.p.; speedometers, cyclometers and pedometers, n.o.p.; complete parts of all the foregoing - - -	7½ p.c.
465	Signs of any material other than paper, framed or not; letters and numerals of any material other than paper - - -	10 p.c.
469	Machine card clothing - - -	10 p.c.
471a	Pressed steel belt pulleys, for power transmission, and finished or unfinished parts thereof, including interchangeable bushings - - -	Free.
475b	Matrices for stereotypes, electrotypes and celluloids described in item 475a - - -	Free.
476	Surgical and dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than \$50 each, by retail; and complete parts of all the foregoing - - -	Free.

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Tariff Item.	Article.	Rate of duty.
488	Nitrate and acetate of lead, not ground; platinum and black oxide of copper, for use in the manufacture of chlorates and colours . . . .	Free.
506b	Wooden doors of a height and width not less than 6 feet and 2 feet, respectively . . . .	Free.
ex511	Fishing rods . . . . .	Free.
511a	Cricket bats, balls, gloves and leg guards . . . .	Free.
512	Picture frames and photograph frames, of any material . . . . .	17½ p.c.
518	Billiard tables, with or without pockets, and bagatelle and other game tables or boards, cues, balls, cue-racks and cue tips . . . . .	17½ p.c.
519	House, office, cabinet or store furniture of wood, iron or other material, in parts or finished . . . .	15 p.c.
522	Rovings, yarns and warps, wholly of cotton, not more advanced than singles, n.o.p. . . . .	12½ p.c.
522c	Rovings, yarns and warps, wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n.o.p.; cotton yarns, wholly or partially covered with metallic strip, generally known as tinsel thread . . . . .	15 p.c.
522d	Yarns and warps, wholly of cotton, mercerized, number forty and finer, imported, under regulations prescribed by the Minister, for sale to manufacturers, to be further manufactured in their own factories . . . . .	Free.
522f	Yarns and warps, wholly of cotton, number forty and finer, when imported by manufacturers of mercerized cotton yarns, for use exclusively in the manufacture of mercerized cotton yarns, in their own factories . . . . .	Free.
523	Woven fabrics, wholly of cotton, not bleached, mercerized, nor coloured, n.o.p., and seamless cotton bags . . . . .	15 p.c.
523a	Woven fabrics, wholly of cotton, bleached or mercerized, not coloured, n.o.p. . . . .	20 p.c.
523b	Woven fabrics, wholly of cotton, printed, dyed or coloured, n.o.p. . . . .	20 p.c.
ex523b	Shadow cretonnes, wholly of cotton, with printed warp and plain weft . . . . .	12½ p.c.
ex523b	Gabardines, wholly of cotton, with not less than 280 ends and picks of ply yarn per square inch . . . . .	12½ p.c.
ex523 } ex523a } ex523b }	Woven fabrics, wholly of cotton, composed of yarns of counts of not less than 80 and not more than 99, including all such fabrics in which the average count of the warp and weft yarns is not less than 80 and not more than 99 . . . . .	12½ p.c.
523c	Woven fabrics, wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of the warp and weft yarns is 100 or more . . . . .	Free.
523e	Woven fabrics wholly of cotton with cut pile, n.o.p. . . . .	15 p.c.

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1st SCH.  
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Tariff Item.	Article.	Rate of duty.
ex523e } ex561 } 523f	Fabrics with cut weft pile, wholly of cotton or of cotton and artificial silk . . . . .	5 p.c.
525	Woven fabrics of cotton, not coloured, when imported by manufacturers of typewriter ribbon for use exclusively in the manufacture of such ribbon in their own factories . . . . .	Free.
528	Woven fabric, wholly of cotton, specially treated and glazed, when imported by rubber manufacturers for use, in their own factories, exclusively as a detachable protective covering for uncured rubber sheeting . . . . .	Free.
529	White cotton bobinet plain, in the web . . . . .	Free.
529a	Embroideries, lace, nets, nettings, bobinet, n.o.p., fringes and tassels, wholly of cotton . . . . .	20 p.c.
530	Lace and embroideries, wholly of cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing, in their own factories . . . . .	7½ p.c.
532	Lace and embroideries, wholly of cotton, coloured, imported by manufacturers for use exclusively in the manufacture of clothing, in their own factories . . . . .	7½ p.c.
ex532	Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n.o.p.; fabrics wholly of cotton, coated or impregnated, n.o.p. . . . .	25 p.c.
ex532	Handkerchiefs, wholly of cotton . . . . .	15 p.c.
537	Woven fabric, wholly of cotton, for covering books . . . . .	15 p.c.
537a	Rovings, yarns and warps, wholly or in part of vegetable fibres, not more advanced than singles, n.o.p., not to contain silk, artificial silk nor wool . . . . .	12½ p.c.
537b	Rovings, yarns and warps, wholly or in part of vegetable fibres, including yarn twist, cords and twines generally used for packaging and other purposes, n.o.p., not to contain silk, artificial silk nor wool . . . . .	17½ p.c.
537d	Linen thread, for hand or machine sewing . . . . .	Free.
537e	Rovings, yarns and warps, wholly of jute, not more advanced than singles, n.o.p., not to contain silk, artificial silk nor wool . . . . .	Free.
539	Rovings, yarns and warps, wholly of jute, including yarn twist, cords and twines generally used for packaging and other purposes, n.o.p. . . . .	25 p.c.
ex540	Cordage, exceeding one inch in circumference, wholly of vegetable fibres, n.o.p. . . . .	17½ p.c.
	(a) Woven fabrics, in the web, wholly of flax or hemp, not to include towelling and glass cloth of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders . . . . .	Free.

Tariff Item.	Article.	Rate of duty.
ex540	(b) Articles wholly of flax or hemp, such as sheets, pillow cases, table cloths and napkins, towels and handkerchiefs, but not to include towels or glass cloths of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders	Free.
541a	Woven fabrics, wholly of jute, n.o.p.	Free.
541d	Canvas in the web, wholly of flax or hemp, or both, plain woven, not coloured, not further manufactured than impregnated with weather-proofing or preservative materials, suitable for manufacturing into tents, awnings, tarpaulins, hatch covers and similar articles, weighing not less than 18 ounces and not more than 26 ounces per square yard	15 p.c.
542	Woven fabrics, wholly or in part of vegetable fibres, and all such fabrics with cut pile, n.o.p., not containing silk, artificial silk nor wool	20 p.c.
542a	Woven or braided fabrics not exceeding twelve inches in width, wholly or in part of vegetable fibres, n.o.p., not to contain silk, artificial silk nor wool	22½ p.c.
542b	Linen fire-hose, lined or unlined	15 p.c.
547	Bags or sacks of hemp, linen or jute	15 p.c.
548	Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of vegetable fibres but not containing wool, n.o.p.; fabrics, coated or impregnated, composed wholly or in part of vegetable fibres but not containing silk, artificial silk nor wool, n.o.p.	25 p.c.
ex548	Woven dress linens containing not more than 15 p.c. by weight of cotton yarns for decorative effect	Free.
549c	Haircloth, composed of horse hair in combination with any vegetable fibre	17½ p.c.
551	Yarns, composed wholly or in part of wool or hair but not containing silk or artificial silk, n.o.p. and, per pound	15 p.c. 6 cts.
551a	Yarns and warps composed wholly of wool or in part of wool or hair, imported by manufacturers for use exclusively in their own factories, n.o.p. and, per pound	10 p.c. 5 cts.
551c	Yarns and warps, composed wholly of hair, or of hair and any vegetable fibre, imported by manufacturers for use in their own factories	Free.
552	Felt, pressed, of all kinds, in the web, not consisting of or in combination with any woven, knitted or other fabric or material and, per pound	15 p.c. 5 cts.
553	Blankets of any material, not to include automobile rugs, steamer rugs, or similar articles and, per pound	20 p.c. 5 cts.

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1st Sch.  
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Tariff Item.	Article.	Rate of duty.
554	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight six ounces to the square yard, n.o.p., when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada . . . . .	17½ p.c. 7½ cts.
	and, per pound	
554a	Woven fabrics, consisting of cotton warps with wefts of lustre wool, mohair or alpaca, generally known as lustres or Italian linings, n.o.p. . . . .	Free.
554b	Woven fabrics, composed wholly or in part of yarns of wool or hair, n.o.p. . . . .	22½ p.c. 12 cts.
	and, per pound	
	Provided, however, that the sum of the specific and <i>ad valorem</i> duties imposed by this item on imports under the British Preferential Tariff shall not be in excess of 50 cents per pound.	
ex554b	Filter press cloth of wool . . . . .	20 p.c.
554c	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight four ounces to the square yard, when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada . . . . .	Free.
554f	Woven fabrics, composed wholly or in part of yarns of wool or hair, commonly known as billiard cloth . . . . .	Free.
555	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor artificial silk, n.o.p.; fabrics, coated or impregnated, composed wholly or in part of yarns of wool or hair, but not containing silk nor artificial silk, n.o.p. . . . .	30 p.c.
556a	Melton cloth, imported by manufacturers of tennis balls for use in the manufacture of tennis balls, in their own factories . . . . .	Free.
556b	Slipper cloth, woven, napped on one or both sides, wholly or in part of wool, not to contain silk or artificial silk, weighing not less than 22 ounces per square yard, when imported by manufacturers of indoor footwear, to be used exclusively in the manufacture of such articles in their own factories . . . . .	Free.
557b	Garnetted material wholly of silk, artificial silk or similar synthetic fibres, produced by chemical processes, obtained by disintegrating cocoons, yarns or fabrics, prepared for use; filaments or loose fibres wholly of silk, artificial silk or similar synthetic fibres produced by chemical processes, not more advanced than in the form of sliver; waste portions of unused fabrics, wholly of silk, artificial silk or similar synthetic fibres, n.o.p., not to include remnants nor mill ends . . . . .	Free.

1st Sch.  
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Tariff Item.	Article.	Rate of duty.
558b	Rovings, yarns and warps, wholly of artificial silk or similar synthetic fibres, produced by chemical processes, not more advanced than singles, not coloured, with not more than seven turns to the inch, under such regulations as the Minister may prescribe :—	
	(a) Produced from cellulose acetate . . . . .	5 p.c.
	(b) n.o.p. . . . .	20 p.c.
558c	Rovings, yarns and warps, wholly or in part of silk, n.o.p., including threads, cords or twist for sewing, embroidering or other purposes . . . . .	15 p.c.
558d	Rovings, yarns and warps, wholly or in part of artificial silk or similar synthetic fibres, produced by chemical processes, n.o.p., including threads, cords or twist for sewing, embroidering or other purposes, not to contain silk; artificial silk yarns, wholly or partially covered with metallic strip, one pound of which shall contain not less than 10,000 yards; under such regulations as the Minister may prescribe :—	
	(a) Produced wholly from cellulose acetate . . . . .	7½ p.c.
	(b) n.o.p. . . . .	25 p.c.
558f	Rovings, yarns and warps, wholly of spun artificial silk or similar synthetic fibres, produced by chemical processes, not coloured, imported by manufacturers, for use exclusively in the manufacture of cut-pile fabrics, in their own factories	Free.
560a	Woven fabrics wholly or in part of silk, not to contain wool, not including fabrics in chief part by weight of artificial silk, n.o.p. . . . .	22½ p.c.
561	Woven fabrics wholly or in part of artificial silk or similar synthetic fibres, produced by chemical processes, not to contain wool, not including fabrics in chief part by weight of silk, n.o.p. . . . .	27½ p.c.
565	Embroideries, lace, braids, cords, chenille, gimp, fringes and tassels, whether containing tinsel or not, nets, nettings and bobinet, n.o.p. . . . .	22½ p.c.
ex565	Plaited or braided lines and cords, non-elastic, whether of tubular or of solid construction, not exceeding one inch in circumference, wholly or in chief part by weight of vegetable fibres . . . . .	17½ p.c.
567	Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured, n.o.p., of which silk is the component of chief value . . . . .	27½ p.c.
567a	Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured, n.o.p., of which the component of chief value is artificial silk or similar synthetic fibres produced by chemical processes . . . . .	25 p.c.
568	Knitted garments, knitted underwear and knitted goods, n.o.p. . . . .	20 p.c.

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Tariff Item.	Article.	Rate of duty.
568a	Socks and stockings :— (i) of wool - - - - - and, per dozen pairs	20 p.c. 30 cts.
	(ii) n.o.p. - - - - -	20 p.c.
568b	Gloves and mitts of all kinds, n.o.p. - - - - -	20 p.c.
572	Oriental and imitation Oriental rugs or carpets and carpeting, carpets and rugs, n.o.p. - - - - -	30 p.c.
573	Enamelled carriage, floor, shelf and table oilcloth, linoleum, and cork matting or carpets - - - - -	15 p.c.
578	Regalia, badges and belts of all kinds, n.o.p. - - - - -	22½ p.c.
586	Coal, anthracite, n.o.p. - - - - -	Free.
597a	Musical instruments of all kinds, n.o.p.; phonographs, graphophones, gramophones and finished parts thereof, including cylinders and records therefor; and mechanical piano and organ players - - - - -	15 p.c.
598	Brass band instruments, n.o.p.; parts of pianofortes and parts of organs - - - - -	Free.
598a	Brass band instruments, of a class or kind not made in Canada; bagpipes and complete parts - - - - -	Free.
603	Fur skins, wholly or partially dressed, n.o.p. - - - - -	10 p.c.
ex604	Belting leather in butts or bends; and all leather further finished than tanned, n.o.p. - - - - -	7½ p.c.
ex604	Crust oil leather, for use in manufacturing chamois leather - - - - -	Free.
ex604	Sole leather - - - - -	12½ p.c.
605	Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers - - - - -	Free.
605a	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers - - - - -	Free.
607	Leather, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing, in their own factories - - - - -	Free.
607a	Leather, not further finished than tanned, in whole hides, in grains, or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers, in their own factories - - - - -	Free.
608	Leather, not further finished than tanned, and skins, n.o.p. - - - - -	5 p.c.
610 } et al. }	Belting, n.o.p. - - - - -	15 p.c.
610a	Belting of camel's hair, for machinery - - - - -	7½ p.c.
611a	Boots, shoes, slippers and insoles of any material, n.o.p. - - - - -	22½ p.c.
ex612	English type saddles - - - - -	10 p.c.
617	India-rubber boots and shoes - - - - -	Free.
619a	India-rubber clothing and clothing made from waterproofed cotton fabrics - - - - -	25 p.c.
622	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p. - - - - -	15 p.c.



Tariff Item.	Article.	Rate of duty.	1st Sch. —cont.
623	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket-books, fly books and parts thereof - - -	15 p.c.	
ex624	Statues and statuettes of porcelain or earthenware	Free.	
624a	(i) Dolls; toys of all kinds, n.o.p. - - -	10 p.c.	
624a	(ii) Mechanical toys of metal - - -	10 p.c.	
624a	(iii) Juvenile construction sets of metal, consisting of various stampings, punched, and connections therefor; parts of the foregoing - - -	Free.	
625	Caps, hats, muffs, tippets, capes, coats and cloaks of fur, and other manufactures of fur, n.o.p. -	15 p.c.	
628	Braces or suspenders, and finished parts thereof -	15 p.c.	
647	Jewellery of any material, for the adornment of the person, n.o.p. - - -	25 p.c.	
653	Brushes of all kinds - - -	15 p.c.	
655	Pens, penholders and rulers, of all kinds - -	12½ p.c.	
655a	Lead pencils and crayons - - -	10 p.c.	
656	Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders, and cases for the same, smokers' sets and cases therefor, and tobacco pouches - - -	17½ p.c.	
ex657a	Film of standard width (one and one-eighth of an inch and over) when imported for the sole purpose of having 16 millimetre reproductions made therefrom and provided that the original is re-exported within three months from date of importation - - -	Free.	
659	Photographic dry plates - - -	15 p.c.	
663	Fertilizers, compounded or manufactured, n.o.p. -	Free.	
663e	Sea-weeds or sea-plants, charred, whether powdered or not, for use exclusively in the feeding of animals - - -	Free.	
670	Grinding wheels, stones or blocks, manufactured by the bonding together of either natural or artificial abrasives; manufactures of emery or of artificial abrasives, n.o.p. - - -	10 p.c.	
683	Barytes - - -	Free.	
684	Rubber thread, not covered - - -	Free.	
685	Pantographs and parts thereof, including diamond points, and engraving mills, for engraving copper rollers used in printing textiles and wallpapers; blankets, blanketing and lapping imported for use exclusively by textile manufacturers and wall-paper printers - - -	Free.	
689	Charcoal, animal, for use in the refining of sugar -	Free.	

1st Sch.  
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Tariff Item.	Article.	Rate of duty.
ex710	Coverings, inside and outside, used in covering or holding goods imported therewith, shall be subject to the following provisions, viz. :— (b) Usual coverings containing goods, not machinery, subject to any <i>ad valorem</i> duty, when not included in the invoice value of the goods they contain - - - - - (bb) Usual coverings containing machinery subject to any <i>ad valorem</i> duty, when not included in the invoice value of the goods they contain - - - - -	10 p.c.  5 p.c.
ex711	Iodised mineral salts, for use exclusively in the feeding of animals - - - - -	Free.

## SCHEDULE V.

(See Article 8.)

## PART I.

Tariff Item.	Article.	Margin of Preference.
203a	Chemical compounds composed of two or more acids or salts soluble in water, adapted for dyeing or tanning - - - - -	10 p.c.
203b	Aniline and coal tar dyes, adapted for dyeing, in bulk, or in packages of not less than one pound -	10 p.c.
208e	Cresylic acid and compounds of cresylic acid, used in the process of concentrating ores, metals or minerals, n.o.p. - - - - -	15 p.c.
ex208j	Sal ammoniac - - - - -	20 p.c.
208m	Sulphate of copper (blue vitriol) - - - - -	10 p.c.
208o	Cream of tartar in crystals and tartaric acid crystals	10 p.c.
208r	Oxide of tin or of copper - - - - -	15 p.c.
208s	Sulphate of zinc and chloride of zinc - - - - -	20 p.c.
208t	All chemicals and drugs, when of a kind not produced in Canada, which were on August 20th, 1932, dutiable at rates of 15, 25, and 25 p.c., under Tariff Item 711 - - - - -	20 p.c.
ex210	Peroxide of soda; bichromate of soda; nitrate of soda or cubic nitre, n.o.p.; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda; prussiate of soda and sulphite of soda - - - - -	15 p.c.
212	Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined -	15 p.c.
215	Stearic acid, n.o.p. - - - - -	17½ p.c.

Tariff Item.	Article.	Margin of Preference.
216	Acids, n.o.p., of a kind not produced in Canada -	20 p.c.
ex219	(ii) Solutions of hydrogen peroxide containing 25 per centum or more by weight of hydrogen peroxide - - - - -	20 p.c.
219d	Sulphuric ether; chloroform, n.o.p.; preparations of vinyl ether for anaesthetic purposes - - -	20 p.c.
240	Ultramarine blue, dry or in pulp; whitening or whitening; Paris white and gilders' whitening; blanc fixé; satin white - - - - -	10 p.c.
242	Dry red lead; orange mineral; antimony oxide, titanium oxide, and zinc oxide such as zinc white and lithopone; white pigments containing not less than 14 per cent. by weight of titanium dioxide - - - - -	15 p.c.
246b	Stains and oxides, valued at not less than 20 cents per pound, for use exclusively as colouring constituents in the manufacture of vitreous enamels and pottery glazes; and liquid gold paint, for use exclusively in the manufacture of tableware of china, porcelain or semi-porcelain - - -	20 p.c.
ex247 } 247a }	Artists' and school children's colours; fitted boxes containing the same; artists' brushes; pastels, of a value of one cent per stick, or over; artists' canvas, coated and prepared for oil painting -	25 p.c.
264	Essential oils, n.o.p., including bay oil, otto of limes, and peppermint oil - - - - -	7½ p.c.
276b	Cotton seed and crude cotton seed oil, when imported by manufacturers of cotton seed meal and refined cotton seed oil, for use exclusively in the manufacture of such commodities, in their own factories - - - - -	10 p.c.
277	Palm and palm kernel oil, unbleached or bleached, not edible; shea butter - - - - -	10 p.c.
278	Oils, viz.:—cocoanut, palm and palm kernel, not edible, for manufacturing soap; carbolic or heavy oil - - - - -	10 p.c.
278b	Crude peanut oil, for refining for edible purposes, used as materials in Canadian manufactures -	10 p.c.
287	All tableware of china, porcelain, semi-porcelain, or white granite, but not to include tea-pots, jugs, and similar articles of the type commonly known as earthenware - - - - -	35 p.c.
300	Crucibles of clay, sand or plumbago - - - - -	15 p.c.
318	Common and colourless window glass - - - - -	15 p.c.
319	Glass, in sheets, and bent plate glass, n.o.p. - - -	25 p.c.
320	Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p. - - -	20 p.c.
321	Plate glass, not bevelled, in sheets or panes, exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p. - - - - -	20 p.c.
339a	Lead capsules for bottles - - - - -	25 p.c.
ex353	Aluminum and alloys thereof, viz.:—angles, channels, beams, tees and other rolled, extruded or drawn sections or shapes; pipes and tubes - - -	25 p.c.

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1st Sch.  
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Tariff Item.	Article.	Margin of Preference.
370	Copper rollers, and stones, used in the printing of textile fabrics or wallpaper - - - -	10 p.c.
407	Silent chain and finished roller chain, of iron or steel, and complete parts thereof, of a class or kind not made in Canada, n.o.p., either chain of the type which operates over gears or sprockets with machine-cut teeth - - - -	20 p.c.
409p	Pasteurizers for dairying purposes and complete parts thereof - - - -	15 p.c.
410a	Face loading machines, shaker trough or belt trough conveyors, air engines, flame proof enclosed driving motors, of a class or kind not made in Canada, and integral parts of all motive power or machinery mentioned in this item, for use exclusively at the face in mining operations -	10 p.c.
410b	Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter -	10 p.c.
410n	Diamond drills and core drills, not including motive power, electrically operated rotary coal drills, and coal cutting machines, n.o.p., and integral parts of the foregoing, for use exclusively in mining operations - - - -	10 p.c.
412b	Flat bed cylinder printing presses, to print sheets of a size 25 by 38 inches or larger, and complete parts thereof; machines designed to fold or sheet feed paper or cardboard, and complete parts thereof - - - -	10 p.c.
412d	Offset presses; lithographic presses, printing presses and typemaking accessories therefor, n.o.p.; complete parts of the foregoing, not to include saws, knives and motive power - - - -	10 p.c.
413	Machinery and apparatus, of a class or kind not made in Canada, and parts thereof, specially constructed for preparing, manufacturing, testing or finishing yarns, cordage, and fabrics made from textile fibres or from paper, imported for use exclusively by manufacturers and scholastic or charitable institutions in such processes only	5 p.c.
ex427 ex446a et al. }	Motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, motion picture screens, portable motion picture projectors complete with sound equipment; complete parts of all the foregoing, not to include electric light bulbs, tubes, or exciter lamps - - - -	15 p.c.
427b	Ball and roller bearings - - - -	25 p.c.
428e	Diesel and semi-diesel engines, and complete parts thereof, n.o.p. - - - -	25 p.c.

Tariff Item.	Article.	Margin of Preference.
428f	Air-cooled internal combustion engines of not greater than 1½ h.p. rating, and complete parts thereof . . . . .	20 p.c.
ex429	Cutlery of iron or steel, plated or not :— (c) Penknives, jack knives and pocket knives of all kinds . . . . .	25 p.c.
438g	Motor cycles or side cars therefor, and complete parts of the foregoing . . . . .	20 p.c.
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p. . . . .	25 p.c.
440l	Aircraft and complete parts thereof, not including engines, under regulations prescribed by the Minister . . . . .	17½ p.c.
ex445k	Electrical instruments and apparatus of precision, of a class or kind not made in Canada, viz. :— Meters or gauges for indicating and/or recording altitude, amperes, comparisons, capacity, density, depth, distance, electrolysis, flux, force, frequency, humidity, inductance, liquid levels, ohms, operation, power factor, pressure, space, speed, stress, synchronism, temperature, time, volts, volume, watts; complete parts thereof . . . . .	15 p.c.
445l	Electric storage batteries, composed of plates measuring not less than eleven inches by fourteen inches and not less than three-quarters inch in thickness; complete parts thereof . . . . .	25 p.c.
446	Electric steam turbo generator sets, 700 h.p. and greater, of a class or kind not made in Canada, and complete parts thereof . . . . .	20 p.c.
ex476	Dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than \$50 each, by retail; and complete parts of all the foregoing . . . . .	10 p.c.
522f	Yarns and warps, wholly of cotton, number forty and finer, when imported by manufacturers of mercerized cotton yarns, for use exclusively in the manufacture of mercerized cotton yarns, in their own factories . . . . .	15 p.c.
523c	Woven fabrics, wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more . . . . .	27½ p.c.
523f	Woven fabrics of cotton, not coloured, when imported by manufacturers of typewriter ribbon for use exclusively in the manufacture of such ribbon in their own factories . . . . .	12½ p.c.
537b	Linen thread, for hand or machine sewing . . . . .	22½ p.c.
ex540	(a) Woven fabrics, in the web, wholly of flax or hemp, not to include towelling and glass cloth of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders . . . . .	30 p.c.

1st SCH.  
—cont.

1st Sch.  
—cont.

Tariff Item.	Article.	Margin of Preference.
ex540	(b) Articles wholly of flax or hemp, such as sheets, pillow cases, table cloths and napkins, towels and handkerchiefs, but not to include towels or glass cloths of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders - - - - -	30 p.c.
541a	Woven fabrics, wholly of jute, n.o.p. - - - - -	22½ p.c.
551c	Yarns and warps composed wholly of hair, or of hair and any vegetable fibre, imported by manufacturers for use in their own factories - - - - - and, per pound	12½ p.c. 15 cts.
553a	Stereotypers' and typecasters' blankets or blanketing and press blankets or blanketing used for printing presses, of a class or kind not made in Canada - - - - -	5 p.c.
558e	Yarns and warps, wholly of thrown silk in the gum, rovings, yarns and warps, wholly of spun silk, not coloured, imported by manufacturers for use exclusively in their own factories for knitting underwear, for weaving, or for the manufacture of silk thread - - - - -	7½ p.c.
586	Coal, anthracite, n.o.p. - - - - - per ton	50 cts.
598a	Brass band instruments, of a class or kind not made in Canada; bagpipes and complete parts - - - - -	25 p.c.
605	Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers - - - - -	15 p.c.
605a	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers - - - - -	25 p.c.
689	Charcoal, animal, for use in the refining of sugar - - - - -	25 p.c.

## SCHEDULE V.

(See Article 8.)

## PART II.

Tariff Item.	Article.	Margin of Preference.
ex377a } et al. } ex378	Wrought iron in the form of billets, bars, rods, sheets, strips, plates or skelp - - - - - Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard:— (d) Hot rolled, valued at not less than 4 cents per pound, n.o.p. - - - - -	20 p.c. 12½ p.c.

Tariff Item.	Article.	Margin of Preference.
ex379	Bars or rods, of iron or steel, including billets weighing less than 60 pounds per lineal yard, hot rolled, as hereunder defined, under regulations prescribed by the Minister :— (f) Sash or casement sections of iron or steel, hot or cold rolled, not punched, drilled nor further manufactured, when imported by manufacturers of metal window frames, for use in their own factories - per ton	\$7.00.
ex380	Plates of iron or steel, hot or cold rolled :— (b) More than 66 inches in width, n.o.p. per ton	\$6.00.
ex381	Sheets, of iron or steel, hot or cold rolled :— (a) .080 inch or less in thickness, n.o.p. -	12½ p.c.
ex383	Sheets, plates, hoop, band or strip, of iron or steel :— (a) Coated with tin, of a class or kind not made in Canada, n.o.p. - - - - (b) Coated with tin, n.o.p. - - - - (c) Coated with zinc, n.o.p. - - - -	15 p.c. 20 p.c. 12½ p.c.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound -	20 p.c.
ex386	Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister :— (a) Plates, when imported by manufacturers for use exclusively in the manufacture or repair of the pressure parts of boilers, pulp digesters, steam accumulators and vessels for the refining of oil, in their own factories - - - - per ton (k) Sheets, hot or cold rolled, when imported by manufacturers of hollow-ware coated with vitreous enamel or of apparatus designed for cooking or for heating buildings, for use exclusively in the manufacture of hollow-ware coated with vitreous enamel or of vitreous enamelled sheets for apparatus designed for cooking or for heating buildings - - - - (m) (i) Sheets of iron or steel, cold rolled, when imported by manufacturers for use exclusively in the manufacture of sheets coated with tin - - - - (ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories - - - -	\$5.00.  10 p.c.  15 p.c.  15 p.c.

1st Sch.  
—cont.

1st Sch.  
—cont.

Tariff Item.	Article.	Margin of Preference.
ex386	Sheets, plates, hoop, &c.— <i>cont.</i> (g) Hoop steel, hot or cold rolled, plain or coated, .064 inch or less in thickness, not more than three inches in width, when imported by manufacturers of barrels or kegs or by manufacturers of flat hoops for barrels and kegs, for use exclusively in their own factories - - - -	12½ p.c.
387c	Steel grooved (or girder) rails for electric tramway use, weighing not less than 75 pounds per lineal yard, punched, drilled, or not, of shapes and lengths not made in Canada - - - per ton	\$7.00.
388	Iron or steel angles, beams, channels, columns, girders, joints, tees, zebs and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p. per ton	\$3.00.
ex392 } 392a }	Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, of a weight of 20 tons or over -	20 p.c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders - - - -	10 p.c.
ex394	Axles and axle bars, n.o.p., and axle blanks, and parts thereof, of iron or steel :— (a) For railway vehicles, including locomotives and tenders - - - -	17½ p.c.
ex397b } 398a }	Pipes and tubes of iron or steel, seamless, cold drawn, plain ends, polished, valued at not less than five cents per pound; steel tubes, welded or seamless, more than 10½ inches in diameter, with plain ends, when imported for use exclusively in the manufacture or repair of rolls for paper-making machinery - - - -	15 p.c.
ex401	Wire, of iron or steel :— (a) Barbed fencing, coated or not - - - (b) Twisted, braided or stranded, including wire rope or cable, coated or not, n.o.p.	10 p.c.
ex403	Wire, of steel :— (c) Valued at not less than 2½ cents per pound, when imported by manufacturers of wire rope for use exclusively in the manufacture of wire rope, in their own factories, under regulations prescribed by the Minister - - - -	5 p.c.



## SCHEDULE VI.

1st Sch.  
—cont.

(See Article 15.)

- (1) The Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica (including the Turks and Caicos Islands and the Cayman Islands), the Leeward Islands, Trinidad and Tobago, the Windward Islands, Fiji, the Federated and Unfederated Malay States, Mauritius and Northern Rhodesia.

## Article.

## Margin of Preference.

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|---|---|
| <p>Rubber boots and shoes and canvas boots and shoes, rubber-soled.</p>   | <p>1s. per pair (or the equivalent in the local currency), that is to say, the General Rate to be the Preferential <i>ad valorem</i> rate, if any, plus 1s. per pair specific duty.</p> |
| <p>(2) All the Colonies and Protectorates, except Bermuda (so long as the importation of motor vehicles is prohibited), Northern Rhodesia, and Trinidad, mentioned in (1) above, and also Ceylon, Hong Kong, Malta and the Straits Settlements.</p> <p>Motor vehicles - 20% <i>ad valorem</i>.</p>  |   |
| <p>(3) All the Colonies and Protectorates mentioned in (2) above except the Straits Settlements and Hong Kong.</p> <p>Parts of motor vehicles including rubber tyres. 20% <i>ad valorem</i>.</p>  |   |
| <p>(4) All the Colonies and Protectorates mentioned in (1) above except Fiji, the Federated and Unfederated Malay States, Mauritius and Northern Rhodesia.</p> <p>Hosiery of cotton or artificial silk. 6d. per pair, that is to say, the General Rate to be the Preferential <i>ad valorem</i> rate, if any, plus 6d. per pair specific duty.</p> <p>Hosiery of silk - 9d. per pair, that is to say, the General Rate to be the Preferential <i>ad valorem</i> rate, if any, plus 9d. per pair specific duty.</p> <p>Butter - - - 1½d. per lb.</p> |   |
| <p>(5) The Bahamas.</p> <p>The preferential drawback of 25 per cent. of certain Customs duties to be increased to 50 per cent. of those Customs duties.</p>   |   |

1ST SCH.  
—cont.

Article.	Margin of Preference.
(6) Barbados, Bermuda, and Trinidad.	
Electrical appliances and apparatus.	15% <i>ad valorem</i> .
Bacon and ham	- ½ <i>d.</i> per lb.
(7) Barbados, British Guiana, the Leeward Islands (Antigua only) and Trinidad.	
The tariff treatment of pitch pine to be assimilated to that of other wood and timber and a margin of preference of not less than ten shillings per 1,000 feet to be established.	
(8) Barbados, Jamaica, and Trinidad.	
Condensed milk	- 10% <i>ad valorem</i> (or the equivalent specific rate).
Shooks	- - 10% <i>ad valorem</i> .
(9) Barbados and British Honduras.	
Potatoes and onions	2 <i>s.</i> per 100 lbs.
(10) Barbados.	
Oats	- - - 9 <i>d.</i> per 100 lbs.
(11) Bermuda, Jamaica (including the Turks and Caicos Islands, and the Cayman Islands), the Leeward Islands and the Windward Islands.	
Hardware	- - 10% <i>ad valorem</i> .
(12) Bermuda.	
Eggs	- - - 2 <i>d.</i> per dozen.
Canned meat	- - 10% <i>ad valorem</i> .
Canned fruit and canned vegetables.	15% <i>ad valorem</i> .
Furniture	- - 10% <i>ad valorem</i> .
(13) Jamaica.	
Apparel of all kinds (other than hosiery).	10% <i>ad valorem</i> .
Wood and timber	- 10% <i>ad valorem</i> .
(14) Ceylon.	
Bacon and ham	- 10% <i>ad valorem</i> .
Canned fruit and vegetables.	15% <i>ad valorem</i> .
Canned fish	- - 15% <i>ad valorem</i> .
(15) Cyprus.	
Butter, cheese, tinned fish, and timber.	One-third of the duty in lieu of one-sixth.

Article.	Margin of Preference.	1ST SCH. —cont.
(16) The Federated and Unfederated Malay States.		
Condensed milk -	10% <i>ad valorem</i> .	
Printing and wrapping paper.	10% <i>ad valorem</i> .	
Canned fruit and canned vegetables.	15% <i>ad valorem</i> .	
Canned fish - -	15% <i>ad valorem</i> .	
Electric batteries for use in motor cars.	15% <i>ad valorem</i> .	
Confectionery -	10% <i>ad valorem</i> .	
(17) Fiji.		
Timber, dressed and undressed.	2s. per 100 super. feet.	
(18) Malta.		
Wheat flour - -	2s. per 100 kilog.	
(19) Mauritius.		
Bacon and ham -	5 rupees per 100 kilog.	
Cheese - - -	10% <i>ad valorem</i> .	
Canned fish - -	15% <i>ad valorem</i> .	
Electric stoves and household appliances.	15% <i>ad valorem</i> .	
(20) Northern Rhodesia.		
Electrical batteries and accumulators.	15% <i>ad valorem</i> .	
Boxes, wooden, empty, or in shooks.	10% <i>ad valorem</i> .	
Wood, unmanufactured, including ceiling and flooring boards.	10% <i>ad valorem</i> .	
Newsprint paper; wrapping paper; unspecified plain or composite paper.	10% <i>ad valorem</i> .	
Motor trucks, &c., as specified in Tariff Items 130 (a) and (b).	10% <i>ad valorem</i> .	

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1st SCH.  
—cont.

Article.	Margin of Preference.
(20) Northern Rhodesia—cont.	
Motor cars, chassis and rubber pneumatic tyres and tubes of Canadian origin.	To be admitted at the same rates as those of United Kingdom origin under Tariff Items 129 (a) and (c) and 260.
(21) Sarawak.	
Condensed milk	- 10% <i>ad valorem</i> .

## SCHEDULE VII.

(See Article 15.)

No. of Canadian Tariff Item.	Article.	Margin of Preference.
ex39a	Sago and tapioca flour - - - per pound	½ ct.
77b	Vanilla beans, crude only - - - -	10 p.c.
ex87	(n) Tomatoes - - - - per pound	2 cts.
143	Cigars - - - - per pound	50 cts.
ex254	Gums, viz. :—copal, damar, gum chicle or sappato gum, crude - - - -	10 p.c.
264	Essential oils, n.o.p., including bay oil, otto of limes and peppermint oil - - - -	7½ p.c.
267b	Petroleum tops; blends of petroleum tops or petroleum products with crude petroleum; all the foregoing ·7249 specific gravity (63·7 A.P.I.) or heavier, at 60 degrees Fahrenheit, when imported by oil refiners to be refined in their own factories - - - per gallon	1 ct.
ex273	Asphalt or asphaltum, solid - - - -	10 p.c.
277	Palm and palm kernel oil, unbleached or bleached, not edible; shea butter - - -	10 p.c.
278	Oils, viz. :—cocoanut, palm and palm kernel, not edible, for manufacturing soap; car-bolic or heavy oil - - - -	10 p.c.
278c	Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil - - - -	10 p.c.
616a	Balata, crude, unmanufactured - - - -	10 p.c.
616b	Gutta percha, unmanufactured - - - -	10 p.c.

In item 106 (b), Fruits, Pineapples, British Preferential rate not to exceed 1 cent per pound.

## LETTER No. 1.

1ST SCH.  
—cont.LETTER FROM CANADIAN SIGNATORY ON THE  
SUBJECT OF ZINC.  

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Ottawa,  
February 23, 1937.

SIR,

With reference to Article 16 of the Trade Agreement signed this day, I have the honour to inform you that the Canadian Government, having taken note of the statements of the United Kingdom Government in the course of the recent discussions (1) that it is essential to the national security that the production of the zinc smelting industry in the United Kingdom should be maintained at a satisfactory level; (2) that at any enquiry into the question of the effects of imports of zinc from oversea Empire countries on the maintenance of the production of zinc in the United Kingdom at a satisfactory level having regard to the needs of national security, the Canadian zinc producers would have the opportunity of submitting evidence, and (3) that the Government of the United Kingdom would consult the Canadian Government before taking any decision to impose a customs duty on imports of Canadian zinc into the United Kingdom; agree that it will be open to the United Kingdom Government, after such enquiry and after consultation with the Canadian Government, and notwithstanding the provisions of Article 1 of the Trade Agreement, to impose a customs duty on imports of zinc produced or manufactured in Canada, without prejudice however, to the provisions of Article 3 of the Agreement.

It is understood that no customs duty will be imposed on Canadian zinc which is not equally applicable to zinc from other oversea Empire sources.

I have, etc.,

W. L. MACKENZIE KING.  

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1ST SCH  
—cont.

## LETTER No. 2.

LETTER FROM CANADIAN SIGNATORY ON THE SUBJECT OF  
HOME CONSUMPTION DRAWBACKS.

Ottawa,

February 20, 1937.

SIR,

During the negotiations in London last summer, representations were made by the United Kingdom authorities to the effect that in certain cases tariff preferences accorded the United Kingdom by Canada had been rendered less effective than had been expected by reason of the drawbacks of duty for home consumption authorized by Schedule B to the Customs Tariff. At that time the Minister of Finance promised, on behalf of the Canadian Government, that fuller consideration would be given to the proposal of the United Kingdom that the preferential principle of tariff treatment be applied to the Drawback Schedule.

Since the return of the Canadian delegation, the competent Departments of the Canadian Government have been studying United Kingdom proposals, and such examination as has been made to date of the operation of Schedule B justifies the position taken in London by the Minister of Finance: that to apply suddenly a preferential scheme to the entire existing Schedule might, in many instances, work hardship upon Canadian consumers without necessarily ensuring any added advantage to United Kingdom interests.

Close examination of the existing Schedule reveals that frequently the home consumption drawback applies to raw materials imported for use in the manufacture of non-protected finished products, and in such instances the effect of abolishing or even restricting the full privilege of drawback might easily be disastrous to the industry concerned. There is the further fact that several of the items in the Schedule appear to have become inoperative (in so far as may be judged by the absence of claims thereunder), and such items are now the subject of review by the Canadian Government with a view to their possible cancellation. There is also to be borne in mind the fact that, under the last two or three Budgets, an effort has been made not merely to afford margins of preference by way of drawbacks, but actually to confine the operation of certain new drawback items to importations under the British Preferential Tariff.

The provision for home consumption drawbacks in the Canadian tariff is not one which this Government desires to see extended; on the contrary, were it feasible to do so immediately

and at one stroke, the Government would prefer to dispense with the granting of such drawbacks, the administration of which is always costly and frequently difficult. To that end, as indicated, the Canadian Government already contemplates reducing the Schedule; and in this connection—and toward the same objective—it will undertake to give prompt and sympathetic consideration to any requests that may from time to time be put forward by the Government of the United Kingdom regarding the continuance or the operation of any particular item in the Schedule.

1ST SCH.  
—cont.

I have, etc.,

W. L. MACKENZIE KING.

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## SECOND SCHEDULE.

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Section 5.

### AMENDMENTS OF GAME LICENCES ACT, 1860. (23 & 24 VICT. C. 90.)

- Section two - For the words "servant for whom he shall be chargeable to the duty of assessed taxes" there shall be substituted the words "male servant employed by him".
- Section seven - For the words "and being charged or liable to be charged to the assessed tax on servants in respect of any gamekeeper by whomsoever deputed or appointed and" there shall be substituted the words "employing any male servant as a gamekeeper", and for the words "servant of any other person who shall be duly charged to the assessed tax on servants in respect of such servant, whether as gamekeeper or in any other capacity" there shall be substituted the words "male servant of any other person".
- Section eight - For the words "another servant" there shall be substituted the words "another male servant", and for the words from "person in his service" to "servants as aforesaid" there shall be substituted the words "male person in his service, or in the service of the same master".
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## Section 14.

## THIRD SCHEDULE.

MODIFICATION OF ENACTMENTS RELATING TO SURTAX  
ON UNDISTRIBUTED INCOME OF CERTAIN COMPANIES.

1. Where by virtue of this Act a direction is given under subsection (1) of section twenty-one of the Finance Act, 1922, that the actual income of an investment company from all sources for a year of assessment shall be deemed to be the income of the members—

- (a) the amount to be deducted in assessing and charging surtax under the provisions of the said section in respect of the sum apportioned to any member in consequence of the direction shall be any amount which has been distributed to him by the company in that year of assessment out of the income of the company for that year in such manner that the amount distributed falls to be included in the statement of total income to be made by him for the purposes of surtax;
- (b) paragraph 9 of the First Schedule to the Finance Act, 1922, shall not apply, but the income apportioned to a member of the company, so far as assessable and chargeable to surtax under section twenty-one of the said Act, shall, for the purposes of that tax, be deemed to have been received by him on the last day of that year of assessment;
- (c) subsection (1) of section thirty-two of the Finance Act, 1927, shall apply, in a case where the second company referred to therein is an investment company, as if the amount to be deemed to be the income of the members of that company and to be apportioned among them under that subsection were the excess of the amount apportioned to that company in consequence of the direction over the amount, if any, which has been received in that year of assessment by that company out of the income of the first company for that year in such manner as would, in the case of an individual, render the amount so received liable to be included in the statement of his income for the purposes of surtax.

17 & 18  
Geo. 5. c. 10.

2. Subsection (3) of section eighteen of the Finance Act, 1928, shall have effect as if there were inserted—

- (a) in paragraph (a) thereof after the words “ year or other period,” where they first occur, the words “ or any “ year of assessment ending within that year or other “ period,” and where they secondly occur, the words “ or any such year of assessment ”;



(b) in paragraph (b) thereof after the words " year or period " the words " or any year of assessment ending within that year or period."

3RD SCH.  
—cont.

3. In this Schedule any reference to a year of assessment shall include a reference to a period which is treated by the Special Commissioners by virtue of this Act as if it were a year of assessment.

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#### FOURTH SCHEDULE.

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Sections 20,  
22.

#### ADAPTATIONS OF INCOME TAX PROVISIONS AS TO COMPUTATION OF PROFITS FOR PURPOSE OF NATIONAL DEFENCE CONTRIBUTION.

1. The profits shall be taken to be the actual profits arising in the chargeable accounting period; and the principles of computing profits by reference to any other period and, save as provided in the next following paragraph, of allowing losses sustained in any other period to be carried forward, shall not be followed.

2.—(1) Where a person carrying on a trade or business either solely or in partnership has, before the beginning of the first of the relevant accounting periods, sustained a loss (as computed for income tax purposes) in the trade or business, he may claim that so much of that loss shall be carried forward and deducted from or set off against the profits arising from the trade or business in any of the relevant accounting periods as could, under section thirty-three of the Finance Act, 1926, as amended by section nineteen of the Finance Act, 1932, be carried forward and deducted from or set off against the assessable income tax profits of the trade or business for the year of assessment corresponding to that accounting period :

Provided that, in ascertaining the amount (if any) that could be so carried forward and deducted from or set off against assessable income tax profits for a year of assessment corresponding to an accounting period—

- (a) the amount of the assessable income tax profits for that year shall be taken to be equal to the amount of the profits arising in that accounting period (computed in like manner as profits arising in a chargeable accounting period are computed for the purpose of the national defence contribution but before making any deduction for wear and tear under the next following paragraph);

4TH SCH.  
—cont.

- (b) the amount of the assessable income tax profits for any previous year of assessment corresponding to a previous relevant accounting period shall be taken to be equal to the amount of the profits (computed as aforesaid) arising in that previous accounting period; and
- (c) the amount of the deduction (if any) to be made from the assessable income tax profits under Rule 6 of the Rules applicable to Cases I and II of Schedule D for any year of assessment corresponding to a relevant accounting period shall be taken to be equal to the amount which, under the provisions of sub-paragraph (1) of the next following paragraph, falls to be deducted in computing the amount of the profits arising in that accounting period.

(2) Where a person carrying on a trade or business either solely or in partnership has, in any relevant accounting period, sustained a loss in the trade or business (to be computed in like manner as profits arising in a chargeable accounting period are computed for the purpose of the national defence contribution) he may claim that that loss shall be carried forward and, as far as may be, deducted from or set off against the profits arising from the trade or business in the next relevant accounting period and, if and so far as it exceeds the profits so arising in that period, against the profits so arising in the next such period, and so on.

In the application of this sub-paragraph to a loss sustained by a partner in a partnership, references to losses or profits shall be construed as references to that partner's share in those losses or profits.

(3) For the purpose of this paragraph—

- (a) the expression “ assessable income tax profits ” in relation to any year of assessment means the profits or gains of the trade or business assessable to income tax under Schedule D for that year;
- (b) the expression “ relevant accounting period ” means any accounting period falling wholly or partly within the five years beginning on the sixth day of April, nineteen hundred and thirty-seven;
- (c) the year of assessment following that in which an accounting period ends shall be deemed to correspond to that accounting period.

3.—(1) There may be deducted in respect of any accounting period a sum (ascertained on the like basis as the amount of a deduction for wear and tear is ascertained under Rule 6 of the Rules applicable to Cases I and II of Schedule D) which represents the diminution in value by reason of wear and tear during that period of any plant or machinery in respect of which a deduction

could be made under the said Rule 6, plus ten per cent. of that sum.

4TH SCH.  
—cont.

(2) Without prejudice to the foregoing provisions of this paragraph, there may, in the case of the first chargeable accounting period, be deducted any sum which, under paragraph (3) of the said Rule 6, falls to be added to the amount of the deduction for wear and tear to be made under that Rule in charging the profits or gains of the trade or business to income tax for the year 1937-1938 :

Provided that, if the amount of the deduction falling to be made under this sub-paragraph exceeds the amount of profits arising from the trade or business in the first chargeable accounting period, the excess shall, in lieu of being deducted in that chargeable accounting period, be deducted in the second chargeable accounting period if and in so far as there are profits arising in that period, and so on.

4. The principles of the Income Tax Acts under which deductions are not allowed for interest, annuities or other annual payments payable out of the profits, or for royalties, or (in certain cases) for rent, and under which the annual value of lands, tenements, hereditaments or heritages occupied for the purpose of a trade or business is excluded, and under which a deduction may be allowed in respect of such annual value, shall not be followed :

Provided that nothing in this paragraph shall authorise any deduction in respect of—

- (a) any payment of dividend or distribution of profits; or
- (b) any interest, annuity or other annual payment paid to any person carrying on the trade or business, or any royalty or rent so paid;

and, for the purpose of paragraph (b) of this proviso, where the trade or business is carried on by a company the directors whereof have a controlling interest therein, the directors shall be deemed to be carrying on the trade or business.

5. The provisions of subsection (4) of section twenty-seven of the Finance Act, 1920 (which disallows deductions on account of the payment of dominion income tax) shall not apply.

6. Where, in respect of any profits arising from a trade or business, relief from income tax chargeable in the United Kingdom is granted by virtue of arrangements with the Government of any other country, being arrangements which for the time being have effect either—

- (a) under section eighteen of the Finance Act, 1923 (which as amended by section thirty-one of the Finance Act,

4TH SCH.  
—cont.

1924, and section nine of the Finance Act, 1931, provides for the relief of shipping and air transport from double taxation); or

- (b) under section seventeen of the Finance Act, 1930 (which provides for the relief of certain agencies from double taxation);

those profits shall not be included in the profits arising from that trade or business, if and so long as the profits of trades or businesses which, by virtue of those arrangements, are relieved from income tax chargeable in that other country, are relieved from all taxes chargeable in that other country on the profits of trades or businesses.

7. Income received from investments or other property shall be included in the profits in the cases and to the extent provided in this paragraph, and not otherwise—

- (a) in the case of the business of a building society, or a banking business, assurance business or business consisting wholly or mainly in the dealing in or holding of investments or other property, the profits shall include all income received from investments or other property except—

(i) income received directly or indirectly by way of dividend or distribution of profits from a body corporate carrying on a trade or business to which the section of this Act charging the national defence contribution applies; and

(ii) income to which the persons carrying on the trade or business are not beneficially entitled;

- (b) in the case of any other trade or business, being a trade or business carried on by a body corporate, the profits shall include all income received by way of dividend or distribution of profits from any other body corporate in which the first-mentioned body corporate has a controlling interest and which is not liable to be assessed to the national defence contribution:

Provided that the profits of a body corporate which, either alone or in conjunction with any statutory undertakers, has a controlling interest in any other body corporate, being statutory undertakers, shall not in any case include any income received from that other body corporate.

8. Subject to the provisions of the last foregoing paragraph, the profits shall include all such income arising from the trade or business as is chargeable to income tax under Case I of Schedule D, or would be so chargeable if the profits of the trade or business were chargeable under that Case, except

income which is, or would be, exempted from income tax by virtue of section thirty-nine of the Income Tax Act, 1918, or section thirty of the Finance Act, 1921.

4TH SCH.  
—cont.

9. No deduction shall be made on account of liability to pay or the payment of United Kingdom income tax or the national defence contribution.

10. No deduction shall be made in respect of any transaction or operation of any nature if and so far as it appears that the transaction or operation has artificially reduced the profits or created or increased a loss or would artificially reduce the profits or create or increase a loss.

11. In the case of a trade or business carried on in any chargeable accounting period by a company the directors whereof have a controlling interest therein, the deduction to be allowed in respect of the remuneration of the directors other than whole-time service directors shall not exceed fifteen per cent. of the profits arising from the trade or business in that period (computed before making any deduction in respect of the remuneration of the directors other than whole-time service directors), or fifteen hundred pounds, whichever is the greater, so, however, that the deduction shall in no case exceed fifteen thousand pounds:

Provided that in relation to a chargeable accounting period of less than twelve months any reference in this paragraph to fifteen hundred pounds or fifteen thousand pounds shall be construed as a reference to a sum which bears the same proportion to fifteen hundred pounds or fifteen thousand pounds, as the case may be, as the length of the period bears to twelve months.

12.—(1) In the case of a trade or business carried on in any chargeable accounting period by an individual or individuals in partnership, he or they may claim that there shall be allowed as a deduction in respect of that period the greatest amount which could have been allowed as a deduction under the last foregoing paragraph in respect of the remuneration of the directors other than whole-time service directors, if the trade or business had been carried on in that period by a company the directors whereof had a controlling interest therein:

Provided that, where a deduction is made under this paragraph as respects any period, the profits arising from the trade or business in that period shall be chargeable to the national defence contribution at the rate applicable in the case of a trade or business carried on by a body corporate.

(2) Any claim under this paragraph shall be made by notice in writing given to the Commissioners of Inland Revenue within one month from the end of the chargeable accounting period in question.

4TH SCH.  
—cont.

13. For the purpose of this Schedule—

- (a) the expression “ company ” means a company within the meaning of the Companies Act, 1929, or the Companies Act (Northern Ireland), 1932;
- (b) the expression “ director ” has the same meaning as in section one hundred and forty-four of the Companies Act, 1929, except that it includes any person who—
  - (i) is a manager of the company or otherwise concerned in the management of the trade or business; and
  - (ii) is remunerated out of the funds of the trade or business; and
  - (iii) is the beneficial owner of not less than twenty per cent. of the ordinary share capital of the company;
- (c) the expression “ whole-time service director ” means a director who is required to devote substantially the whole of his time to the service of the company in a managerial or technical capacity and is not the beneficial owner of more than five per cent. of the ordinary share capital of the company; and
- (d) the expression “ ordinary share capital ” means all the issued share capital (by whatever name called) of the company, other than capital the holders whereof have a right to a dividend at a fixed rate or a rate fluctuating in accordance with the standard rate of income tax, but have no other right to share in the profits of the company.

14. Where the performance of a contract extends beyond the chargeable accounting period, there shall (unless the Commissioners of Inland Revenue owing to any special circumstances otherwise direct) be attributed to that period such proportion of the entire profit or loss which has resulted, or which it is estimated will result, from the complete performance of the contract as is properly attributable to that period, having regard to the extent to which the contract was performed in that period.

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**FIFTH SCHEDULE.**

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Section 24.

**ASSESSMENT AND COLLECTION OF NATIONAL DEFENCE  
CONTRIBUTION, APPEALS AND SUPPLEMENTARY  
PROVISIONS.****PART I.****ASSESSMENT AND COLLECTION.**

1. The national defence contribution payable in respect of any chargeable accounting period shall be assessed on the person carrying on the trade or business in that period.

2. Where two or more persons were carrying on the trade or business jointly in the relevant chargeable accounting period, the assessment shall be made upon them jointly and, in the case of a partnership, may be made in the partnership name, if any.

3. Where by virtue of the foregoing provisions of this Schedule an assessment could, but for his death, be made on any person either solely or jointly with any other person, the assessment may be made on his personal representative either solely or jointly with that other person, as the case may be.

4. Where any person liable to assessment under the foregoing provisions of this Schedule in respect of the profits arising from a trade or business in any chargeable accounting period is not resident in the United Kingdom, an assessment may be made upon any agent, manager or factor resident in the United Kingdom through whom the trade or business was carried on in that period.

5. An assessment (including an additional assessment) may be made at any time within six years from the end of the chargeable accounting period in respect of which the assessment is made, and in the absence of a satisfactory return or other information on which to make an assessment the Commissioners of Inland Revenue may make an assessment according to the best of their judgment.

6. The Commissioners of Inland Revenue may make regulations with respect to the assessment and collection of the national defence contribution and may by those regulations apply and adapt any enactments relating to the assessment and collection of income tax.

5TH SCH.  
—cont.

## PART II.

### APPEALS.

1. Any person who is dissatisfied with an assessment to the national defence contribution may appeal either to the General Commissioners for the division in which he is assessed for the purposes of income tax or to the Special Commissioners.

2. On any appeal under this Part of this Schedule, the General or Special Commissioners shall have power, if they think fit, to summon witnesses and examine them on oath.

3. The provisions of section one hundred and ninety-six of the Income Tax Act, 1918 (which relate to appeals in Northern Ireland from the Special Commissioners to the recorder or the county court judge), shall apply to an appeal to the Special Commissioners in Northern Ireland under this Part of this Schedule.

4. The provisions of section one hundred and forty-nine of the Income Tax Act, 1918 (which relate to the statement of a case on a point of law) shall, with the necessary modifications, apply in the case of any appeal to the General or Special Commissioners under this Part of this Schedule and in the case of any re-hearing of any such appeal in Northern Ireland, as they apply in the case of appeals to the General or Special Commissioners under the said Act.

5. Notwithstanding that an appeal is pending against an assessment to the national defence contribution, such part of the contribution assessed as appears to the Commissioners of Inland Revenue not to be in dispute shall be collected and paid in all respects as if it were a contribution charged by an assessment in respect of which no appeal was pending, and on the determination of the appeal any balance chargeable in accordance with the determination shall be paid, or any amount over-paid shall be repaid, as the case may require.

6. The Commissioners of Inland Revenue may make regulations with respect to the hearing of appeals under this Part of this Schedule, and may by those regulations apply and adapt any enactments relating to the hearing of appeals as to income tax by the Special or General Commissioners which do not otherwise apply.

7. In this Part of this Schedule the expressions "the General Commissioners" and "the Special Commissioners" have respectively the same meanings as in the Income Tax Act, 1918.



## PART III.

5TH SCH.  
—cont.

## SUPPLEMENTARY PROVISIONS.

1. Any surveyor appointed for the purposes of the Income Tax Acts may by notice in writing require any person who carries on or has carried on any trade or business to which the section of this Act charging the national defence contribution applies to deliver to him a return (in such form as the Commissioners of Inland Revenue may prescribe) of the profits arising from the trade or business in any period during which it was carried on by that person and to furnish him with any other particulars relating to the trade or business :

Provided that—

- (a) where any such person as aforesaid is dead, or is a body corporate which is being wound up, the notice may be given to the personal representative of the dead person or liquidator of the body corporate, as the case may be ;
- (b) where the trade or business is or was being carried on by persons in partnership, the notice may be given in the partnership name, if any ;
- (c) where the person who carries on or has carried on the trade or business is not resident in the United Kingdom, the notice may be given to any agent, manager or factor resident in the United Kingdom through whom he is or was carrying on the trade or business.

2. Every person to whom a notice is given under the last foregoing paragraph shall comply with the requirements thereof within one month from the date of the notice :

Provided that, where a notice is given in the partnership name to the persons who are or were carrying on a trade or business in partnership, it shall be the duty of the precedent partner or, where no partner is resident in the United Kingdom, of the agent, manager or factor of the firm resident in the United Kingdom, to comply with the requirements of the notice.

For the purpose of this paragraph, the expression “the precedent partner” has the same meaning as in paragraph (2) of Rule 10 of the rules applicable to Cases I and II of Schedule D in the Income Tax Act, 1918.

3. Where a body corporate is being wound up, the liquidator of the body corporate shall not distribute any of the assets of the body corporate to the members thereof unless he has made provision for the payment in full of any national defence contribution which may be found payable by the body corporate.

5TH SCH.  
—cont.

4. If any person without reasonable excuse contravenes or fails to comply with any of the foregoing provisions of this Part of this Schedule, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, and, in a case where he fails to comply with the requirements of paragraph 2 of this Part of this Schedule, to a further fine not exceeding fifty pounds for every day on which the failure continues.

5. In a bankruptcy, in the winding-up of a company, and in the event of a receiver being appointed on behalf of the holders of any debentures of a company secured by a floating charge or of possession of any property comprised in or subject to a floating charge being taken by or on behalf of the holders of any debentures of a company secured by that charge, the same priority shall be given to the national defence contribution as is, by the enactments relating to bankruptcy and companies, required to be given to income tax.

6. All Commissioners and other persons employed for any purpose in connection with the assessment or collection of the national defence contribution shall be subject to the same obligations as to secrecy with respect to the contribution as they are subject to with respect to income tax, and any oath taken by any such person as to secrecy with respect to income tax shall be deemed to extend also to secrecy with respect to the national defence contribution.

Section 34

## SIXTH SCHEDULE.

### ENACTMENTS REPEALED.

#### PART I.

#### ENACTMENTS RELATING TO INCOME TAX REPEALED AS FROM 6TH APRIL, 1937.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	The proviso to paragraph (2) of Rule 5 of the Rules applicable to Cases I and II of Schedule D.
9 & 10 Geo. 5. c. 32.	The Finance Act, 1919.	Section eighteen.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	In the third column of the Third Schedule the words "(other than the deduction granted by subsection (2) of section eighteen of the Finance Act, 1919)".

## PART II.

6TH SCH.  
— cont.MISCELLANEOUS ENACTMENTS REPEALED AS FROM  
PASSING OF ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 71.	The National Debt Act, 1870.	Sections fifty-six and fifty-seven.
54 & 55 Vict. c. 39.	The Stamp Act, 1891	Section seventy-four, and in the First Schedule the words and figures "Grant or Warrant of Precedence to take rank among nobility, under the sign manual of Her Majesty - - 100 0 0".
19 & 20 Geo. 5. c. 29.	The Government Annuities Act, 1929.	In subsection (3) of section six the words from "and whenever" to the end of the subsection.
22 & 23 Geo. 5. c. 53.	The Ottawa Agreements Act, 1932.	Section five.

## PART III.

ENACTMENTS RELATING TO MALE SERVANT DUTY REPEALED  
AS FROM 1ST JANUARY, 1938.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Vict. c. 29.	The Hares Act, 1848	Section three.
11 & 12 Vict. c. 30.	The Hares (Scotland) Act, 1848.	Section two.
32 & 33 Vict. c. 14.	The Revenue Act, 1869.	In section eighteen the words and figures "For every male servant - - - 0 15 0" and the words "shall employ the servant or".

T t

6TH SOB.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 14— <i>cont.</i>	The Revenue Act, 1869— <i>cont.</i>	<p>In section nineteen, in paragraph (1) the word "servants" and the words "employed or": in paragraph (2) the word "servants" and the word "employed" in both places in which it occurs; and paragraphs (3), (4) and (5).</p> <p>In section twenty-two, the words "employing any male servant or", the words "The number of male servants employed by him and "in what capacity", the words "male servants or" and the words "to employ any servant or".</p> <p>In section twenty-three, the words "employing a greater number of male servants "or".</p> <p>In section twenty-seven, the words "employ any male servant, or", the words "shall employ a greater number of male servants or", the words "employ or" and the words "the number of servants employed, or".</p> <p>In section twenty-nine, the words "furnish any servant on hire, or", the word "servant", in the second and fourth places where it occurs, and the words "the name of such servant".</p>
36 & 37 Vict. c. 18.	The Customs and Inland Revenue Act, 1873.	The whole Act.
39 & 40 Vict. c. 16.	The Customs and Inland Revenue Act, 1876.	Section five.
51 & 52 Vict. c. 41.	The Local Govern- ment Act, 1888.	In the First Schedule the words "Male servants".

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw.7. c.16	The Finance Act, 1908.	In subsection (4) of section six, the words "and male servants".
11 & 12 Geo.5. c. 32.	The Finance Act, 1921.	Section ten.
20 & 21 Geo.5. c. 43.	The Road Traffic Act, 1930.	Section one hundred and eighteen.

6TH SCH.  
—cont.

## CHAPTER 55.

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-eight, and to appropriate the Supplies granted in this Session of Parliament. [30th July 1937.]

Most Gracious Sovereign,

**W**E, 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.

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-eight, the sum of four hundred and ten million, five hundred and three thousand, one hundred and fifty-five pounds.

Issue of  
£410,503,155  
out of the  
Consoli-  
dated Fund.

Power for  
the Treas-  
ury 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 four hundred and ten million, five hundred and three thousand, one hundred and fifty-five 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-eight 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 services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of seven hundred and four million, five hundred and ninety-two thousand, six hundred and eight pounds, four shillings, and tenpence 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.

5. Whereas surpluses arising on certain votes for navy services, together with the sum granted by this Act for those services, for the year ended on the thirty-first day of March, one thousand nine hundred and thirty-six,

Sanction for navy, army and air expenditure for 1935 unprovided for.

25 & 26  
Geo. 5. c. 28.  
26 Geo. 5. &  
1 Edw. 8.  
c. 37.

have been applied so far as necessary to meeting deficits on those services as shown in the statement set out in Schedule (C), Part I, to this Act; and whereas under the powers given for the purpose by the Appropriation Acts, 1935 and 1936, surpluses arising on certain votes for army and air services have been applied so far as necessary to meeting deficits on those services respectively as shown in the statements set out in Schedule (C), Parts II and III to this Act:

It is enacted that the application, as shown in the said statements, of surpluses and of the sum now granted 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, 1937.



## A B S T R A C T

OF

SCHEDULES (A) and (B) to which this  
Act refers.

## SCHEDULE (A.)

Section 3.

	<b>£</b>	<b>s.</b>	<b>d.</b>
Grants out of the Consolidated Fund - -	704,592,608	4	10

## SCHEDULE (B.)—APPROPRIATIONS OF GRANTS.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
1935 and 1936.						
Part 1. Navy Excess, 1935 - -	100	0	0	163,083	15	9
„ 2. Civil Depart- ments Excesses, 1935 - -	32,806	4	10	8,317	10	6
„ 3. Navy (Supple- mentary), 1936	100	0	0	400,000	0	0
„ 4. Army (Supple- mentary), 1936	100	0	0	600,000	0	0
Army (Royal Ordnance Factories) (Supplemen- tary), 1936 -	100	0	0	678,500	0	0
„ 5. Air (Supple- mentary), 1936	100	0	0	43,000	0	0
„ 6. Civil and Re- venue Depart- ments (Supple- mentary), 1936	9,685,547	0	0	1,480,210	0	0
<b>£</b>	<b>9,718,853</b>	<b>4</b>	<b>10</b>	<b>3,373,111</b>	<b>6</b>	<b>3</b>

SCHED. (B.) APPROPRIATIONS OF GRANTS.

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS—*cont.*

SCHED. (B.) Appropriations of Grants.	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
1937.						
Part 7. Navy - -	78,065,000	0	0	29,951,287	0	0
„ 8. Army - -	63,120,000	0	0	25,891,000	0	0
Army (Royal Ordnance Factories) -	582,600	0	0	15,581,800	0	0
„ 9. Air Force - -	56,500,000	0	0	32,088,600	0	0
£	198,267,600	0	0	103,512,687	0	0
Part 10. Civil, Class I -	2,686,912	0	0	2,451,288	0	0
„ 11. Civil, Class II -	9,188,129	0	0	1,012,887	0	0
„ 12. Civil, Class III -	23,940,142	0	0	2,547,150	0	0
„ 13. Civil, Class IV -	62,966,027	0	0	6,621,788	0	0
„ 14. Civil, Class V -	170,578,496	0	0	13,367,594	0	0
„ 15. Civil, Class VI -	32,783,873	0	0	4,515,894	0	0
„ 16. Civil, Class VII -	9,912,351	0	0	2,894,508	0	0
„ 17. Civil, Class VIII -	43,933,625	0	0	12,230	0	0
„ 18. Civil, Class IX -	54,392,000	0	0	100,000	0	0
TOTAL, CIVIL £	410,381,555	0	0	33,523,339	0	0
Part 19. Revenue De- partments - -	86,224,600	0	0	3,934,673	0	0
GRAND TOTAL £	704,592,608	4	10	144,343,810	6	3

## SCHEDULE (A.)

SCHED. (A.)

## GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st day of March 1936—			
Under Act 1 Edw. 8. & 1 Geo. 6. c. 20 -	32,906	4	10
For the service of the year ending on the 31st day of March 1937—			
Under Act 1 Edw. 8. & 1 Geo. 6. c. 7. -	5,294,000	0	0
For the service of the year ending on the 31st day of March 1937—			
Under Act 1 Edw. 8. & 1 Geo. 6. c. 20 -	4,391,947	0	0
For the service of the year ending on the 31st day of March 1938—			
Under Act 1 Edw. 8. & 1 Geo. 6. c. 20 -	284,370,600	0	0
Under this Act - - - - -	410,503,155	0	0
TOTAL - - - - -	£ 704,592,608	4	10

SCHED. (B.)  
PART 1.  
Navy  
Excess,  
1935.

SCHEDULE (B.)—PART 1.

NAVY EXCESS, 1935.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
Sum granted to make good Excesses of Navy expendi- ture beyond the Grants for the year ended 31st March 1936 - - -	100	0	0	163,083	15	9

SCHED. (B.)  
PART 2.  
Civil  
Departments  
Excesses,  
1935.

SCHEDULE (B.)—PART 2.

CIVIL DEPARTMENTS EXCESSES, 1935.

SUMS granted to make good EXCESSES on certain GRANTS for  
CIVIL DEPARTMENTS for the year ended 31st March 1936.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
Class IV.						
Vote. 9. Wallace Collection - -	39	15	7	—		
Class VIII.						
2. Ministry of Pensions -	32,766	9	3	8,317	10	6
£	32,806	4	10	8,317	10	6

SCHEDULE (B.)—PART 3.

SCHED. (B.)  
PART 3.  
Navy  
(Supple-  
mentary),  
1936:

NAVY (SUPPLEMENTARY), 1936.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1937.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
8. Shipbuilding repairs, maintenance, &c.—		
Section I—Personnel - -	150,000	—
Section II—Matériel - -	Cr.400,000	400,000
Section III—Contract work -	216,000	—
9. Naval armaments - - - -	Cr.380,400	—
10. Works, buildings, and repairs at home and abroad - - - -	414,500	—
<b>TOTAL, NAVY (SUPPLEMENTARY), 1936 - - - -</b>	<b>100</b>	<b>400,000</b>

SCHED. (B.)  
PART 4.  
Army  
(Supple-  
mentary),  
1936.

SCHEDULE (B.)—PART 4.

ARMY (SUPPLEMENTARY), 1936.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on the 31st day of March 1937.

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. Pay, &c., of the Army - - -	<i>Cr.</i> 846,000	600,000
2. Territorial Army and Reserve forces	<i>Cr.</i> 9,000	—
3. Medical services - - - -	22,000	—
5. Quarters and movements - -	409,000	—
6. Supplies, road transport and remounts	72,000	—
7. Clothing - - - - -	15,000	—
8. General stores - - - - -	10,000	—
9. Warlike stores - - - - -	<i>Cr.</i> 40,000	—
10. Works, buildings and lands - -	351,000	—
11. Miscellaneous effective services -	10,000	—
12. War Office - - - - -	6,100	—
<b>TOTAL, ARMY (SUPPLEMENTARY), 1936 - - - - -</b>	<b>100</b>	<b>600,000</b>
<b>ARMY (ROYAL ORDNANCE FACTORIES) (SUPPLEMENTARY), 1936.</b>		
Royal Ordnance Factories - - - -	100	760,800
The sum to be transferred from the Supplies Suspense Account being reduced by - - - - -	—	*82,300
<b>TOTAL, ARMY (ROYAL ORDNANCE FAC- TORIES) (SUPPLEMENTARY), 1936</b>	<b>100</b>	<b>678,500</b>

\* Reduction.

## SCHEDULE (B.)—PART 5.

SCHED. (B.)  
PART 5.  
Air Services  
(Supple-  
mentary),  
1936.

## AIR SERVICES (SUPPLEMENTARY), 1936.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1937.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
<b>Vote.</b>		
1. Pay, &c., of the Royal Air Force -	<i>Cr.</i> 306,000	60,000
3. Technical and warlike stores (including experimental and research services) - - - - -	<i>Cr.</i> 1,130,000	—
4. Works, buildings and lands - -	1,400,100	*—17,000
6. Technical training and educational services - - - - -	36,000	—
<b>TOTAL, AIR SERVICES (SUPPLEMENTARY), 1936 - - - £</b>	<b>100</b>	<b>43,000</b>

\* Deficit.

SCHED. (B.)  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

SCHEDULE (B.)—PART 6.

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY),  
1936.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1937, 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	4,000
22. For certain miscellaneous expenses, including certain grants in aid, and supplement to certain statutory salaries - - -	10,937	1,500
25. 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, 1936; 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 - - - - -	10	460
28. For expenses connected with the Coronation of His Majesty the King - - - - -	152,000	—
Carried forward - - -	£ 162,957	5,960



SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.)  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>	£	£
Brought forward - -	162,957	5,960
CLASS II.		
Vote.		
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	10	6,000
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 - - - - -	106,620	1,084,410
CLASS III.		
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 -	30,050	2,000
Carried forward - £	299,637	1,098,370

SCHED. (B).  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

SCHEDULE (B.)—PART 6—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - -	299,637	1,098,370
CLASS IV.		
Vote.		
1. For the salaries and expenses of the Board of Education, of the various establishments connected therewith, including sundry grants in aid, and preliminary expenses in connection with physical training - - -	442,000	80,000
12. For Public Education in Scotland, for the Royal Scottish Museum, Edinburgh, including sundry grants in aid, and preliminary expenses in connection with physical training - - -	62,150	11,000
CLASS V.		
1A. For grants to Public Assistance Authorities in England and Wales	3,800,000	—
18. For grants to Public Assistance Authorities in Scotland - - -	1,494,000	—
Carried forward - - - £	6,097,787	1,189,370

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.)  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - - -	6,097,787	1,189,370
CLASS VI.		
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 -	4,000	*—8,000
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 Coast-guard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - -	10	4,700
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, 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 - - -	25,900	*—14,900
Carried forward - £	6,127,697	1,171,170

\* Deficit.

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SCHED. (B.)  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

SCHEDULE (B.)—PART 6—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - -	6,127,697	1,171,170
CLASS VI— <i>cont.</i>		
Vote.		
11. For a grant to the Cattle Fund -	100,000	—
12. For the expenses of the survey of Great Britain and of minor services connected therewith - -	10	9,440
19. For the salaries and expenses of the Anglo-Spanish, Anglo-Roumanian, Anglo-Italian and Anglo-Turkish Clearing Offices under the Debts Clearing Offices and Import Restrictions Act, 1934 - -	8,900	9,100
CLASS VII.		
1. For expenditure in respect of Art and Science Buildings, Great Britain -	29,400	—
6. For the salaries and expenses of the Office of the Commissioners of His Majesty's Works and Public Buildings - - - -	40,000	*—8,000
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	153,000	85,000
9. For expenditure in respect of Royal Palaces, including a grant in aid -	12,100	—
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 -	66,000	4,500
Carried forward - -	£ 6,537,107	1,271,210

\* Deficit.

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.)  
PART 6.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1936.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>	£	£
Brought forward - -	6,537,107	1,271,210
CLASS VII— <i>cont.</i>		
Vote.		
11. For expenditure in respect of royal parks and pleasure gardens -	6,400	—
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 - -	193,530	10,500
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 - -	348,510	49,500
REVENUE DEPARTMENTS.		
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	2,600,000	149,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1936 - - - £	9,685,547	1,480,210

SCHED. (B.)  
PART 7.  
Navy.

SCHEDULE (B.)—PART 7.

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 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.		
	£	£
1. For wages, &c., to 112,895 officers, seamen, boys and royal marines, and civilians employed on fleet services - - - - -	14,181,000	50,000
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	3,978,000	684,580
3. For medical services, including the cost of medical establishments at home and abroad - - -	411,400	70,760
4. For the fleet air arm - - -	4,200,000	—
5. For educational services - - -	207,500	73,040
6. For scientific services - - -	586,000	90,110
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. -	373,300	140
Carried forward - - - £	23,937,200	968,630

SCHEDULE (B.)—PART 7—*continued.*SCH.ED. (B.)  
PART 7.  
Navy.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	23,937,200	968,630
<i>Vote.</i> 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 - - -	8,583,000	76,230
„ Section 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -	8,878,700	2,585,950
„ Section 3. For contract work for shipbuilding, repairs, maintenance, &c. - - - - -	14,662,800	17,393,478
9. For naval armaments - - -	7,769,700	5,613,000
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	2,093,000	3,101,700
11. For various miscellaneous effective services - - - - -	812,600	82,100
12. For the Admiralty Office - - -	1,459,000	9,470
13. For non-effective services (naval and marine)—officers - - -	3,174,000	21,045
14. For non-effective services (naval and marine)—men - - - - -	5,386,000	96,950
15. For civil superannuation and other non-effective annual allowances, additional allowances and gratuities	1,309,000	2,734
<b>TOTAL, NAVY SERVICES</b> £	<b>78,065,000</b>	<b>29,951,287</b>

SCHED. (B.)  
PART 8.  
Army.

SCHEDULE (B.)—PART 8.

ARMY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1938, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 168,900) at home and abroad (exclusive of India and Burma) -	10,488,000	2,537,000
2. For the Army Reserve (to a number not exceeding 131,500), the Supplementary Reserve (to a number not exceeding 50,717), the Territorial Army (to a number not exceeding 201,439), the Officers' Training Corps, and Colonial Militia, &c. . . . .	7,867,000	41,000
3. For medical services - - -	1,055,000	52,000
4. For educational establishments -	1,053,000	135,000
5. For quartering and movements -	1,909,000	374,000
6. For supplies, road transport and remounts - - - - -	6,005,000	341,000
7. For clothing - - - - -	1,565,000	281,000
8. For general stores - - - - -	2,923,000	189,000
9. For warlike stores, including technical establishments - - - - -	15,880,000	14,446,000
10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - - - -	3,856,000	6,226,000
Carried forward - - -	£ 52,601,000	24,622,000



SCHEDULE (B.)—PART 8—*continued.*SCHED. (B.)  
PART 8.  
Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	52,601,000	24,622,000
<b>Vote.</b> 11. For miscellaneous effective services	1,026,000	216,000
12. For the War Office - - -	1,046,000	11,000
13. For rewards, half-pay, retired pay, widows' pensions and other non- effective charges for officers - -	3,622,000	481,000
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. - - -	4,594,000	556,000
15. For civil superannuation and other non-effective annual allowances, additional allowances and gra- tuities - - - - -	231,000	5,000
<b>TOTAL, ARMY SERVICES -</b>	<b>£ 63,120,000</b>	<b>25,891,000</b>
<b>ARMY (ROYAL ORDNANCE FACTORIES).</b>		
For the Royal Ordnance Factories, the cost of productions of which will be charged to the navy, army, air force, &c. - - - - -	582,600	15,481,800
Together with a sum to be trans- ferred from the Supplies Suspense Account - - - - -	—	100,000
<b>TOTAL, ARMY (ROYAL ORD- NANCE FACTORIES) - } £</b>	<b>582,600</b>	<b>15,581,800</b>

SCHED. (B.)  
PART 9.  
Air.

SCHEDULE (B.)—PART 9.

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 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
<i>Vote.</i>		
	£	£
1. For the pay, &c., of 70,000 of all ranks of the Royal Air Force (exclusive of those serving in India) -	8,466,000	535,000
2. For quartering, stores (except technical), supplies and transportation - - - - -	4,476,000	124,000
3. For technical and warlike stores (including experimental and research services) - - - - -	31,542,000	16,590,000
4. For works, buildings, repairs, and lands, including civilian staff and other charges connected therewith	4,000,000	14,525,000
5. For medical services - - - - -	439,000	27,000
6. For technical training and educational services - - - - -	741,000	14,500
7. For auxiliary and reserve forces (to a number not exceeding 16,250 of all ranks of the Royal Air Force Reserve, 2,500 of all ranks of the Royal Air Force Volunteer Reserve and 9,114 of all ranks of the Auxiliary Air Force and Auxiliary Air Force Reserve)	1,360,000	100
Carried forward - - - - -	£ 51,024,000	31,815,600

SCHEDULE (B.)—PART 9—*continued.*SCHED. (B.)  
PART 9.  
Air.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	51,024,000	31,815,600
<b>Vote.</b> 8. For Civil Aviation - - -	2,315,000	184,000
9. For meteorological and miscellaneous effective services - - -	1,429,000	34,000
10. For the Air Ministry - - -	1,250,000	14,500
11. For half-pay, pensions and other non-effective services - - -	482,000	40,500
<b>TOTAL, AIR SERVICES -</b>	<b>£ 56,500,000</b>	<b>32,088,600</b>

SCHED. (B.)  
PART 10.  
Civil.  
Class I.

SCHEDULE (B.)—PART 10.

CIVIL.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1938, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the offices of the House of Lords -	50,718	15,650
2. For the salaries and expenses of the House of Commons (including a Supplementary sum of £84,300) -	431,667	12,500
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	245,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments, and the salary of a Minister for Co-ordination of Defence - - - - -	374,016	15,292
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	13,050	4,400
6. For the salaries and expenses of the office of the Lord Privy Seal -	3,707	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	39,813	3,650
8. For the salaries and expenses of the Civil Service Commission - -	19,172	68,400
9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	141,983	20,947
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,542	—
Carried forward - - -	£ 1,324,668	140,839

SCHEDULE (B.)—PART 10—*continued.*SCHED. (B.)  
PART 10.  
Civil.  
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	1,324,668	140,839
<b>Vote.</b>		
11. For the salaries and expenses of the department of the Government Actuary - - - -	33,219	3,375
12. For the salaries and expenses of the department of the Government Chemist - - - -	80,641	600
13. For a grant in aid of the Government Hospitality Fund - -	40,000	—
14. For the salaries and expenses of the Import Duties Advisory Committee - - - -	60,829	—
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	1,953,000
16. For the salaries and expenses of the National Debt Office - - -	3,158	24,330
17. For the salaries and expenses of the National Savings Committee -	110,997	—
18. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	40,323	575
19. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	100	23,033
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 - - - -	60,899	—
Carried forward - - - £	1,754,934	2,145,752

SCHED. (B.)  
PART 10.  
Civil.  
Class I.

SCHEDULE (B.)—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,754,934	2,145,752
Vote.		
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 - - -	35,000	1,075
22. For certain miscellaneous expenses, including certain grants in aid and supplement to certain statutory salaries - - -	50,296	3,500
23. For His Majesty's foreign and other secret services - - -	350,000	—
24. For making good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1935 - - -	618	—
25. For expenses connected with the Coronation of His Majesty the King	302,000	70,000
26. For the salaries and expenses of the Tithe Redemption Commission -	100	229,261
27. 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, 1936; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; contributions towards the expenses of Probation, and of Remand Homes; grants and expenses in connection with emergency Fire Brigade services; and grants and expenses under the Physical Training and Recreation scheme (including a Supplementary sum of £50,575) - - -	190,476	1,700
28. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - -	3,488	—
TOTAL, CIVIL, CLASS I -	£ 2,686,912	2,451,288

## SCHEDULE (B.)—PART II.

SCHED. (B.)  
PART II.  
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 1938, 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 - - - - -	139,956	191,614
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 (including a Supplementary sum of £189,680) - - -	1,494,997	333,579
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, and for a grant in aid of the expenses of the settlement of Assyrians of Iraq -	144,500	—
Carried forward - £	1,779,453	525,193

SCHED. (B.)  
PART 11.  
Civil.  
Class II.

SCHEDULE (B.)—PART 11—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,779,453	525,193
<i>Vote.</i>		
4. For the salaries and expenses of the department of His Majesty's Secretary of State for Dominion Affairs - - - -	56,531	1,202
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 -	633,234	9,067
6. In substitution for payments due from the Government of the Irish Free State - - - -	2,892,752	—
7. For the expenses connected with Oversea Settlement - - -	39,250	17,500
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	171,549	2,930
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 (including a Supplementary sum of £10,000) - - - -	1,045,167	346,815
10. For a grant in aid of the Colonial Development Fund - - -	500,000	—
Carried forward - £	7,117,936	902,707



SCHEDULE (B.)—PART 11—*continued.*SCHED. (B.)  
PART 11.  
Civil.  
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	7,117,936	902,707
Vote. 11. For the salaries and expenses of the Department of His Majesty's Secretary of State for India and His Majesty's Secretary of State for Burma, and a grant in aid of military expenditure from Indian Revenues - - - - -	1,606,819	110,180
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 - - - -	463,374	—
TOTAL, CIVIL, CLASS II - £	9,188,129	1,012,887

SCHED. (B.)  
PART 12.  
Civil.  
Class III.

SCHEDULE (B.)—PART 12.

CIVIL.—CLASS III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including Air Raid precautionary services, liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	5,776,957	74,310
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	73,059	4,181
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 - - -	12,446,188	210
Carried forward - - -	£ 18,296,204	78,701

SCHEDULE (B.)—PART 12—*continued.*SCHED. (B.)  
PART 12.  
Civil.  
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	18,296,204	78,701
<i>Vote.</i> 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -	1,144,266	262,500
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 - - -	416,450	16,000
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	533,182
7. For the salaries and expenses connected with the County Courts, including a supplement to County Court Judges, and the expenses of the Arrears Investigation Committee - - - - -	100	799,332
8. For the salaries and expenses of the office of Land Registry - - -	100	277,903
9. For the salaries and expenses of the office of Public Trustee - - -	100	258,945
Carried forward - - - £	19,857,320	2,226,563

X x

SCHED. (B.)  
PART 12.  
Civil.  
Class III.

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	19,857,320	2,226,563
<b>Vote.</b>		
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 - - -	123,421	38,000
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 grants in aid of the expenses of the Law Society and of the Solicitors' Discipline (Scotland) Committee - - -	42,276	10,250
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 - -	1,209,482	—
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 - - -	221,416	21,258
Carried forward - - £	21,453,915	2,296,071

SCHEDULE (B.)—PART 12—*continued.*SCHED. (B.)  
PART 12.  
Civil.  
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	21,453,915	2,296,071
<b>Vote.</b>		
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 -	68,350	4,650
15. For the salaries and expenses of the office of the Scottish Land Court, including a supplement to members of the Court - - - -	8,774	400
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 -	48,536	145,400
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	62,300
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 - -	6,968	7,000
Carried forward - - - £	21,586,643	2,515,821

X x 2

SCHED. (B.)  
PART 12.  
Civil.  
Class III.

SCHEDULE (B.)—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	21,586,643	2,515,821
<i>Vote.</i> 19. For such of the salaries and ex- penses 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 (including certain expenses in connection with Land Purchase in Northern Ireland) - - - - -	21,620	31,235
20. For charges in connection with Land Purchase in Ireland, including pay- ment of Land Purchase Annuities in respect of Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability - - - - -	2,331,879	94
TOTAL, CIVIL, CLASS III - £	23,940,142	2,547,150

## SCHEDULE (B.)—PART 13.

SCHED. (B.)  
PART 13.  
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 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid, and grants and expenses in connection with physical training and recreation (including a Supplementary sum of £177,000) -	49,538,959	5,694,000
2. For the salaries and other expenses of the British Museum, including a grant in aid - - - -	194,949	33,080
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	117,508	1,950
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - -	12,345	850
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - - -	5,764	1,300
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank, including a grant in aid - - - -	32,387	2,151
Carried forward - - - £	49,901,912	5,733,331

SCHED. (B.)  
PART 13.  
Civil.  
Class IV.

SCHEDULE (B.)—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	49,901,912	5,733,331
<i>Vote.</i>		
7. For the salaries and other expenses of the National Maritime Museum, including a grant in aid - - -	11,060	50
8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - -	9,034	1,230
9. For the salaries and expenses of the Wallace Collection - - -	11,202	1,750
10. For sundry grants in aid of scientific investigation, &c., and other grants - - -	262,992	97,140
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 - - -	2,155,000	—
12. For a grant to the British Broadcasting Corporation - - -	2,870,000	—
13. For public education in Scotland, and for the Royal Scottish Museum, Edinburgh; including sundry grants in aid - - -	7,729,216	782,955
14. 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 - - -	12,245	315
15. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - -	3,366	5,017
<b>TOTAL, CIVIL, CLASS IV</b>	<b>£ 62,966,027</b>	<b>6,621,788</b>



## SCHEDULE (B.)—PART 14.

SCHED. (B.)  
PART 14.  
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 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Ministry of Health; including grants, a grant in aid and other expenses in connection with housing, certain grants to local authorities, &c., grants in aid in respect of benefits, &c., under the National Health Insurance Act, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Act, and other services	22,093,846	1,332,390
1A. For grants to Public Assistance Authorities in England and Wales	190,000	—
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	156,771	14,277
3. For the salaries and expenses of the department of the Registrar General of Births, &c. - - -	97,017	26,000
Carried forward - - - £	22,537,634	1,372,667

SCHED. (B.)  
PART 14.  
Civil.  
Class V.

SCHEDULE (B.)—PART 14—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	22,537,634	1,372,667
<b>Vote.</b>	<b>4. For the salaries and expenses of the audit staff under the National Health Insurance Act, 1936 -</b>	166,560	4,190
	<b>5. For the salaries and expenses of the Registry of Friendly Societies -</b>	47,090	4,750
	<b>6. For the payment of Old Age Pensions, Pensions to Blind persons, and for certain administrative expenses in connection therewith -</b>	45,319,000	12,000
	<b>7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 - - - - -</b>	16,000,000	—
	<b>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 - - - -</b>	23,838,000	6,454,000
	Carried forward - - £	107,908,284	7,847,607

SCHEDULE (B.)—PART 14—*continued.*SCHED. (B.)  
PART 14.  
Civil.  
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	107,908,284	7,847,607
<i>Vote.</i> 9. For grants to local authorities, &c., made prior to 31 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 - - - -	3,700,000	—
10. For the salaries and expenses of the Office of the Commissioner for Special Areas (England and Wales), and the expenses of the Commis- sioner under the Special Areas (Development and Improvement) Act, 1934, and the Special Areas (Amendment) Act, 1937, including grants in aid (including a Supple- mentary sum of £10) - - -	110	4,500,090
11. 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 for Special Payments to recipients of Unemployment Allowances on the occasion of the Coronation of His Majesty King George VI.; and sums payable by the Exchequer to the Unemploy- ment Assistance Fund under the Unemployment Assistance Act, 1934 (including a Supplementary sum of £110,000) - - - -	51,370,000	—
Carried forward - - - £	162,978,394	12,347,697

SCHED. (B.)  
PART 14.  
Civil.  
Class V.

SCHEDULE (B.)—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	162,978,394	12,347,697
<b>Vote.</b>		
12. For a grant in aid of the Special Areas Fund - - - -	3,500,000	—
12A. For financial assistance to site-companies providing factories in certain areas and to new industrial undertakings in the Special and other areas - - - -	301,047	—
13. For the salaries and expenses of the department of Health for Scotland; including grants, a grant in aid 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 in respect of benefits, &c., under the National Health Insurance Act; certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Act, and other services - -	3,598,501	186,612
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 - - - -	16,331	450
15. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland	18,113	1,845
Carried forward - £	170,412,386	12,536,604

SCHEDULE (B.)—PART 14—*continued.*SCHED. (B.)  
PART 14.  
Civil.  
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	170,412,386	12,536,604
Vote. 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 (Develop- ment and Improvement) Act, 1934, and the Special Areas (Amend- ment) Act, 1937, including grants in aid (including a Supplemen- tary sum of £10) - - -	110	830,990
17. For grants to Public Assistance Authorities in Scotland - -	166,000	—
<b>TOTAL, CIVIL, CLASS V</b>	<b>£ 170,578,496</b>	<b>13,367,594</b>

SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

SCHEDULE (B.)—PART 15.

CIVIL.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
<b>Vote.</b>		
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 -	307,532	583,379
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 - - - -	396,131	223,567
3. For subsidies in respect of Tramp voyages and expenses of administration - - - -	8,510	—
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 - - - -	462,942	171,467
Carried forward - - £	1,175,115	978,413

SCHEDULE (B.)—PART 15—*continued.*SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,175,115	978,413
<b>Vote.</b>		
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	411,719
6. For the salaries and expenses of the Mines Department of the Board of Trade (including a Supplementary sum of £65,000) - - - - -	263,205	17,676
7. For the salaries and expenses of the office of Commissioners of Crown Lands, including a supplement to Commissioner and Secretary - - - - -	36,574	—
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, 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, control of diseases of fish, fishery development; and sundry other services (including a Supplementary sum of £204,850) - - - - -	2,571,901	599,336
Carried forward - £	4,046,895	2,007,144

SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

SCHEDULE (B.)—PART 15—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	4,046,895	2,007,144
<i>Vote.</i> 9. For a subsidy on sugar manufactured from beet grown in Great Britain	2,250,000	—
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 (including a Supplementary sum of £248,000) - -	858,000	—
11. For the salaries of the Livestock Commission; for a grant to and a grant in aid of the Cattle Fund; and for certain expenses in connection with experimental slaughterhouse schemes - - - -	4,731,967	43,000
11A. For the Salaries and Expenses of the Land Fertility Committee, and contributions towards the cost of acquiring and transporting lime and basic slag incurred by occupiers of agricultural land in the United Kingdom - - -	864,100	200
12. For the expenses of the survey of Great Britain and of minor services connected therewith -	378,875	212,720
13. For a grant in aid of the Forestry Fund - - - - -	800,000	—
Carried forward - £	13,929,837	2,263,064



SCHEDULE (B.)—PART 15—*continued.*SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,929,837	2,263,064
<b>Vote.</b> 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 Rail- ways Act, 1921; expenses under the London Traffic Act, 1924, the Lon- don Passenger Transport Act, 1933, the Road and Rail Traffic Act, 1933, and the Trunk Roads Act, 1936; expenses in respect of advances un- der the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian and Crianan Canals; and other services	272,942	654,740
15. For a grant in aid of the Road Fund; for the maintenance and recon- struction of Menai Bridge; for payments to local authorities in re- imbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services - - - - -	15,500,000	375,000
16. For a grant in aid of the Develop- ment Fund - - - - -	715,000	—
17. For grants to public utility under- takings in Great Britain - -	780,000	—
Carried forward - £	31,197,779	3,292,804

SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

SCHEDULE (B.)—PART 15—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	31,197,779	3,292,804
<i>Vote.</i>		
18. 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 - - -	657,850	244,862
19. 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	529,900
20. For the salaries and expenses of the Anglo-Spanish, Anglo-Roumanian, Anglo-Italian and Anglo-Turkish Clearing Offices under the Debts Clearing Offices and Import Restrictions Act, 1934 - - -	100	63,000
21. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, expenses in respect of regulation of agricultural wages, a grant under the Agricultural Credits (Scotland) Act, 1929, and certain grants in aid (including a Supplementary sum of £18,880) - - -	616,854	122,436
Carried forward - - - £	32,472,683	4,253,002

SCHEDULE (B.)—PART 15—*continued.*SCHED. (B.)  
PART 15.  
Civil.  
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	32,472,683	4,253,002
<b>Vote.</b> 22. 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 (including a Supplementary sum of £10) - - -	131,110	—
23. 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 - - -	128,080	12,892
24. For grants in aid of the general administrative and other expenses of the Herring Industry Board and of the Herring Marketing Fund - - - - -	52,000	250,000
<b>TOTAL, CIVIL, CLASS VI</b>	<b>£ 32,783,873</b>	<b>4,515,894</b>

SCHED. (B.)  
PART 16.  
Civil.  
Class VII.

SCHEDULE (B.)—PART 16.

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 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For expenditure in respect of Art and Science buildings, Great Britain -	324,575	25,120
2. For expenditure in respect of Houses of Parliament buildings -	130,170	800
3. For expenditure in respect of Labour and Health buildings, Great Britain - - - -	390,530	747,253
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - - - -	139,540	1,180
Carried forward . . . . £	984,815	774,353

SCHEDULE (B.)—PART 16—*continued.*SCHED. (B.)  
PART 16.  
Civil.  
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	984,815	774,353
<i>Vote.</i> 5. For expenditure in respect of Osborne - - - - -	12,130	5,500
6. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	465,830	544,730
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 (including a Supplementary sum of £13,000) -	1,706,680	282,870
8. For expenditure in respect of public buildings overseas - - -	181,720	6,950
9. For expenditure in respect of Royal Palaces, including a grant in aid	124,160	11,600
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 - - - - -	1,739,180	59,200
11. For expenditure in respect of Royal parks and pleasure gardens - -	226,040	49,575
Carried forward - - - £	5,440,555	1,734,778

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SCHED. (B.)  
PART 16.  
Civil.  
Class VII.

SCHEDULE (B.)—PART 16—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	5,440,555	1,734,778
Vote. 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 Do- minions and of Foreign Powers; and for the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	2,444,435	133,530
13. For stationery, printing, paper, bind- ing, 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 - - -	1,961,981	1,023,950
14. For constructing a new harbour of refuge at Peterhead - - - -	32,000	—
15. For expenditure in respect of public works and buildings in Ireland -	33,380	2,250
TOTAL, CIVIL, CLASS VII £	9,912,351	2,894,508

## SCHEDULE (B.)—PART 17.

SCHED. (B.)  
PART 17.  
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 1938, 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 - - - - -	270,997	—
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 -	40,300,000	11,500
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 - -	1,424,415	—
Carried forward - £	41,995,412	11,500

SCHED. (B.)  
PART 17.  
Civil.  
Class VIII.

SCHEDULE (B.)—PART 17—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	41,995,412	11,500
Vote.	4. For superannuation, and other non-effective annual allowances, 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 for Northern Ireland -	1,938,213	730
	TOTAL, CIVIL, CLASS VIII £	43,933,625	12,230



## SCHEDULE (B.)—PART 18.

SCHED. (B.)  
PART 18.  
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 1938, 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, including certain sums in respect of the first year of the third fixed grant period - - -	47,502,000	100,000
2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929, including certain sums in respect of the first year of the third fixed grant period - - - -	6,890,000	—
<b>TOTAL, CIVIL, CLASS IX</b>	<b>£ 54,392,000</b>	<b>100,000</b>

SCHED. (B.)  
PART 19.  
Revenue  
Depart-  
ments.

SCHEDULE (B.)—PART 19

REVENUE DEPARTMENTS.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1938, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the salaries and expenses of the Customs and Excise Department -	5,973,100	252,500
2. For the salaries and expenses of the Inland Revenue Department -	7,923,500	227,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	72,328,000	3,455,173
<b>TOTAL, REVENUE DEPARTMENTS -</b>	<b>£ 86,224,600</b>	<b>3,934,673</b>

## SCHEDULE (C.)—PART I.

SCHED. (C.)  
PART I.  
Navy  
Services.  
Section 5.

NAVY SERVICES, 1935, 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.	14,492 4 4	—	—	2,570 18 0
2. Victualling and Clothing -	17,896 0 1	—	—	46,311 4 11
3. Medical Establishments and Services.	3,452 7 9	—	—	1,693 14 10
5. Educational Services - -	—	2,607 9 1	3,944 8 9	—
6. Scientific Services - -	—	—	3,202 2 10	2,432 0 3
7. Royal Naval Reserves - -	—	97 13 3	16,446 18 7	—
8. Shipbuilding, Repairs, Maintenance, &c.				
Section I.—Personnel -	1,810 6 5	80 15 8	—	—
Section II.—Matériel -	55,603 18 4	—	—	111,596 6 6
Section III.—Contract Work -	40,998 0 2	—	—	2,232 10 9
9. Naval Armaments - -	—	—	23,050 4 4	15,137 9 6
10. Works, Buildings and Repairs	62,629 19 5	9,644 19 4	—	—
11. Miscellaneous Effective Services.	42,872 7 10	—	—	5,510 2 4
12. Admiralty Office - - -	—	—	407 4 6	1,237 16 10
13. Non-effective Services (Naval and Marine)—Officers.	—	—	18,027 7 1	479 12 8
14. Non-effective Services (Naval and Marine)—Men.	—	1,326 1 9	36,246 8 4	—
15. Civil Superannuation, Compensation Allowances and Gratuities.	2,437 13 0	—	—	126 1 5
Balances Irrecoverable and Claims Abandoned.	22,315 12 10	—	—	—
	264,508 10 2	13,756 19 1	101,324 14 5	189,327 18 0
Excess Vote - - -	—	—	100 0 0	—
	264,508 10 2	13,756 19 1	101,424 14 5	189,327 18 0
	Total Deficits : £278,265 9s. 3d.		Total Surpluses : £290,752 12s. 5d.	
	Net Surplus : £12,487 3s. 2d.			

SCHED. (C.)  
PART II.  
Army  
Services.  
Section 5.

SCHEDULE (C.)—PART II.

ARMY SERVICES, 1935, 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 -	—	7,190 3 11	98,637 1 5	—		
2. Territorial Army and Reserve Forces.	—	—	55,848 17 9	437 9 8		
3. Medical Services - - -	—	—	4,078 11 7	11,524 5 8		
4. Educational Establishments -	6,415 12 5	—	—	9,940 19 5		
5. Quarters and Movements -	—	332,035 8 6	365,595 10 4	—		
6. Supplies, Road Transport and Remounts.	136,765 1 2	—	—	18,514 5 5		
7. Clothing - - - -	16,927 3 10	—	—	4,411 3 9		
8. General Stores - - -	133,841 18 8	—	—	35,214 6 8		
9. Warlike Stores - - -	—	—	252,222 5 11	27,583 15 11		
10. Works, Buildings and Lands	—	—	89,104 9 8	28,275 12 10		
11. Miscellaneous Effective Ser- vices.	—	14,316 9 0	3,999 12 8	—		
12. War Office - - - -	—	—	5,751 8 7	1,002 0 11		
13. Half-pay, Retired Pay and other Non-effective Charges for Officers.	—	486 9 7	12,843 3 0	—		
14. Pensions and other Non- effective Charges for War- rant Officers, Non-commis- sioned Officers, men and others.	—	—	14,501 7 6	1,476 17 8		
15. Civil Superannuation, Com- pensation and Gratuities.	6,857 6 0	—	—	230 7 4		
Balances Irrecoverable and Claims Abandoned.	2,229 8 5	—	—	—		
	303,036 10 6	354,028 11 0	902,582 8 5	138,611 5 3		
	Total Deficits : £657,065 1s. 6d.		Total Surpluses : £1,041,193 13s. 8d.			
	Net Surplus : £384,128 12s. 2d.					

## SCHEDULE (C.)—PART III.

SCHED. (C.)  
PART III.  
Air  
Services.  
Section 5.

AIR SERVICES, 1935, 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.	—	—	39,178 16 3	10,931 1 7
2. Quarters, Stores (except Technical), Supplies and Transportation.	5,474 14 4	—	—	307 5 6
3. Technical and Warlike Stores (including Experimental and Research Services).	50,824 9 11	—	—	12,779 9 4
4. Works, Buildings and Lands	—	9,292 14 8	44,807 13 3	—
5. Medical Services - - - -	3,079 9 9	—	—	1,807 8 1
6. Technical Training and Educational Services.	—	—	7,551 3 4	146 17 9
7. Auxiliary and Reserve Forces	—	—	14,122 7 7	71 1 10
8. Civil Aviation - - - -	—	414 11 6	18,115 7 2	—
9. Meteorological and Miscellaneous Effective Services.	—	—	527 18 6	1,480 4 4
10. Air Ministry - - - -	4,022 0 2	—	—	1,545 19 11
11. Half-Pay, Pensions and other Non-effective Services.	—	—	890 4 6	131 10 4
Balances Irrecoverable and Claims Abandoned.	471 13 10	—	—	—
	63,872 8 0	9,707 6 2	125,193 10 7	29,200 18 8
	Total Deficits : £73,579 14s. 2d.		Total Surpluses : £154,394 9s. 3d.	
	Net Surplus : £80,814 15s. 1d.			

**CHAPTER 56.**

An Act to make provision for the ascertainment and registration of particulars as to proprietary interests in unworked coal and mines of coal and in certain associated minerals, property and rights in land, and for purposes connected therewith. [30th July 1937.]

**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 :—

Registra-  
tion of  
particulars  
of owner-  
ship.

1.—(1) For the purpose of recording such particulars as are hereinafter mentioned as to proprietary interests that subsist in coal and mines of coal in Great Britain and in certain property and rights held in association therewith, the Board of Trade shall establish a register, to be called “ the coal holdings register.”

(2) The Board shall receive applications duly made to them for the registration of particulars in the register, and, after such applications have been examined in accordance with the provisions of this Act, shall register particulars of the facts ascertained upon the examination thereof.

(3) Registrations under this Act shall be effected in respect of such proprietary interests or groups of proprietary interests as are, under the provisions of the First Schedule to this Act, to be treated as constituting units of separate ownership, and applications for registration must be made accordingly.

Any such interest or group of interests is in this Act referred to as a “ holding.”

(4) The matters whereof particulars may be registered in respect of any holding shall be—

- (a) the coal and mines of coal in which the holding subsists;
- (b) the property and rights which are held in association with such coal and mines or any of them and in which the holding subsists;

- (c) the servitudes, restrictive covenants and other matters subject to which the coal hereditaments in which the holding subsists or any of them are or is held;
- (d) such matters of title as are requisite for the identification of the holding as a unit of separate ownership; and
- (e) such other matters, if any, relating to the coal hereditaments in which the holding subsists, or to the title thereto, as appear to the Board to be material for the purpose of rendering the information as to proprietary interests recorded in the register complete.

(5) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the making and examination of applications for registration, to the ascertainment of the facts whereof particulars are to be registered, to the registration of particulars, and to the rectification of the register.

(6) The provisions of Part II of the Second Schedule to this Act shall have effect with respect to the payment by the Board of costs incurred in giving effect to the provisions of this Act.

(7) The person on whose application particulars have been registered in respect of a holding and any person authorised by him or by an order of the High Court or by rules made by the Board, but no other person, may inspect and make copies of and extracts from the entries in the register relating to the holding.

**2.** All expenses of the Board of Trade under this Act shall be defrayed out of moneys provided by Parliament, and shall not be taken into account in computing the amount of the expenses of the Department of Mines for the purposes of the limit imposed by subsection (2) of section five of the Mining Industry Act, 1920, upon the expenses of that Department.

Expenses of Board of Trade.

10 & 11  
Geo. 5. c. 50.

**3.—(1)** In this Act “coal” means bituminous coal, cannel coal and anthracite, and has also the extended meaning assigned to it by subsection (2) of this section.

Definition of “coal” and application of Act to certain associated minerals.

(2) This Act shall have effect in relation to minerals or substances other than coal, that are comprised in a lease which confers a right to work and carry away both

coal and those minerals or substances, in like manner in all respects as if they had been coal, and references in this Act to coal shall be construed accordingly.

(3) In this Act references to coal, other than references to the carrying away, making merchantable or disposing thereof, shall be construed as references to coal that is unworked, that is to say, not so severed as to have become a chattel.

Interpre-  
tation.

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

“Coal hereditaments” means coal and mines of coal and property and rights which are held in association with any coal or mine of coal;

“Coal-mining lease” means in relation to any coal a lease that confers a right to work and carry away that coal, and means in relation to any mine of coal a lease that confers a right to use it for a coal-mining purpose;

“Coal-mining purpose” means searching and boring for, winning, working, getting, carrying away, making merchantable or disposing of, coal;

“Interested” means, in relation to a person referred to as interested in any coal or mine of coal, or in any other land, any person entitled to, or to exercise, or interested in, or in the exercise of, any estate, interest, charge or power in, on or over that coal or mine or that other land, as the case may be, other than a person entitled or interested as aforesaid in respect only of the benefit of a servitude or restrictive covenant adversely affecting that coal or mine or that other land, as the case may be; and “interest” has a corresponding meaning;

“Lease” includes an underlease and an agreement under which the right to have a lease or underlease granted is subsisting, and in relation to such an agreement “estate owner” means the person entitled to have vested in him the term agreed to be created; neither “lease” nor “underlease” includes a mortgage; “lease” and “underlease” each include a licence



(whether personal or by way of profit à prendre) that confers a right to work and carry away coal or to use a mine of coal for a coal-mining purpose, and in relation to such a licence the expression "reversion" and other expressions importing a reference to a lease shall be construed accordingly with the requisite adaptations;

"Mine of coal" means a space which is occupied by coal or which has been excavated underground for a coal-mining purpose, and includes a shaft and an adit made for a coal-mining purpose;

"Proprietary interest" means any interest in coal hereditaments with the exception of—

(a) an interest arising under a coal-mining lease in coal hereditaments comprised therein that are not comprised in any underlease derived out of that lease; and

(b) an interest arising by virtue of the grant of a right under the Mines (Working Facilities and Support) Act, 1923, either as originally enacted or as extended by section thirteen of the Mining Industry Act, 1926;

13 & 14  
Geo. 5. c. 20.  
16 & 17  
Geo. 5. c. 28.

"Prescribed" means prescribed by rules made by the Board of Trade;

"Servitude" means any liberty, privilege, easement, right or advantage annexed to any land and adversely affecting other land, and "annexed to" means, in relation to any coal or mine of coal or to any other land, appertaining or reputed to appertain thereto or to any part thereof, or demised, occupied or enjoyed therewith or with any part thereof, or reputed or known as part or parcel thereof or appertaining thereto or to any part thereof.

5. This Act shall apply to Scotland subject to the following modifications:— Application to Scotland.

(1) "restrictive covenant" means an agreement or stipulation imposing a restriction and includes a real burden ad factum praestandum; "underlease" means sub-lease, and any reference to an

underlease derived out of another lease shall be construed as a reference to a sub-lease granted by a lessee; for any reference to a mortgage there shall be substituted a reference to a heritable security; "chattel" means corporeal moveable; and "demised" means let;

- (2) for any reference to the High Court a reference to the Court of Session shall be substituted;
- (3) any reference to a charge or power in, on or over, any subjects shall include a reference to a heritable security affecting such subjects;
- (4) "heritable security" has the like meaning as in the Conveyancing (Scotland) Act, 1924, except that it does not include a real burden *ad factum praestandum*.

14 & 15  
Geo. 5. c. 27.

Short title  
and extent.

6.—(1) This Act may be cited as the Coal (Registration of Ownership) Act, 1937.

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

(3) This Act shall not extend to any part of the Forest of Dean or of the Hundred of Saint Briavels in the County of Gloucester in which the privileges of free miners are exercisable.

Section 1.

## SCHEDULES.

### FIRST SCHEDULE.

#### UNITS OF SEPARATE OWNERSHIP.

##### *General.*

1.—(1) Subject to the provisions of paragraph 2 of this Schedule, each of the following proprietary interests, or groups of proprietary interests, in coal hereditaments shall constitute a unit of separate ownership for the purposes of this Act, namely:—

- (a) each freehold reversion (that is to say, in the case of all the coal and mines of coal that are comprised in a coal-mining lease derived immediately out of the fee simple and in the case of property and rights held in association with any such coal or mine, the interest therein of the estate owner

in respect of the fee simple in the coal and mines together with the interests therein of all persons claiming under him);

1st Sch.  
—cont.

- (b) each leasehold reversion (that is to say, in the case of all the coal and mines of coal that are comprised in a coal-mining lease that is an underlease and in the case of property and rights held in association with any such coal or mine, the interest therein of the estate owner in respect of the term of years out of which that underlease is immediately derived together with the interests therein of all persons claiming under him);
- (c) each freehold in possession (that is to say, in the case of all the coal and mines of coal that are not comprised in any coal-mining lease and are in the legal ownership as respects the fee simple of the same estate owner and in the case of property and rights held in association with any such coal or mine, the interest therein of the estate owner in respect of the fee simple in the coal and mines together with the interests therein of all persons claiming under him).

(2) In this paragraph the expression “ person claiming under ” means, in relation to a person referred to as claiming under the estate owner in respect of a fee simple, or under the estate owner in respect of a term of years, a person interested in respect of—

- (a) an equitable interest or an equitable power enforceable against that estate owner (including any such interest or power which, if subsisting at law, would fall within any of the following heads);
- (b) a legal mortgage, or charge by way of legal mortgage, of that fee simple or of that term of years, as the case may be;
- (c) a rentcharge in possession which confers a right to take the income incident to that fee simple or to that term of years, as the case may be;
- (d) an interest arising under a lease, other than a coal-mining lease, which is derived out of that fee simple or of that term of years, as the case may be, either immediately or by way of underlease derived out of a lease other than a coal-mining lease;

and that expression includes also, in relation to a person referred to as claiming under the estate owner in respect of a fee simple, a person interested in respect of a right saved by paragraph (5) of the Twelfth Schedule to the Law of Property Act, 1922 (which relates to land formerly copyhold).

12 & 13  
Geo. 5. c. 16.

2. Provision may be made by rules made by the Board of Trade for the consolidation of two or more units of separate

Z z

1ST SCH.  
—cont.

ownership as ascertained under the preceding paragraph, or for the division of any unit of separate ownership as so ascertained into two or more units, or for treating as constituting a separate unit of ownership any proprietary interest or interests that would otherwise be comprised in a unit or units of separate ownership as so ascertained.

*Application to Scotland.*

3. This Schedule shall, in its application to Scotland, have effect as if for paragraph 1 the following paragraph were substituted:—

“(1) Subject to the provisions of paragraph 2 of this Schedule, each of the following proprietary interests, or groups of proprietary interests, in coal hereditaments shall constitute a unit of separate ownership for the purpose of this Act, namely:—

(a) in the case of all the coal and mines of coal that are comprised in a coal-mining lease granted by the proprietor of the dominium utile and in the case of property and rights held in association with any such coal or mine, the interest therein of such proprietor, together with the interests of all persons claiming under him;

(b) in the case of all the coal and mines of coal that are comprised in a coal-mining lease (being a sub-lease) and, in the case of property and rights held in association with any such coal or mine, the interest therein of the lessee who is the landlord under the sub-lease together with the interests of all persons claiming under him;

(c) in the case of all the coal and mines of coal that are not comprised in any coal-mining lease and are in the ownership of the same person as proprietor of the dominium utile, and in the case of property and rights held in association with any such coal or mine, the interest therein of that person together with the interests therein of all persons claiming under him.

(2) In this paragraph—

the expression “ person claiming under ” means—

(a) in relation to a person referred to as claiming under the proprietor of the dominium utile, the superior, a creditor in a heritable security, a lessee under a lease other than a coal-mining lease, a person having a personal title capable of being completed by infestment, a person entitled to demand a conveyance of the subjects by virtue

of a valid and enforceable contract, and a person infert or entitled to take infertment in an interest in the annual rents of the subjects, and

1st Sch.  
—cont.

- (b) in relation to a person claiming under a lessee, a creditor in a heritable security, a sub-lessee under a sub-lease not being a coal-mining lease, a person having a personal title capable of being completed by registration in the appropriate register of sasines, a person entitled to demand an assignation or sub-lease of the lease by virtue of a valid and enforceable contract, and a person having a registered title or a title capable of being completed by registration to an interest in such lease; and

the expression “superior” includes the Crown (without prejudice to the Crown’s inherent right of superiority over all land in Scotland) and a subject superior or mid-superior.”

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## SECOND SCHEDULE.

Section 1.

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### PART I.

#### PROCEDURE AS TO REGISTRATION.

1.—(1) An application for the registration of particulars in respect of a holding must be in the prescribed form, and there must be furnished to the Board of Trade therewith a statement in the prescribed form, and verified in such manner by statutory declaration or otherwise as the Board may reasonably require, of all the circumstances of the holding relevant to the matters specified in paragraphs (a) to (d) of subsection (4) of section one of this Act, including, as regards the matters specified in the said paragraph (d)—

- (a) in the case of a holding consisting of a freehold or leasehold reversion, the provisions of the lease or underlease on which that reversion is immediately expectant;
- (b) in the case of a holding consisting of a freehold in possession, the identity of the estate owner in respect of the fee simple in the coal and mines of coal in which the holding subsists; and
- (c) in the case of a holding constituted by virtue of rules made under paragraph 2 of the First Schedule to this Act, such items as may be prescribed.

2ND SCH.  
—cont.

(2) An application for the registration of particulars in respect of a holding must be made by a person who has a proprietary interest that constitutes or is comprised in the holding :

Provided that the Board may receive an application made by a person who has not such an interest as aforesaid if they are satisfied that, by reason of that person's being concerned in the administration of the holding or on other grounds appearing to them to be sufficient, it is convenient that the application should be made by him.

(3) The person by whom an application was made shall, on being requested by the Board so to do, give to them such further information with respect to the matters specified in paragraphs (a) to (d) of subsection (4) of section one of this Act, and such information with respect to the matters specified in paragraph (e) thereof, as the Board may reasonably require.

(4) This paragraph shall, in its application to Scotland, have effect as if for heads (a) and (b) of sub-paragraph (1) the following were substituted :—

- “(a) in the case of a holding consisting of the interests specified in head (a) or head (b) of sub-paragraph (1) of the paragraph which is directed by paragraph 3 of the First Schedule to this Act to be substituted for paragraph 1 thereof, the provisions of the lease or sub-lease ;
- (b) in the case of a holding consisting of the interests specified in head (c) of the aforesaid sub-paragraph, the identity of the proprietor of the dominium utile ; and ”.

2.—(1) The Board shall examine an application duly made for the registration of particulars in respect of a holding with respect to the following matters, that is to say,—

- (a) whether all the property and rights, of which particulars are sought to be registered as being held in association with any coal or a mine to which the application relates, are property and rights so held and whether there are any other property or rights so held which are not stated to be so held ;
- (b) whether all the servitudes, restrictive covenants and other matters, of which particulars are sought to be registered as being matters subject to which any coal hereditaments to which the application relates are held, are matters subject to which those coal hereditaments are held and whether those coal hereditaments are held subject to any other such matters not stated in the application ;
- (c) whether the holding subsists in all the coal hereditaments in which it is stated to subsist ; and

2ND SCH.  
—cont.

(d) any other matter whose consideration appears to the Board to be requisite in connection with the ascertainment of the facts material to the proposed registration; and the Board shall prepare a draft of the particulars to be registered in respect of the holding.

(2) Before settling the draft particulars the Board shall notify the fact of the application having been made to—

(a) any person who satisfies the Board that he has a proprietary interest comprised in the holding and who, at any time after the commencement of this Act but not later than the expiration of one month from the date on which the application was received, has served on the Board a request in the prescribed form to be notified of any such application in respect of the holding received by the Board; and

(b) any person who, having regard to a statement or information furnished in connection with an application that has been duly made by him for the registration of particulars in respect of another holding, appears to the Board to be concerned;

and shall take such steps as the Board think best for ascertaining whether any difference arises as to the particulars to be registered either between the Board and the person by whom the application was made or any of the persons notified under this sub-paragraph, or between any two or more of those persons, and for resolving any such difference by agreement.

(3) If on the examination of the application it appears to the Board that any issue arises in connection with the ascertainment of the facts material to the proposed registration whose determination by the High Court is requisite, the Board may, before settling the draft particulars, refer it for determination to the Court.

(4) After giving effect to the preceding provisions of this paragraph the Board shall settle the draft particulars and shall send a copy thereof to each of the persons specified in sub-paragraph (2) of this paragraph, and any of those persons who objects to the registration of any of the particulars specified in the draft as being incorrect in any material respect shall be entitled at any time within one month after the copy of the draft has been sent to him to make an application to the High Court for the variation of the particulars as respects any matter not already determined by the Court.

(5) When copies of a draft have been sent under the last preceding sub-paragraph and either no application has been made to the Court thereunder within the time therein mentioned or any application so made has been disposed of by the Court, the Board

2ND SCH.  
—cont.

shall register in respect of the holding the particulars as specified in the draft or as varied by the Court, as the case may require, and shall send to each of the persons specified in sub-paragraph (2) of this paragraph notice of the registration of the particulars, either stating that they have been registered as specified in the draft or, if they have been varied, setting out the particulars registered.

(6) On any application to the Court under this Part of this Schedule the Board and the persons specified in sub-paragraph (2) of this paragraph shall be made parties to the application, and if the Board represent to the Court that it is expedient that any person other than the Board or the persons aforesaid should be made a party to the application, the Court may give a direction to that effect.

3.—(1) Information given to the Board in relation to an application for registration of particulars in respect of a holding, whether in a statement furnished with the application or otherwise, shall be related to the circumstances as existing at the date when the information is given.

(2) Where after any such information has been given to the Board any change of circumstances takes place materially affecting the matters as to which the information was given, it shall be the duty of the person by whom the application was made and of any other person having a proprietary interest comprised in the holding, forthwith to inform the Board of the change, if it is known to him and unless he has ascertained that information of the change has already been given to the Board.

(3) Where it appears to the Board, from information given to them under the preceding sub-paragraph or otherwise, that the particulars registered in respect of a holding are incorrect, or that the holding itself does not subsist, the Board shall rectify the register in such manner as may be agreed between them and the persons specified in sub-paragraph (2) of the last preceding paragraph, or, in case of difference, shall notify to those persons the alterations that the Board propose to make in the register, and the provisions of sub-paragraphs (4) to (6) of the last preceding paragraph shall have effect in relation thereto as they have effect in relation to draft particulars.

(4) References in this Schedule to any of the persons specified in sub-paragraph (2) of the last preceding paragraph shall, in a case in which such a person dies or becomes incapable of acting, be construed as including references to a person substituted for that person in accordance with rules made under the next succeeding paragraph.

4.—(1) Subject to the preceding provisions of this Schedule, the Board may make rules prescribing the procedure to be followed



in giving effect to the provisions of section one of this Act with respect to any matter other than a matter with respect to which rules of Court may be made.

2ND SCH.  
—cont.

(2) Where any rules are made by the Board under this Schedule a notice of the rules having been made, and of the place where copies of them can be purchased, shall be published in the London Gazette and in the Edinburgh Gazette.

(3) Without prejudice to any power of the High Court the Board shall have power to extend, upon any ground deemed by them sufficient, any limit of time imposed by this Act or by any rule made by the Board thereunder for the doing of any act or thing.

## PART II.

### PAYMENT OF COSTS BY THE BOARD.

5.—(1) Subject to the provisions of this paragraph, the Board shall pay the costs (including costs of or incidental to proceedings on an application made to the Court under Part I of this Schedule) reasonably incurred by the person by whom an application for the registration of particulars in respect of a holding is duly made in giving effect in relation to that holding to the provisions of Part I of this Schedule or of the rules made thereunder relating to the rights and duties of a person by whom an application is made, and for the purposes of this provision costs so incurred by that person as a person notified, under sub-paragraph (2) (b) of paragraph 2 of this Schedule, of an application received in respect of another holding shall be deemed to have been incurred in relation to the first-mentioned holding :

Provided that, if two or more applications are made in relation to the same holding, the liability of the Board under this sub-paragraph shall be limited to such a sum as would have been payable by them if a single application only had been made, so however that the Board may pay costs in excess of that sum in any case in which it appears to them that the making of more than one application was justified having regard to any special circumstances.

(2) Subject to the provisions of this paragraph, where any facts particulars whereof are registered in respect of a holding have been ascertained from information furnished by a person notified, under sub-paragraph (2) (a) of paragraph 2 of this Schedule, of an application received in respect thereof, the Board shall pay the costs (including costs of or incidental to proceedings on an application made to the Court under Part I of this Schedule) reasonably incurred by him in giving effect in relation to that holding to the provisions of Part I of this

2ND SCH.  
—cont.

Schedule or of the rules made thereunder relating to the rights and duties of a person so notified.

(3) The Board shall not be liable to pay any such costs as aforesaid incurred either—

- (a) in relation to a holding in respect of which no application for the registration of particulars is duly made within the period of six months beginning as to England and Scotland respectively on the date on which notice is first published in the London Gazette and in the Edinburgh Gazette respectively of rules having been made by the Board with respect to the procedure for the making of applications, or the date on which the holding comes into existence, whichever is the later, or, in the case of a holding constituted by virtue of rules made under paragraph 2 of the First Schedule to this Act, within such extended period as may be prescribed, so however that this provision shall not have effect as regards a holding in respect of which application is made after the expiration of the said period in a case in which it appears to the Board that sufficient cause is shown for no application having been made within the said period; or
- (b) in relation to a holding in the case of which it appears to the Board that there is no reasonable ground for believing that any coal hereditaments in which the holding is stated to subsist have any marketable value; or
- (c) by a person who has neglected to comply with any of the requirements of Part I of this Schedule or of the rules made thereunder relating to the information to be given by him, whether on the original making of the application or thereafter.

The High Court shall have power, on the application of a person aggrieved by a denial on the part of the Board by virtue of this sub-paragraph of liability to pay any such costs as aforesaid, to give such directions as to the matter in question as appear to the Court to be just.

(4) Subject to the provisions of this paragraph, the Board shall pay the costs of or incidental to proceedings on an application made to the Court under Part I of this Schedule reasonably incurred by a person whom the Court, under sub-paragraph (6) of paragraph 2 or under that sub-paragraph as applied by sub-paragraph (3) of paragraph 3 of this Schedule, directs to be made a party to the application.

(5) The Court may direct that the Board shall not be liable to pay any such costs as aforesaid incurred by any party to an application made to the Court under Part I of this Schedule who

appears to the Court to have made such an application or prosecuted proceedings thereon unreasonably or to have been guilty of any such unreasonable failure to agree with the Board or with any other party, or of any such negligence or default, as to disentitle him to payment of his costs.

2ND SCH.  
—cont.

(6) The Board shall have power to enter into undertakings to pay, and to pay, any costs other than as aforesaid reasonably incurred by any person in furnishing to the Board information for the purposes of this Act.

(7) Any costs that the Board are liable under or by virtue of this Part of this Schedule to pay shall, if the Board or the person entitled to payment thereof so requires, be taxed and settled by the High Court, and any apportionment required to be made for the purposes of the proviso to sub-paragraph (1) of this paragraph shall, if any person concerned in the apportionment so requires, be made by the High Court.

This sub-paragraph shall, in its application to Scotland, have effect as if for references to the High Court there were substituted references to the Auditor of the Court of Session.

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## CHAPTER 57.

An Act to amend the law relating to marriage and divorce. [30th July 1937.]

**W**HEREAS it is expedient for the true support of marriage, the protection of children, the removal of hardship, the reduction of illicit unions and unseemly litigation, the relief of conscience among the clergy, and the restoration of due respect for the law, that the Acts relating to marriage and divorce be amended :

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) No petition for divorce shall be presented to the High Court unless at the date of the presentation of the petition three years have passed since the date of the marriage :

Restriction on petitions for divorce during first three years after marriage.

Provided that a judge of the High Court may, upon application being made to him in accordance

with rules of court, allow a petition to be presented before three years have passed on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree nisi, do so subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the judge shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.

Grounds of  
petition for  
divorce.  
15 & 16  
Geo. 5. c. 49.

2. The following section shall be substituted for section one hundred and seventy-six of the Supreme Court of Judicature (Consolidation) Act, 1925 (hereinafter called "the principal Act") :—

"176. A petition for divorce may be presented to the High Court (in this part of this Act referred to as 'the court') either by the husband or the wife on the ground that the respondent—

(a) has since the celebration of the marriage committed adultery; or

(b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

(c) has since the celebration of the marriage treated the petitioner with cruelty; or  
 (d) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition; and by the wife on the ground that her husband has, since the celebration of the marriage, been guilty of rape, sodomy or bestiality."

**3.** For the purposes of section one hundred and seventy-six of the principal Act, as amended by this Act, a person of unsound mind shall be deemed to be under care and treatment—

Definition of "care and treatment" in relation to insanity.

(a) while he is detained in pursuance of any order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930, or of any order or warrant under the Army Act, the Air Force Act, the Naval Discipline Act, the Naval Enlistment Act, 1884, or the Yarmouth Naval Hospital Act, 1931, or is being detained as a criminal lunatic or in pursuance of an order made under the Criminal Lunatics Act, 1884;

47 & 48 Vict.  
c. 46.  
21 & 22  
Geo. 5. c. 15.

(b) while he is receiving treatment as a voluntary patient under the Mental Treatment Act, 1930, being treatment which follows without any interval a period of such detention as aforesaid;

47 & 48 Vict.  
c. 64.  
20 & 21  
Geo. 5. c. 23.

and not otherwise.

**4.** The following section shall be substituted for section one hundred and seventy-eight of the principal Act:—

Duty of court on presentation of petition for divorce.

" 178.—(1) On a petition for divorce it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any countercharge which is made against the petitioner.

(2) If the court is satisfied on the evidence that—

(i) the case for the petition has been proved; and

(ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and

(iii) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;

the court shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition :

Provided that the court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the court, the petitioner has been guilty—

(a) of unreasonable delay in presenting or prosecuting the petition; or

(b) of cruelty towards the other party to the marriage; or

(c) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or

(d) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.”

Decree of  
judicial  
separation.

**5.** The following subsections shall be substituted for subsections (1) and (2) of section one hundred and eighty-five of the principal Act :—

“(1) A petition for judicial separation may be presented to the court either by the husband or the wife on any grounds on which a petition for divorce might have been presented, or on the ground of failure to comply with a decree for restitution of conjugal rights or on any ground on

which a decree for divorce a mensa et thoro might have been pronounced immediately before the commencement of the Matrimonial Causes Act, 1857, and the foregoing provisions of this Part of this Act relating to the duty of the court on the presentation of a petition for divorce, and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation.

20 & 21 Vict.  
c. 85.

(2) Where the court in accordance with the said provisions grants a decree of judicial separation, it shall no longer be obligatory for the petitioner to cohabit with the respondent."

6.—(1) A person shall not be prevented from presenting a petition for divorce, or the court from pronouncing a decree of divorce, by reason only that the petitioner has at any time been granted a judicial separation or an order under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, upon the same or substantially the same facts as those proved in support of the petition for divorce.

Divorce  
proceedings  
after grant  
of judicial  
separation  
or other  
relief.

(2) On any such petition for divorce, the court may treat the decree of judicial separation or the said order as sufficient proof of the adultery, desertion, or other ground on which it was granted, but the court shall not pronounce a decree of divorce without receiving evidence from the petitioner.

(3) For the purposes of any such petition for divorce, a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation or an order under the said Acts having the effect of such a decree shall, if the parties have not resumed cohabitation and the decree or order has been continuously in force since the granting thereof, be deemed immediately to precede the presentation of the petition for divorce.

7.—(1) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall be voidable on the ground—

New  
grounds for  
decree of  
nullity.

- (a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or
- (b) that either party to the marriage was at the time of the marriage of unsound mind or a mental

defective within the meaning of the Mental Deficiency Acts, 1913 to 1927, or subject to recurrent fits of insanity or epilepsy; or

- (c) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or
- (d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner :

Provided that, in the cases specified in paragraphs (b) (c) and (d) of this subsection, the court shall not grant a decree unless it is satisfied—

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (ii) that proceedings were instituted within a year from the date of the marriage; and
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree :

(2) Any child born of a marriage avoided pursuant to paragraphs (b) or (c) of the last foregoing subsection shall be a legitimate child of the parties thereto notwithstanding that the marriage is so avoided.

(3) Nothing in this section shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

Proceedings  
for decree  
of presump-  
tion of  
death and  
dissolution  
of marriage.

**8.—(1)** Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of dissolution of the marriage.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.



(3) Sections one hundred and eighty-one to one hundred and eighty-four inclusive of the principal Act shall apply to a petition and a decree under this section as they apply to a petition for divorce and a decree of divorce respectively.

9. Section one hundred and eighty-three of the principal Act shall be amended by adding thereto a subsection as follows :—

Prevention  
of delay in  
application  
for decree  
absolute.

“(3) Where a decree nisi has been obtained, whether before or after the passing of this Act, and no application for the decree to be made absolute has been made by the party who obtained the decree, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom the decree nisi has been granted shall be at liberty to apply to the court and the court shall, on such application, have power to make the decree absolute, reverse the decree nisi, require further inquiry or otherwise deal with the case as the court thinks fit.”

10.—(1) When a petition for divorce or nullity of marriage has been presented, proceedings under section one hundred and ninety, section one hundred and ninety-one, section one hundred and ninety-two or subsection (3) of section one hundred and ninety-three of the principal Act (which, respectively, confer power on the court to order the provision of alimony, the settlement of the wife's property, the application of property which is the subject of marriage settlements, and the securing of money for the benefit of the children) may, subject to and in accordance with rules of court, be commenced at any time after the presentation of the petition:

Amend-  
ments as  
to mainten-  
ance, settle-  
ment of  
property,  
&c.

Provided that no order under any of the said sections or under the said subsection (other than an interim order for the payment of alimony under section one hundred and ninety) shall be made unless and until a decree nisi has been pronounced, and 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.

(2) The said section one hundred and ninety shall apply in any case where a petition for divorce or judicial separation is presented by the wife on the ground of her husband's insanity as if for the references to the husband there were substituted references to the wife, and for the references to the wife there were substituted references to the husband, and in any such case and in any case where a petition for divorce, nullity, or judicial separation, is presented by the husband on the ground of his wife's insanity or mental deficiency, the court may order the payments of alimony or maintenance under the said section to be made to such persons having charge of the respondent as the court may direct.

(3) In subsection (1) of the said section one hundred and ninety-one there shall be inserted after the word "adultery" the words "desertion, or cruelty."

(4) The following subsection shall be added to section one hundred and ninety-three of the principal Act:—

"(3) The court may, if it thinks fit, on any decree of divorce or nullity of marriage, order the husband, or (in the case of a petition for divorce by a wife on the ground of her husband's insanity) order the wife, to secure for the benefit of the children such gross sum of money or annual sum of money as the court may deem reasonable, and the court may for that purpose order that it shall be referred to one of the conveyancing counsel of the court to settle and approve a proper deed or instrument to be executed by all necessary parties:

Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain twenty-one years of age."

25 & 26

Geo. 5. c. 2.

(5) Section three of the Supreme Court of Judicature (Amendment) Act, 1935, shall cease to have effect.

Extension of  
jurisdiction

11.—(1) Among the grounds on which a married woman may apply to a court of summary jurisdiction

under the Summary Jurisdiction (Married Women) Act, 1895, for an order or orders under that Act there shall be included the ground that her husband has been guilty of adultery.

of courts of summary jurisdiction in matrimonial matters. 58 & 59 Vict. c. 39.

(2) A husband shall be entitled to apply to a court of summary jurisdiction for an order on the ground that his wife has been guilty of adultery, and the powers of the court under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, shall include power to make, upon any such application, any one or more of the orders set out in section five of the Licensing Act, 1902.

2 Edw. 7. c. 28.

(3) On any application made by virtue of this section, the court shall not make an order unless it is satisfied that the applicant has not condoned or connived at, or by his or her wilful neglect or misconduct conduced to, the adultery, and that the application is not made or prosecuted in collusion with the other party to the marriage or any person with whom it is alleged that adultery has been committed.

12. The following subsection shall be substituted for subsections (2) and (3) of section one hundred and eighty-four of the principal Act :—

Relief for clergy of Church of England and of Church in Wales.

“(2) No clergyman of the Church of England or of the Church in Wales shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on any ground and whose former husband or wife is still living or to permit the marriage of any such person to be solemnized in the Church or Chapel of which he is the minister.”

13. Where a wife has been deserted by her husband, or where her husband has been deported from the United Kingdom under any law for the time being in force relating to the deportation of aliens, and the husband was immediately before the desertion or deportation domiciled in England and Wales, the court shall have jurisdiction for the purpose of any proceedings under Part VIII of the principal Act, notwithstanding that the husband has changed his domicile since the desertion or deportation.

Jurisdiction under Part VIII of principal Act in case of husband's change of domicile.

14.—(1) This Act may be cited as the Matrimonial Causes Act, 1937, and shall be construed as one with Part VIII of the principal Act, and this Act and that

Short title, construction, commencement

and  
application.

Part may be cited together as the *Matrimonial Causes Acts, 1925 and 1937.*

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-eight.

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

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## CHAPTER 58.

An Act to amend the law with respect to the determination by justices of disputes in matters of matrimony, bastardy and the guardianship of infants and other similar matters; to extend the duties of probation officers; and for purposes connected therewith. [30th July 1937.]

**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 :—

Constitu-  
tion of  
courts of  
summary  
jurisdiction  
for domestic  
proceedings.

1. Subject to the provisions of this Act, courts of summary jurisdiction sitting for the purpose of the hearing and determination of any of the proceedings specified in the Schedule to this Act (in this Act referred to as "domestic proceedings") shall be constituted of not more than three justices of the peace, and shall be so constituted as to include, so far as practicable, both a man and a woman.

Sittings of  
courts of  
summary  
jurisdic-  
tion for  
domestic  
proceedings.

2.—(1) The business of courts of summary jurisdiction shall, so far as is consistent with the due dispatch of business, be arranged in such manner as may be requisite for separating the hearing and determination of domestic proceedings from other business.

(2) No person shall be present during the hearing and determination by a court of summary jurisdiction of any domestic proceedings, except—

(a) members and officers of the court;

- (b) parties to the case before the court, their solicitors and counsel, witnesses and other persons directly concerned in that case, and other persons whom either party desires to be present;
- (c) solicitors and counsel in attendance for other cases;
- (d) representatives of newspapers or news agencies;
- (e) any other person whom the court may permit to be present, so, however, that permission shall not be withheld in the case of a person who appears to the court to have adequate grounds for attendance.

(3) During the taking in any domestic proceedings of any evidence of an indecent character, the court may, if it thinks necessary in the interest of the administration of justice or of public decency, direct that all or any persons, not being members or officers of the court or parties to the case, their solicitors or counsel, or other persons directly concerned in the case, be excluded from the court during the taking of that evidence.

(4) Where the same parties are parties to domestic proceedings and to proceedings for the enforcement of an order made under any of the Acts mentioned in the Schedule to this Act, or for the variation of any provision of an order made under any of those Acts for the payment of money, and the proceedings are heard together by a court of summary jurisdiction, the provisions of the two last foregoing subsections shall, unless the court otherwise determines, have effect as if the whole of those proceedings were domestic proceedings.

(5) The powers conferred on a court of summary jurisdiction by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

(6) Nothing in this section shall affect the exercise by a court of summary jurisdiction of the power to direct that witnesses shall be excluded from the court until they are called for examination.

3.—(1) It shall not be lawful for the proprietor, editor or publisher of a newspaper or periodical to print or publish therein, or cause or procure to be printed or published therein, in relation to any domestic proceedings, Newspaper reports of domestic proceedings.

any particulars other than the following, that is to say :—

- (a) the names, addresses and occupations of the parties and witnesses;
- (b) the grounds of the application, and a concise statement of the charges, defences and counter-charges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings and the decision of the court thereon;
- (d) the decision of the court, and any observations made by the court in giving its decision.

(2) If any person acts in contravention of the provisions of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(3) No prosecution for an offence under this section shall be begun by any person without the consent of the Attorney-General.

(4) Nothing in this section shall apply to the printing or publishing of any matter in any newspaper or periodical of a technical character *bonâ fide* intended for circulation among members of the legal or medical professions.

Procedure  
in certain  
domestic  
proceedings.

4.—(1) Where in any domestic proceedings under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, a court of summary jurisdiction or a justice of the peace has requested a probation officer or any other person to attempt to effect a conciliation between the parties thereto, the probation officer or that other person may, if the attempt has proved unsuccessful and he thinks fit in the circumstances of the case so to do, furnish to the court statements (in this Act referred to as “statements of allegations”) made in such form as may be prescribed by rules made by the Lord Chancellor under this section and containing—

- (a) the allegations made by the applicant and the defendant respectively; and
- (b) information as to such other matters relating to the proceedings or to the parties thereto as may be so prescribed :

Provided that no allegation made by a party to any such proceedings shall be included in a statement of allegations without the consent in writing of that party.

(2) Where statements of allegations are furnished to the court under this section, the probation officer or other person by whom the statements were so furnished shall cause copies thereof to be delivered to the applicant and the defendant, or sent by post addressed to each of them at his or her last or usual place of abode.

(3) Where statements of allegations have been furnished to the court and delivered or sent to the applicant and the defendant under this section, the court may, if it thinks fit, make use of the statements of allegations for the purpose of putting or causing to be put questions to any witness, so, however, that nothing contained in a statement of allegations shall be received by the court as evidence.

5.—(1) Where in any domestic proceedings in which an order may be made for the periodical payment of money by any person, or in any proceedings for the enforcement or variation of any such order, or in any proceedings in any matter of bastardy, a court of summary jurisdiction or a justice of the peace has requested a probation officer to conduct an investigation into the means of the parties to the proceedings, the court may direct the probation officer to report the result of his investigation to the court in accordance with the provisions of this section :

Investigation by courts of summary jurisdiction as to means.

Provided that, in the case of any such domestic proceedings or of proceedings for an affiliation order, no direction to report to the court shall be given to a probation officer under this subsection until the court has determined all issues arising in the proceedings other than the issue as to the amount to be directed to be paid by such an order.

(2) Where a probation officer is directed under this section to report to the court the result of any such investigation as aforesaid, the court may require the probation officer—

(a) to furnish to the court a statement in writing as to his investigation, which shall be read aloud in

the presence of such parties to the proceedings as may be present at the hearing; or

(b) to make an oral statement to the court as to his investigation.

(3) Immediately after the statement of the probation officer has been read aloud or made, as the case may be, under the last foregoing subsection, the court shall ask each party to the proceedings whether he or she objects to anything contained in the statement, and where objection is made the court shall require the probation officer to give evidence on oath as to his investigation.

(4) Any statement made by a probation officer in a statement furnished or made by him under subsection (2) of this section, or in evidence which he is required to give under subsection (3) of this section, may be received by the court as evidence, notwithstanding anything to the contrary in any enactment or rule of law relating to the admissibility of evidence.

Examina-  
tion of  
witnesses  
where  
parties are  
not legally  
represented.

6. Where in any domestic proceedings, or in any proceedings for the enforcement or variation of an order made in domestic proceedings, or in proceedings in any matter of bastardy, it appears to a court of summary jurisdiction that any party to the proceedings who is not legally represented is unable effectively to examine or cross-examine a witness, the court shall ascertain from that party what are the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, as the case may be, and shall put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.

Extension  
of duties  
of probation  
officers.

7. Acts done by a probation officer—

(a) in the exercise of functions under any of the foregoing provisions of this Act; or

(b) in the course of attempts made, at the request of a court of summary jurisdiction or of a justice of the peace, to effect conciliation between the parties to domestic proceedings under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925; or

(c) in conducting, at such a request as aforesaid, investigations as to the means of parties to



domestic proceedings, or to proceedings for the enforcement or variation of orders made in domestic proceedings, or to proceedings in any matter of bastardy;

shall be deemed for the purposes of Part I of the Criminal Justice Act, 1925, to be acts done by him in the performance of his duties under that Act.

15 & 16  
Geo. 5. c. 86.

8. Where a court of summary jurisdiction or a justice of the peace determines to request a probation officer or other person to attempt to effect conciliation between parties to any domestic proceedings under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, the court or justice, as the case may be, shall have regard to the religious persuasion of the parties, and, if the court or justice determines to request a probation officer to attempt to effect conciliation, the court or justice shall, where the religious persuasion of both parties is the same, select for that purpose a probation officer of that religious persuasion if such a probation officer is available.

Religious persuasion to be regarded in selection of conciliators in certain domestic proceedings.

9.—(1) The provisions of section one of this Act shall not apply to the constitution of courts of summary jurisdiction for the City of London or the metropolitan police court area.

Provision as to London and stipendiary magistrates.

(2) Courts of summary jurisdiction for the City of London sitting for the purpose of the hearing and determination of domestic proceedings shall be constituted in such manner as the court of the Lord Mayor and Aldermen of the City may from time to time determine.

(3) His Majesty may by Order in Council provide for the constitution of courts of summary jurisdiction for the metropolitan police court area, or for any part of that area, for the purpose of the hearing and determination of all or any proceedings under the Acts mentioned in the Schedule to this Act, and any such Order may provide for the sittings of those courts for that purpose at such places as may be specified in the Order, and for the assignment to each such court of such part of that area as may be specified, and a court of summary jurisdiction constituted in accordance with, and sitting at a place specified in, the provisions of any Order so made, shall be deemed to be a metropolitan police court.

2 & 3 Vict.  
c. 71.  
3 & 4 Vict.  
c. 84.

(4) An Order in Council made under this section shall have effect notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, and may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order, and may be varied or revoked by any subsequent Order.

(5) In this section the expression "metropolitan police court area" means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840.

(6) Nothing in this Act shall prevent the hearing and determination of any domestic proceedings by a stipendiary magistrate, or by a metropolitan police magistrate, when sitting alone.

Short title,  
construction,  
extent  
and com-  
mencement.

**10.**—(1) This Act may be cited as the Summary Procedure (Domestic Proceedings) Act, 1937.

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

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

(4) This Act shall come into operation on the first day of October, nineteen hundred and thirty-seven.

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## SCHEDULE.

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### DOMESTIC PROCEEDINGS.

Proceedings—

(a) under the Guardianship of Infants Acts, 1886 and 1925;

(b) under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925;

other than proceedings for the enforcement of an order made under any of those Acts, or for the variation of any provision of an order made under any of those Acts for the payment of money.

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Sections 1, 2,  
9.

**CHAPTER 59.**

An Act to prohibit the exhibition or distribution of cinematograph films in connection with the production of which suffering may have been caused to animals; and for purposes connected therewith. [30th July 1937.]

**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.—(1) No person shall exhibit to the public, or supply to any person for public exhibition (whether by him or by another person), any cinematograph film (whether produced in Great Britain or elsewhere) if in connection with the production of the film any scene represented in the film was organised or directed in such a way as to involve the cruel infliction of pain or terror on any animal or the cruel goading of any animal to fury.

Prohibition  
of films  
involving  
cruelty to  
animals.

(2) In any proceedings brought under this Act in respect of any film, the court may (without prejudice to any other mode of proof) infer from the film as exhibited to the public or supplied for public exhibition, as the case may be, that a scene represented in the film as so exhibited or supplied was organised or directed in such a way as to involve the cruel infliction of pain or terror on an animal or the cruel goading of an animal to fury, but (whether the court draws such an inference or not) it shall be a defence for the defendant to prove that he believed, and had reasonable cause to believe, that no scene so represented was so organised or directed.

(3) Any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) For the purposes of this Act—

(a) a cinematograph film shall be deemed to be exhibited to the public when, and only when,

it is exhibited in a place to which for the time being members of the general public as such have access, whether on payment of money or otherwise, and the expression "public exhibition" shall be construed accordingly; and

- (b) the expression "animal" has the same meaning as in the Protection of Animals Act, 1911, and the Protection of Animals (Scotland) Act, 1912.

1 & 2 Geo. 5.  
c. 27.  
2 & 3 Geo. 5.  
c. 14.

Short title  
and extent.

2.—(1) This Act may be cited as the Cinematograph Films (Animals) Act, 1937.

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

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## CHAPTER 60.

An Act to extend further the duration of certain temporary provisions contained in the Rating and Valuation Act, 1928. [30th July 1937.]

**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 :—

Extension  
of certain  
provisions  
of 18 & 19  
Geo. 5. c. 8.  
15 & 16  
Geo. 5. c. 90.

1.—(1) The amendments made by subsection (3) of section two of the Rating and Valuation Act, 1928, with respect to the Second Schedule to the Rating and Valuation Act, 1925, hereinafter called "the principal Act" (being amendments relating to the ascertainment of the rateable value of certain hereditaments), which were continued for the purposes of the second new valuation lists under the principal Act by the Rating and Valuation Act, 1932, shall be continued for the purposes of the third new valuation lists made under the principal Act, and accordingly the said subsection (3), as amended, shall be further amended by inserting the words "and third" after the word "second".

22 & 23  
Geo. 5. c. 18.

(2) The amendment made by subsection (1) of section three of the Rating and Valuation Act, 1928, with respect to section eleven of the principal Act (being an amendment relating to the allowance to be made to owners when rated instead of occupiers), which was continued by the Rating and Valuation Act, 1932, for the purposes of any rate made for a rating area in respect of a period during which the second new valuation list made under the principal Act for that area is in force, shall be continued for the purposes of any rate made for a rating area in respect of a period during which the third new valuation list made under the principal Act for that area is in force, and accordingly the said subsection, as amended, shall be further amended by inserting the words " or third " after the word " second ".

2. This Act may be cited as the Rating and Valuation Act, 1937, and the Rating and Valuation Acts, 1925 to 1932, and this Act may be cited together as the Rating and Valuation Acts, 1925 to 1937. Short title  
and citation.

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## CHAPTER 61.

An Act to amend and consolidate the Overseas Trade Acts, 1920 to 1934. [30th July 1937.]

**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.—(1) For the purpose of establishing or of encouraging trade, or any branch of trade, between the United Kingdom and any country, the Board of Trade, where after consultation with an advisory committee constituted by them for the purposes of this Act it appears to the Board advisable to do so, may, with the consent of the Treasury, make arrangements for giving to, or for the benefit of, any person, firm or company carrying on business in the United Kingdom guarantees in connection with the export to any country of goods not

Power of  
Board of  
Trade to  
guarantee  
export  
trans-  
actions.

being munitions of war, and any such guarantee may be given upon such terms and conditions as to commission and otherwise as may be determined in accordance with the arrangements :

Provided that the aggregate amount of the liability of the Board of Trade in respect of guarantees given under this section and under the enactments hereby repealed shall not at any time exceed the sum of fifty million pounds.

(2) Subject as hereinafter provided, no guarantee shall be given under this section in connection with the export of goods which are not home produced goods :

Provided that—

(a) where the contract in pursuance of which home produced goods are exported provides for the execution outside the United Kingdom of works or services in connection with those goods and the Board of Trade are satisfied that such provision is reasonable, having regard to the nature of the contract and to all the circumstances of the case, any guarantee given in connection with the export of those goods may extend to the execution of such works or services (including the provision of any labour and material obtained outside the United Kingdom) but so that the amount of the additional liability of the Board of Trade by reason of any such extension shall not exceed an amount equal to one-third of the price of the home produced goods exported; and

(b) a guarantee may be given to or for the benefit of a person, firm or company in connection with the export of goods exported or intended to be exported during a specified period, or in a specified consignment, notwithstanding that the goods are not all home produced goods, but a guarantee shall not be so given unless at least three-quarters of the price of the goods to which the guarantee relates is payable in respect of the home produced goods included among them, and the amount of the liability of the Board of

Trade in respect of any guarantee so given, exclusive of any additional liability which may be incurred under the foregoing proviso to this subsection, shall not exceed an amount equal to the price of the home produced goods included among the goods to which the guarantee relates.

(3) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ Home produced goods ” means goods wholly or partly produced or manufactured in the United Kingdom;

“ Price ” means, in relation to any goods, the price payable to the person, firm or company exporting the goods.

**2.**—(1) All expenses incurred by the Board of Trade under this Act or under the enactments hereby repealed shall be defrayed out of moneys provided by Parliament, but in the event of any amount required for fulfilling any guarantee given under any of the said Acts not being paid out of such moneys, it shall be charged on and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof. Expenses and receipts.

(2) All sums received by the Board of Trade in connection with any guarantees given under any of the said Acts or in connection with any credit granted under any of the enactments hereby repealed shall, subject to any directions given by the Treasury, be paid into the Exchequer.

**3.**—(1) The Board of Trade shall publish quarterly a return showing the aggregate amount of the guarantees given under this Act (and, in the case of the first return, under the enactments hereby repealed) since the date of the last previous return. Miscellaneous provisions as to functions of Board of Trade.

(2) Anything authorised by this Act or the enactments hereby repealed to be done by or to the Board of Trade may be done by or to the President, a Secretary, an Under-Secretary, or an Assistant Secretary, of the Board, or by or to any person authorised in that behalf by the President of the Board.

Short title  
and repeals.

4.—(1) This Act may be cited as the Export Guarantees Act, 1937.

(2) The enactments specified in the first column of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Section 4.

## SCHEDULE.

### ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 29.	The Overseas Trade (Credits and Insurance) Act, 1920.	The whole Act.
11 & 12 Geo. 5. c. 26.	The Overseas Trade (Credits and Insurance) Amendment Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 65.	The Trade Facilities Act, 1921.	Section two, subsection (2) of section three and the Schedule.
13 Geo. 5. Sess. 2. c. 4.	The Trade Facilities (Loans Guarantee) Act, 1922.	Section four.
14 & 15 Geo. 5. c. 8.	The Trade Facilities Act, 1924.	Section three.
16 & 17 Geo. 5. c. 3.	The Trade Facilities Act, 1926.	Section two and in section three the words from "and the Overseas Trade Acts, 1920 to 1924," to the end of the section.
19 & 20 Geo. 5. c. 12.	The Overseas Trade Act, 1929.	The whole Act.
20 & 21 Geo. 5. c. 31.	The Overseas Trade Act, 1930.	The whole Act.
24 & 25 Geo. 5. c. 12.	The Overseas Trade Act, 1934.	The whole Act.



## CHAPTER 62.

An Act to amend the law relating to the employment of boys underground in coal mines.

[30th July 1937.]

**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.—(1) In relation to every mine, being a coal mine, there shall be specified in a notice affixed at the mine by the manager a period of at least seven consecutive hours between the hours of ten at night and six on the following morning and during that period no boy shall be employed in, or allowed to be for the purpose of employment in, that coal mine below ground. Nothing in this section shall apply to any boy who has been lawfully employed in any coal mine below ground before the passing of this Act.

Hours of employment in coal mines for boys.

(2) This section shall have effect as if it formed part of the Coal Mines Act, 1911.

2.—(1) This Act may be cited as the Coal Mines (Employment of Boys) Act, 1937, and the Coal Mines Acts, 1887 to 1932, and this Act may be cited together as the Coal Mines Acts, 1887 to 1937.

Short title, citation and extent.

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

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## CHAPTER 63.

An Act to remit any sums which have become or may become payable to the Exchequer under section three of the Royal Niger Company Act, 1899, and to extinguish the liability for the payment of such sums. [30th July 1937.]

**W**HEREAS it is provided by the Royal Niger Company Act, 1899, that until the moneys issued out of the Consolidated Fund under that Act for making payments to the Royal Niger Company in consideration of the

transfer to the Crown of the property and rights of the Company, and for meeting liabilities attaching to the territories formerly administered by the Company and interest thereon have been wholly repaid to the Exchequer and thereafter until Parliament otherwise directs, the surplus receipts from those territories shall be paid to the Exchequer :

And whereas since the passing of the said Act the territories aforesaid have become part of the Colony and Protectorate of Nigeria, and the Government of Nigeria has voluntarily defrayed substantial expenditure which would otherwise have fallen to be defrayed out of the Exchequer and has also made contributions to the Exchequer, and it is accordingly expedient to remit any sums which have become or may become payable to the Exchequer under the said Act and to extinguish the liability for the payment of such sums :

Now, therefore, 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 :—

Remission  
of payments  
under  
62 & 63 Vict.  
c. 43, s. 3.

1.—(1) Any sums payable to the Exchequer under section three of the Royal Niger Company Act, 1899, are hereby remitted and the liability to make payments under that section shall cease.

(2) The Royal Niger Company Act, 1899, is hereby repealed.

Short title.

2. This Act may be cited as the Nigeria (Remission of Payments) Act, 1937.

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## CHAPTER 64.

An Act to amend the law with respect to customs in the Isle of Man. [30th July 1937.]

**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. 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-seven, until the first day of August, nineteen hundred and thirty-eight :—

Continuation of certain annual duties.

TABLE.

Description of Goods.	Enactment imposing Duty.	
Ale and Beer - - -	Section 8 <sup>a</sup> of the second Act of 1932 and section 4 of the Act of 1936.	22 & 23 Geo. 5. c. 41. 26 Geo. 5. & 1 Edw. 8. c. 45.
Cinematograph Films - -	Section 6 of the Act of 1925, as amended by section 12 of the Act of 1927, section 14 of the Act of 1928 and section 4 of the Act of 1935.	15 & 16 Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20. 18 & 19 Geo. 5. c. 38. 25 & 26 Geo. 5. c. 34.
Cocoa - - - - -	Section 4 of the Act of 1924.	14 & 15 Geo. 5. c. 24. 23 & 24 Geo. 5. c. 40
Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.	
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 amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.	16 & 17 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 and section 4 of the Act of 1935.	

	Description of Goods.	Enactment imposing Duty.
	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, section 4 of the Act of 1933 and section 3 of the Act of 1936.
20 & 21 Geo. 5. c. 42.	Spirits - - - -	Section 2 of the Act of 1930.
	Sweets - - - -	Section 2 of the Act of 1929, as amended by section 3 of the Act of 1933.
	Tea - - - -	Section 1 of the Act of 1936.
22 & 23 Geo. 5. c. 16.	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-eight, 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 musical instruments, and to articles made wholly or in part of silk, shall have effect subject to the two next following sections of this Act.

Exemption  
of reed  
organs

2.—(1) The duty of customs payable under section six of the Act of 1925, on reed organs (including harmoniums) removed or imported into the Isle of Man

complete shall not be payable on any such organs being Empire products within the meaning of section five of the Act of 1919, as amended by any subsequent enactment.

being  
Empire  
products.  
9 & 10  
Geo. 5. c. 74.

(2) This section shall be deemed to have had effect as from the twenty-sixth day of May, nineteen hundred and thirty-seven.

**3.**—(1) The following provisions of this section shall have effect as respects the preferential rate of any new duties of customs for the time being payable under section four of the Act of 1933 on articles to which this section applies.

Reduction  
of duty on  
silk  
stockings  
and socks  
being  
Empire  
products.

(2) The articles to which this section applies are stockings and socks—

(a) made wholly of silk, or containing silk components the value whereof exceeds twenty per cent. of the aggregate of the values of all the components thereof; and

(b) being Empire products within the meaning of section five of the Act of 1919, as amended by any subsequent enactment;

and for the purposes of this section—

(i) the expression “the existing preferential rate” means the preferential rate provided in subsection (7) of the said section four, namely, five-sixths of the full rate; and

(ii) the expression “the new preferential rate” means whichever is the higher of the following rates, namely, twenty-eight and eight-ninths per cent. of the value of the article or eight shillings per pound weight.

(3) If only one new duty is for the time being payable under the said section four on an article to which this section applies, the duty shall be payable on the article either at the new preferential rate or at the existing preferential rate, whichever is the lower.

(4) If two or more new duties are for the time being payable under the said section four on an article to which this section applies, the aggregate amount thereof payable

in respect of the article shall not exceed whichever of the two following amounts is the less, namely—

- (a) the aggregate amount of those duties which would be so payable if they were charged at the existing preferential rate; or
- (b) the amount of duty which would be so payable if a single duty were charged at the new preferential rate.

(5) This section shall be deemed to have had effect as from the twenty-sixth day of May, nineteen hundred and thirty-seven.

Amendment  
and con-  
tinuation of  
duties on  
Irish Free  
State goods.

4.—(1) No duty of customs shall be payable on live horses under section ten of the Act of 1936 (which relates to duties on Irish Free State goods), and accordingly—

- (a) paragraph 3 of Part I of the First Schedule to that Act is hereby repealed; and
- (b) paragraph 5 of the said Part I shall be amended by inserting the words “except horses” after the word “animals”.

(2) The foregoing provisions of this section shall be deemed to have had effect as from the seventeenth day of April, nineteen hundred and thirty-seven.

(3) Subject to the foregoing provisions of this section, the duties of customs payable under the said section ten shall continue to be payable as from the first day of August, nineteen hundred and thirty-seven, until the first day of August, nineteen hundred and thirty-eight.

Short title.

5. This Act may be cited as the *Isle of Man (Customs) Act, 1937.*

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## CHAPTER 65.

An Act to enable effect to be given to a Treaty signed in London on behalf of His Majesty and certain other Powers. [30th July 1937.]

**W**HEREAS the Treaty for the Limitation of Naval Armament signed on behalf of His Majesty at Washington on the sixth day of February nineteen

hundred and twenty-two, and the Treaty for the Limitation and Reduction of Naval Armament so signed as aforesaid in London on the twenty-second day of April nineteen hundred and thirty, have, except as to Part IV of the last mentioned Treaty, expired :

And whereas in London, on the twenty-fifth day of March nineteen hundred and thirty-six, there was signed on behalf of His Majesty a Treaty for the Limitation of Naval Armament and for the exchange of information concerning naval construction, and copies of the said Treaty were, on the same day, laid before Parliament by Command of His Majesty :

And whereas it is expedient to give effect to the provisions of the last mentioned Treaty in manner hereinafter appearing :

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 Treaties of Washington Act, 1922 (whereof subsection (1) of section one, as amended by the London Naval Treaty Act, 1930, prohibits the building of vessels of war, the adaptation of ships for use as vessels of war, and the despatch or delivery of such vessels and ships, without a licence from the Admiralty, but subject to the proviso that such a licence shall not be refused unless it appears necessary to do so for the purpose of securing the observance of the said Treaties of the sixth day of February nineteen hundred and twenty-two and the twenty-second day of April nineteen hundred and thirty), shall have effect as if, in the said proviso, for the reference to the said Treaties there were substituted a reference to the said Treaty of the twenty-fifth day of March nineteen hundred and thirty-six.

Extension  
of 12 & 13  
Geo. 5. c. 21.  
20 & 21  
Geo. 5. c. 48.

(2) Any person who, in pursuance of a licence granted before the commencement of this Act by the Admiralty under the said section one, is engaged in building any vessel of war or in altering, arming or equipping any ship so as to adapt her for use as a vessel of war, or is about to despatch or deliver or allow to be despatched or delivered from any place within any part of His Majesty's dominions to which the said Act applies,

any ship which has been so built, altered, armed or equipped as aforesaid, either entirely or partly within His Majesty's dominions, shall, upon written demand, furnish to the Admiralty such designs and particulars as may be required by the Admiralty for the purpose of securing the observance of the obligations imposed by the said Treaty of the twenty-fifth day of March nineteen hundred and thirty-six; and if any person fails to comply with the provisions of this subsection, he shall be deemed to have failed to comply with the provisions of the said section one.

Short title,  
construc-  
tion and  
citation.

2. This Act may be cited as the London Naval Treaty Act, 1937, and shall be construed as one with the Treaties of Washington Act, 1922; and that Act and this Act may be cited together as the Naval Treaties Acts, 1922 and 1937.

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## CHAPTER 66.

An Act to extend, with amendments, certain temporary provisions of the Milk Acts, 1934 and 1936, and otherwise to amend the said Acts.  
[30th July 1937.]

**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 :—

Extension  
of periods  
for Ex-  
chequer  
payments  
under ss. 1,  
2 and 3 of  
principal  
Act.  
24 & 25  
Geo. 5. c. 51.  
26 Geo. 5. &  
1 Edw. 8.  
c. 9.

1. The periods of forty-two consecutive months specified in sections one, two and three of the Milk Act, 1934, as amended by the Milk (Extension of Temporary Provisions) Act, 1936, (which first-mentioned Act as so amended is in this Act referred to as "the principal Act") as the periods within which must fall the month by reference to which payments out of moneys provided by Parliament are determined under those sections (which relate respectively to Exchequer payments in respect of milk sold for manufacture, used for manufacture by milk marketing boards, and converted into cheese at farms) shall be extended by twelve months, and accordingly such payments shall, subject to the provisions of those



sections and of sections five and six of this Act, be made in respect of months falling within those periods as so extended.

2. The periods of forty-two consecutive months specified in subsection (1) and in subsection (2) of section five of the principal Act as the periods within which must fall the month by reference to which sums payable to the Minister by the board administering a milk marketing scheme are determined under those subsections (which relate to payments to the Exchequer in respect of milk used in manufacturing milk products) shall be extended by twelve months, and accordingly such payments shall, subject to the provisions of the said section five and of section five of this Act, be made in respect of months falling within those periods as so extended.

Extension of periods for payments to Exchequer under s. 5 of principal Act.

3. The power of the Minister under subsection (1) of section eleven of the principal Act to pay to the board administering a milk marketing scheme, out of moneys provided by Parliament, sums in respect of expenses incurred by the board in giving effect to arrangements for increasing the demand for milk shall include power to make payments as aforesaid in respect of such expenses as appear to the Minister to be attributable to any time before the first day of October, nineteen hundred and thirty-eight; and the amount which may be expended under the said subsection shall be increased by five hundred thousand pounds.

Extension of period in respect of which Exchequer contribution may be made towards expenses of boards.

4.—(1) Section six of the principal Act (which relates to Exchequer payments to the Government of Northern Ireland in respect of milk used in manufacture) shall have effect as if after subsection (1) of that section there were inserted the following subsection:—

Exchequer payments to Government of Northern Ireland in respect of milk used for manufacture in the year ending 30th September, 1938.

“(1A) The Minister of Agriculture and Fisheries shall, as and when the Treasury may direct, pay out of moneys provided by Parliament to the Government of Northern Ireland, in respect of the period beginning on the first day of October, nineteen hundred and thirty-seven, and ending with the thirtieth day of September, nineteen hundred and thirty-eight, such sums as the Treasury may determine in respect of milk produced in Northern Ireland which has, in that period, been used in manufacturing cream or

butter at premises registered under any Act of the Parliament of Northern Ireland relating to the marketing of dairy produce :

Provided that the sums payable under this subsection shall not exceed such amount as appears to the Treasury to be sufficient to secure that the sum per gallon payable in respect of such milk used as aforesaid in any month of that period to the respective producers thereof is not less than the standard price for that month."

(2) Subsection (2) of the said section six shall have effect as if in that subsection for the words " forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and thirty-nine," there were substituted the words " fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and forty ", and as if in the proviso to that subsection the words " subsection (1) of " were omitted.

Amend-  
ment of  
definition of  
cheese-milk  
price and  
provision  
for butter-  
milk price.

5.—(1) Sections one and two, and subsection (1) of section five, of the principal Act (which relate to payments in respect of milk used in manufacturing milk products) shall have effect, in relation to milk used in any month falling after the end of July, nineteen hundred and thirty-seven, in manufacturing butter, as if for any reference to the cheese-milk price there were substituted a reference to the butter-milk price, as hereinafter defined.

(2) In relation to any month falling after the end of July, nineteen hundred and thirty-seven, the cheese-milk price for the purposes of the principal Act shall be, instead of the sum specified in paragraph (a) of subsection (1) of section four of that Act, such sum as the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction, may, with the approval of the Treasury, certify to represent the value per gallon of the greater part of the milk which, during that month, was sold wholesale in Great Britain for manufacture into cheese.

(3) In this section the expression " butter-milk price " means, in relation to any month, such sum as the Minister of Agriculture and Fisheries and the Secretary

of State for Scotland, acting in conjunction, may, with the approval of the Treasury, certify to represent the value per gallon of the greater part of the milk which, during that month, was sold wholesale in Great Britain for manufacture into butter.

(4) In determining, for the purposes of subsection (2) or subsection (3) of this section, the value per gallon of the greater part of the milk which in any particular month was sold in Great Britain for manufacture into cheese or butter, as the case may be, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall take into account, but shall not be limited to the consideration of, the terms of any contracts relating to the sale of milk in that month for such manufacture as aforesaid; and any reference in this section to the greater part of the milk which in any month was sold in Great Britain for any particular purpose shall be construed as a reference to the greatest quantity of milk which appears to the said Minister and Secretary of State to have been sold at the same price for that purpose during that month.

(5) In relation to each month falling between the end of July, nineteen hundred and thirty-seven, and the beginning of October, nineteen hundred and forty, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall cause the certificates relating to the cheese-milk price and the butter-milk price for that month to be published, as soon as may be, in such manner as they think best for informing persons concerned.

6. Section one of the principal Act shall have effect, and shall be deemed always to have had effect, subject to the provisions of this section, that is to say, the net cost per gallon of milk to a purchaser shall, in relation to milk used in manufacturing any milk product,—

- (a) if the relevant contract specifies a manufacturing price for milk in relation to that product, or a price for milk used in manufacturing that product (being in either case a price per gallon as to which the Minister is satisfied that it is properly so specified), be taken to be the price so specified, with such additions, if any, thereto as the Minister may determine as representing

Construc-  
tion of  
reference to  
net cost of  
milk in s. 1  
of principal  
Act.

other sums payable in respect of the milk in question, or

- (b) if the relevant contract does not specify any such price, be taken to be such sum as the Minister may determine as representing the price per gallon for milk used in manufacturing that product, with such additions, if any, as aforesaid;

and, where the relevant price for milk used in manufacturing any milk product differs in respect of milk sold for use in manufacturing different descriptions of that milk product, the foregoing provisions of this section shall have effect as if for any reference therein to the milk product there were substituted a reference to that description of the milk product in manufacturing which the milk in question is used.

Payments by boards to registered producers in respect of milk sold at a reduced price.

7. The board administering a milk marketing scheme may submit to the Minister arrangements for the sale by registered producers, at a reduced price, of any quantity of milk produced in the area to which the scheme applies, and, if the Minister approves the arrangements, the provisions of subsection (1) of section twelve of the principal Act relating to payments or allowances to registered producers in respect of milk sold at a reduced price shall have effect in relation to milk sold in accordance with the said arrangements, as those provisions have effect in relation to milk sold in accordance with arrangements approved by the Minister for the purposes of section eleven of the principal Act.

Minor and consequential amendments.

8.—(1) The amendments specified in the second column of Part I of the First Schedule to this Act, which relate to matters of minor detail, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

(2) The amendments specified in the second column of Part II of the First Schedule to this Act, being amendments consequential on the foregoing provisions of this Act, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

Short title, construction, citation and repeals.

9.—(1) This Act may be cited as the Milk (Amendment) Act, 1937, and shall be construed as one with the principal Act, and the Milk Acts, 1934 and 1936, and this

Act may be cited together as the Milk Acts, 1934 to 1937.

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

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## SCHEDULES.

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### FIRST SCHEDULE.

Section 8.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

##### PART I.

##### MINOR AMENDMENTS.

Provisions to be amended.	Amendments.
Section two - - -	<p>In subsection (2) for the words "the net sum" there shall be substituted the words "the price", and at the end of that subsection there shall be added the following paragraph:—</p> <p style="padding-left: 40px;">"The reference in this subsection to the greater part of the milk sold in Great Britain for use in manufacturing a milk product shall be construed as a reference to the greatest quantity of milk which appears to the Minister to have been sold at the same price for use in manufacturing that milk product."</p> <p>In subsection (4) for the words "the net sum" there shall be substituted the words "the price".</p>
Sections five and seven -	<p>At the end of paragraph (b) of subsection (2) of each of those sections there shall be added the words "excluding milk in respect of which, by virtue of an order in</p>

1ST SCH.  
—cont.

Provisions to be amended.	Amendments.
Sections five and seven— <i>cont.</i>	“ force under the proviso to sub- “ section (1) of section three of “ this Act, no sums could become “ payable to the Board under that “ section, and, if the Minister “ (with the approval of the Trea- “ sury) so directs, excluding milk “ which has been used by regis- “ tered producers in manufac- “ turing cheese unless the cheese “ has been sold in lots of not “ less than such weight or “ quantity as may from time to “ time be specified in the direc- “ tions.”
Section seven - - -	In subsection (2), in paragraph (a) thereof, for the words “ in respect “ of the use of which in that “ month sums are payable ” there shall be substituted the words “ so used in that month that “ sums might become payable in “ respect thereof ”.
Section twelve - - -	In subsection (1), for the words “ the “ board may, notwithstanding “ anything in the scheme and ” there shall be substituted the words “ and without prejudice to “ any obligation expressly im- “ posed on the board by the “ scheme, the board may ”.

## PART II.

## CONSEQUENTIAL AMENDMENTS.

Section one	- In paragraph (1), for the words “ forty-two “ consecutive months falling between the “ end of March, nineteen hundred and “ thirty-four, and the beginning of “ October, nineteen hundred and thirty- “ seven ” there shall be substituted the words “ fifty-four consecutive months “ falling between the end of March, “ nineteen hundred and thirty-four, and “ the beginning of October, nineteen “ hundred and thirty-eight ”.
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## Provisions to be amended.

## Amendments.

1st Sess.  
—cont.

- Sections two and three. In subsection (1) of each of those sections, for the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October, nineteen hundred and thirty-seven" there shall be substituted the words "fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October, nineteen hundred and thirty-eight".
- Section five - In each of subsections (1) and (2), for the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and thirty-nine," there shall be substituted the words "fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-six and the beginning of October, nineteen hundred and forty".
- Section six - In subsection (2), for the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six and the beginning of October, nineteen hundred and thirty-nine" there shall be substituted the words "fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-six and the beginning of October, nineteen hundred and forty", and in the proviso the words "subsection (1) of" shall be omitted.
- Section seven - In subsection (2), for the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and thirty-nine" there shall be substituted the words "fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and forty".

1ST SCH.  
—*cont.*

Provisions to be amended.

Amendments.

- Section seven—  
*cont.*      In subsection (4), for the words “ September, nineteen hundred and thirty-nine ” there shall be substituted the words “ September, nineteen hundred and forty ”.
- Section eight      -      In subsection (2), for the words “ October, nineteen hundred and thirty-nine ” there shall be substituted the words “ October, nineteen hundred and forty ”.
- Section eleven      -      In subsection (1), in paragraph (a) of the proviso thereto, for the words “ Sept-  
“ ember, nineteen hundred and thirty-  
“ seven ” there shall be substituted the words “ September, nineteen hundred and thirty-eight ”; and in paragraph (b) of the said proviso, for the words “ one million five hundred thousand pounds ” there shall be substituted the words “ two million pounds ”.

Section 9.

**SECOND SCHEDULE.****PROVISIONS REPEALED IN PRINCIPAL ACT.**

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Geo. 5. c. 51.	The Milk Act, 1934 -	In section one, in paragraph (2), the words “ by virtue of the terms of the contract ”; in section four, in subsection (1), paragraph (a), and subsections (2) and (3); in section twelve, in subsection (1), in paragraph (e), the words “ for the purposes of the last foregoing “ section ”.



**CHAPTER 67.**

An Act to consolidate, with amendments, the Factory and Workshop Acts, 1901 to 1929, and other enactments relating to factories; and for purposes connected with the purposes aforesaid. [30th July 1937.]

**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.****HEALTH (GENERAL PROVISIONS).**

**1.** Every factory shall be kept in a clean state, Cleanliness. and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provision—

- (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;
- (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;
- (c) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—
  - (i) where they have a smooth impervious surface, at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;
  - (ii) where they are kept painted with oil paint or varnished, be repainted or revarnished at least once in every period of seven years,

PART I.  
—cont.

and at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;

(iii) in other cases be kept whitewashed or colourwashed, and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months :

Provided that—

- (i) except where the inspector for the district in any case otherwise requires, the provisions of paragraph (c) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed; and
- (ii) where it appears to the Secretary of State that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description or shall apply as varied by the order.

Over-  
crowding.

2.—(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without prejudice to the generality of the foregoing provision, a factory shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than four hundred cubic feet :

Provided that, if the chief inspector is satisfied that owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of the provisions of this subsection to that workroom would be inappropriate or unnecessary, he may by

certificate except the workroom from those provisions subject to any conditions specified in the certificate.

PART I.  
—cont.

(3) As respects any room used as a workroom at the date of the passing of this Act, the last foregoing subsection shall, for the period of five years after that date and, if before the expiration of that period effective and suitable mechanical ventilation has been provided in the room, for a further period of five years, have effect as if for the reference therein to four hundred cubic feet there were substituted a reference to two hundred and fifty cubic feet :

Provided that this subsection shall cease to apply to the room—

- (a) if the room passes into the occupation of any person other than the person who was the occupier thereof at the passing of this Act, or his successor in the same business ; or
- (b) if, during the first of the said periods, the inspector for the district requires the provision of effective and suitable mechanical ventilation in the room and default is made in complying with the requirement ; or
- (c) if, during the second of the said periods or in a case where it has been provided in pursuance of the inspector's requirement during either of those periods, the effective and suitable mechanical ventilation provided in the room ceases to be maintained.

(4) The Secretary of State may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.

(5) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice

PART I.  
—cont.

specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

Tempera-  
ture.

3.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort, a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Secretary of State may, by regulations, for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by the last foregoing subsection for sedentary work) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

## Ventilation.

4.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory.

(2) The Secretary of State may, by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

## Lighting.

5.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) The Secretary of State may, by regulations, prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

PART I.  
—cont.

(3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.

(4) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction :

Provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

6. Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

Drainage of  
floors.

7.—(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

Sanitary  
conveni-  
ences.

(2) The Secretary of State may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

8.—(1) The foregoing provisions of this Part of this Act relating to sanitary conveniences and any regulations made thereunder shall be enforced by the district council.

Enforce-  
ment by  
district  
councils of  
certain pro-  
visions of  
Part I.

(2) The foregoing provisions of this Part of this Act relating to cleanliness, overcrowding, temperature, ventilation and drainage of floors and any order or regulations

PART I.  
—cont.

made thereunder shall, as respects any factory in which mechanical power is not used, be enforced by the district council :

Provided that—

- (a) in the case of any class or description of factory or parts thereof in respect of which special provision is made by this Act or any order or regulation made thereunder, against a risk of industrial disease or other risk of injury to health, the Secretary of State may by order direct that the said provisions or any of them shall not be enforced by the district council; and
- (b) this subsection shall not apply to any premises occupied or used by a railway company for the purposes of their railway or to any premises vested in the owners, trustees or conservators, acting under powers conferred on them by Parliament, of any dock, harbour or inland navigation and used for the purposes of the dock, harbour or inland navigation.

(3) Every district council shall keep a register of all factories situate within their district with respect to which the duty of enforcing any of the said provisions is imposed upon them.

(4) For references in any of the foregoing provisions of this Part of this Act to an inspector there shall, as respects any factory or part thereof in which that provision is enforceable by a district council, be substituted references to a medical officer of health.

Powers of  
inspector as  
to sanitary  
defects  
remediable  
by district  
council.

9.—(1) Where an inspector finds any act or default, in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the district council under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the district council, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to the council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, sanitary inspector, or other officer of the district council.

PART I.  
—cont.

(3) If within one month after notice of an act or default is given by an inspector under this section to a district council proceedings are not taken for punishing or remedying the act or default, the inspector may take the like proceedings for the punishment or remedying thereof as the district council might have taken, and shall be entitled to recover from the district council summarily as a civil debt all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

10.—(1) If the Secretary of State is satisfied that any district council have failed to enforce any of the provisions of this Part of this Act enforceable by them, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

Powers in case of default of a district council.

(2) An inspector authorised under this section shall, for the purpose of his duties thereunder, have the same powers in regard to any such matters as he has with respect to other matters under this Act, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act, or for punishing or remedying any act or default, as might be taken by the district council; and he shall be entitled to recover from the district council summarily as a civil debt all such expenses incurred by him in and about any proceedings as are not recovered from any other person.

11.—(1) Where it appears to the Secretary of State that in any factory or class or description of factory—

Power to require medical supervision.

- (a) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or
- (b) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may

PART I.  
—cont.

be risk of injury to the health of persons employed in that process; or

- (c) young persons are or are about to be employed in work which may cause risk of injury to their health;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Secretary of State proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order :

Provided that he may by a subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to the Secretary of State objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.

## PART II.

## SAFETY (GENERAL PROVISIONS).

Prime  
movers.

12.—(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected



thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

PART II.  
—cont.

13.—(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Trans-  
mission  
machinery.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Secretary of State is satisfied that owing to special circumstances the fulfilment of any of the requirements of the last three foregoing subsections is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

14.—(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced :

Other  
machinery.

Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

PART II.  
—cont.

(2) Where the Secretary of State is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

(a) prevents the exposure of a dangerous part of machinery whilst in motion; or

(b) stops a machine forthwith in case of danger,

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations :

Provided that, in any proceedings in respect of a contravention of this subsection, it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

(3) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

The Secretary of State may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

Provisions  
as to  
unfenced  
machinery.

**15.** In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced—

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion; and

(b) in the case of any part of transmission machinery used in any such process as may be specified

in regulations made by the Secretary of State, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts :

PART II.  
—cont.

Provided that this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being male persons who have attained the age of eighteen, as may be specified in regulations made by the Secretary of State, and all such other conditions as may be so specified are complied with.

16. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Secretary of State are complied with.

Construction and maintenance of fencing.

17.—(1) In the case of any machine in a factory being a machine intended to be driven by mechanical power—

Construction and sale of new machinery.

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical

PART II.  
—cont.

power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(3) The Secretary of State may by regulations extend the provisions of the last preceding subsection to machinery or plant which does not comply with such requirements of this Act or of any regulation made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.

(4) Nothing in this section shall apply to any machine constructed before the passing of this Act, and regulations under this section shall not apply to any machinery or plant constructed before the making of the regulations.

Vessels  
containing  
dangerous  
liquids.

**18.**—(1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) The Secretary of State may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

Self-acting  
machines.

**19.**—(1) In any factory or part of a factory to which this subsection applies no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure not being part of the machine :

Provided that nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve

inches distant from any part of the head stock of another such machine.

PART II.  
—cont.

(2) The foregoing subsection applies—

- (a) to any factory erected after the thirty-first day of December eighteen hundred and ninety-five; and
- (b) to any factory or part of a factory reconstructed after the passing of this Act; and
- (c) to any extension of or addition to a factory made after the passing of this Act.

(3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

20. A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Cleaning of machinery by women and young persons.

21.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and—

Training and supervision of young persons working at dangerous machines.

- (a) has received a sufficient training in work at the machine; or
- (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by the Secretary of State, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

22.—(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

Hoists and lifts.

PART II.  
—cont.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months, and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

(3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed :

Provided that, in the case of a hoist or lift constructed or reconstructed before the passing of this Act which it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

(5) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.

(7) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise :—

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning ;

PART II.  
—cont.

(b) every cage shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened: Provided that, in the case of a hoist or lift constructed or reconstructed before the passing of this Act in connection with which it is not reasonably practicable to provide such devices as aforesaid, it shall be sufficient if such arrangements are provided as will secure the aforesaid objects so far as is reasonably practicable, and in any event the gate is kept closed and fastened except when the cage is at rest or empty; and

(c) in the case of a hoist or lift constructed or reconstructed after the passing of this Act, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(8) In the case of a continuous hoist or lift, subsections (3) to (7) inclusive of this section shall not apply and in the case of a hoist or lift not connected with mechanical power subsections (4) and (7) shall not apply, and, in both the aforesaid cases, in subsection (2) for the reference to six months there shall be substituted a reference to twelve months.

(9) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(10) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by

PART II.  
—cont.

mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand-hold on each side of the opening or doorway. The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(11) If it is shown to the satisfaction of the Secretary of State that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway, liftway, or teagle opening or similar doorway, he may by order direct that such requirement shall not apply as respects that class or description.

Chains,  
ropes and  
lifting  
tackle.

**23.**—(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials :—

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect ;
- (b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used, so, however, that the foregoing provisions of this paragraph shall not apply in relation to any lifting tackle if the safe working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it ;
- (c) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid ;
- (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at



such greater intervals as the Secretary of State may prescribe;

PART II.  
—cont.

- (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;
- (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary;
- (g) a register containing the prescribed particulars shall be kept with respect to all such chains, ropes or lifting tackle, except fibre rope slings.

(2) In this section the expression "lifting tackle" means chain slings, rope slings, rings, hooks, shackles, and swivels.

24.—(1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

Cranes and other lifting machines.

(2) All such parts and gear as aforesaid shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register

PART II.  
—*cont.*

shall be kept containing the prescribed particulars of every such examination.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(4) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under the last foregoing subsection.

(6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.

(8) In this section the expression "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

Construc-  
tion and  
mainten-  
ance of

**25.**—(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained.

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side shall be on that side, and, in the case of a staircase having two open sides, or in the case of a staircase which, owing to the nature of the construction thereof or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

PART II.  
—cont.  
floors,  
passages  
and stairs.

(3) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(4) All ladders shall be soundly constructed and properly maintained.

26.—(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work.

Safe means  
of access  
and safe  
place of em-  
ployment.

(2) Where any person is to work at a place from which he will be liable to fall a distance more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

27.—(1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby—

Precautions  
in places  
where  
dangerous  
fumes are  
liable to be  
present.

- (a) the confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval, or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter; and

PART II.  
—cont.

(b) no person shall enter the confined space for any purpose unless the following requirements are complied with:—

(i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside; or

(ii) the person entering shall wear a suitable breathing apparatus;

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and shall be periodically inspected in the prescribed manner; and

(d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus and in the method of restoring respiration:

Provided that the chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the aforesaid requirements in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(2) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

Precautions  
with respect  
to explosive  
or inflam-  
mable  
dust, gas,  
vapour or  
substance.

**28.**—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
- (b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured, or, as the case may be, securely replaced:

Provided that this subsection shall not apply to plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable; and if any plant, tank, or vessel has been subjected to any such an operation as aforesaid, no explosive or inflammable substance shall be allowed to enter the plant, tank or

PART II.  
—cont.

vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last two foregoing subsections in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam  
boilers.

29.—(1) Every steam boiler, whether separate or one of a range—

(a) shall have attached to it—

(i) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;

(ii) a suitable stop-valve connecting the boiler to the steam pipe;

(iii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure;

(iv) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge;

(v) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible; and

(b) shall be provided with means for attaching a test pressure gauge; and

- (c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low-water alarm device :

PART II.  
—cont.

Provided that sub-paragraph (ii) of paragraph (a) of this subsection shall not apply with respect to economisers, and sub-paragraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c) of this subsection shall not apply with respect to either economisers or superheaters.

(2) For the purposes of the last foregoing subsection, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(3) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(4) Every part of every steam boiler shall be of good construction, sound material, adequate strength, and free from patent defect.

(5) Every steam boiler and all its fittings and attachments shall be properly maintained.

(6) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs :

Provided that, in the case of any range of boilers used at the date of the passing of this Act for the purposes of a process requiring a continuous supply of steam, any stop-valve on the range which cannot

**PART II.**  
—*cont.*

be isolated from steam under pressure need only be examined so far as is practicable without such isolation, but this proviso shall cease to have effect as soon as a reasonable opportunity arises for installing devices to enable the valve to be so isolated and, in any case, at the expiration of a period of three years from the passing of this Act.

(7) Any examination in accordance with the requirements of the last foregoing subsection shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(8) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable and in any case within twenty-eight days of the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

For the purposes of this subsection and the succeeding provisions of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(9) No steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported



on in accordance with the last three foregoing subsections; and no new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

PART II.  
—cont.

(10) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(11) The person making the report of any examination under this section, or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(12) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by the preceding subsection, he shall be guilty of an offence.

(13) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for such re-examination. If as a result of such re-examination it appears that the report of the

PART II.  
—cont.

examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier summarily as a civil debt, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(14) In this Part of this Act, the expression “maximum permissible working pressure” means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (9) of this section and in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination; and the expression “steam boiler” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(15) This section shall not apply to any boiler belonging to or exclusively used in the service of His Majesty, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.

Steam  
receivers  
and steam  
containers.

**30.**—(1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and
- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded; and
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch; and
- (d) a suitable stop valve; and

- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

PART II.  
—cont.

The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(2) For the purpose of the provisions of the foregoing subsection, except paragraph (e), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purpose of the said provisions, except paragraphs (d) and (e), any other set of receivers supplied with steam through a single pipe may be treated as one receiver:

Provided that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.

(3) Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from patent defect.

(4) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(5) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(7) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“safe working pressure” means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which

PART II.  
—cont.

has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

“ steam receiver ” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure;

“ steam container ” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

Air  
receivers.

31.—(1) Every air receiver shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure; and
- (b) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and
- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch; and
- (e) be fitted with a suitable appliance for draining the receiver; and
- (f) be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and

(g) in a case where more than one receiver is in use in the factory, bear a distinguishing mark which shall be easily visible.

PART II  
—cont.

(2) For the purpose of the provisions of the foregoing subsection relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver:

Provided that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months:

Provided that in the case of a receiver of solid drawn construction—

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register.

(5) In this section the expression “air receiver” means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant;

PART II.  
--cont.

- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or
- (d) any vessel in which oil is stored and from which it is forced by compressed air:

Provided that the provisions of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

**32.** The chief inspector may by certificate except from any of the provisions of the last three preceding sections of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that such provision cannot reasonably be applied. Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

Precautions as respects water-sealed gasholders.

**33.—(1)** Every gasholder shall be of sound construction and shall be properly maintained.

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, within two years of the coming into operation of this section and thereafter at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it

can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

PART II.  
—cont.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section the expression “gasholder” means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

**34.**—(1) Every factory to which this section applies shall be certified by the district council as being provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of each case and, if any premises with respect to which no such certificate is in force are used as a factory, the occupier shall be guilty of an offence and liable on conviction thereof to a fine not exceeding fifty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the offence was so continued.

Means of  
escape in  
case of fire.

It shall be the duty of the council to examine every such factory and, on being satisfied that the factory is so provided as aforesaid, to give such a certificate accordingly. The certificate shall specify precisely and in detail the means of escape provided, and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the council think fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate. The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the council to the inspector for the district.

PART II.  
—cont.

(2) All means of escape specified in the certificate as aforesaid shall be properly maintained and kept free from obstruction.

1 Edw. 7.  
c. 22.

(3) A factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the Factory and Workshop Act, 1901, and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate from the district council and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force in respect thereto :

Provided that this subsection shall only apply to any such factory if and so long as the means of escape provided therein are properly maintained and shall not apply to any such factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.

(4) In the case of any factory constructed or converted for use as a factory before the coming into operation of this section (not being a factory to which the last foregoing subsection applies), no offence shall be deemed to be committed under this section by reason of the use of the factory during any period that may elapse between the coming into operation of this section and the grant or refusal of a certificate by the district council after examining the factory under this section, and if the council refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the council.

(5) If, after the grant of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in



any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing to the council of the proposal.

PART II.  
—cont.

(6) If the council on receipt of the notice mentioned in the last foregoing subsection are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(7) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies he may give notice thereof in writing to the district council, and it shall be the duty of the council forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(8) The occupier shall, within the period specified in any notice of the district council under this section, carry out any alterations required by the notice, and upon their being carried out the council shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the inspector for the district; and if the alterations are not so carried out, the council shall, without prejudice to the taking of other proceedings, cancel the certificate.

(9) When notice is given by an inspector to a district council under this section, the council shall inform the inspector of any action taken for remedying the dangerous conditions, and, if no such action is taken by the council within one month of the receipt of the notice, the inspector may take the like action as the council might have taken and shall be entitled to recover from the district council summarily as a civil debt all such expenses as the inspector may incur in so doing, and as are not recovered from any other person, and are not expenses incurred in or about any unsuccessful legal proceedings.

PART II.  
—cont.

(10) If the occupier of any factory is aggrieved by the refusal of a district council to grant a certificate under this section or by being required by a district council or by an inspector under this section to carry out any alterations at the factory or by the cancellation of a certificate, he may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a court of summary jurisdiction, and, pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto; and the decision of the court shall be binding on the occupier and the council or inspector.

(11) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not be used for a particular process or work, until steps have been taken to remedy the danger, he may, in lieu of serving a notice on the district council under the foregoing provisions of this section, make a complaint to a court of summary jurisdiction, and the court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger.

When any works have been executed in pursuance of such an order as aforesaid, the inspector shall give notice thereof to the district council, who shall amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

(12) An examination by a district council under this section shall only be carried out by officers of the council authorised in writing either to carry out that examination or generally to carry out examinations under this section.

(13) This section applies to every factory—

- (a) in which more than twenty persons are employed; or

- (b) which is being constructed or converted for use as a factory at the date of the passing of this Act, or is constructed or so converted after that date, and in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or
- (c) of which the construction has been completed before the passing of this Act and in which more than ten persons are employed in the same building above the first floor of the building or more than twenty feet above the ground level; or
- (d) in or under which explosive or highly inflammable materials are stored or used.

PART II.  
—*cont.*

(14) In the application of this section to the administrative county of London—

- (a) the section shall have effect as if references to the London County Council were therein substituted for references to the district council; and
- (b) any factory or part thereof forming part of a building from all parts of which means of escape in case of fire have been provided in accordance with the requirements of Part VIII of the London Building Act, 1930, and are maintained, shall be entitled to receive from the London County Council a certificate for the purposes of this section, and pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect thereto :

20 & 21  
Geo. 5.  
c. clviii.

Provided that this paragraph shall not apply to any such factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.

**35.**—(1) The Secretary of State may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.

Regulations  
and byelaws  
as to means

**PART II.**  
—*cont.*  
of escape in  
case of fire.

It shall be the duty of the district council to see that the regulations are complied with, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this subsection.

(2) If a certificate has been issued under the last foregoing section in respect of a factory which is not in conformity with the regulations under this section, the district council shall serve a notice on the occupier of the factory requiring him to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of the last foregoing section shall apply in relation to any such notice as they apply to a notice of the district council under that section.

(3) Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws as to the means of escape in case of fire to be provided in factories or any class or description of factory, but such byelaws shall be void in so far as they contain any provisions inconsistent with any regulations made by the Secretary of State under this section.

(4) The Minister of Health shall be the confirming authority for any byelaws made by a district council under this section.

(5) This section shall in its application to the administrative county of London have effect as if references to the London County Council were therein substituted for references to the district council, except in the last foregoing subsection which shall not apply to London, and as if the matters with respect to which byelaws may be made under this section were included in the matters with respect to which the London County Council may make byelaws under section four of the London Building Act (Amendment) Act, 1935, and as if any byelaws made under this section were made under the said section four.

25 & 26  
Geo. 5.  
c. xcii.

Safety pro-  
visions in  
case of fire.

**36.**—(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person

is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

PART II.  
—cont.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the coming into operation of this section, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before the coming into operation of this section, in which more than ten persons are employed in the same building above the ground floor, any door, which is not kept continuously open, at the foot of a staircase affording a means of exit from the building shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall, subject as hereinafter provided, be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials :

Provided that any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last foregoing subsection in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door, or other exit affording means of escape in case of fire or giving access thereto other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size.

PART II.  
—*cont.*

(7) Where in any factory more than twenty persons are employed in the same building, or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective provision shall be made for giving warning in case of fire, which shall be clearly audible throughout the building.

(8) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

Instruction  
as to use of  
means of  
escape in  
case of fire.

**37.**—(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above the ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

(2) The Secretary of State may make regulations as to the steps to be taken for the said purposes in such factories as aforesaid, or any class or description thereof.

Power of  
Secretary of  
State to  
require  
special  
safety  
arrange-  
ments for  
the preven-  
tion of  
accidents.

**38.** Where it appears to the Secretary of State that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

Power of  
court of  
summary  
jurisdiction  
to make  
orders as to  
dangerous  
conditions  
and prac-  
tices.

**39.**—(1) If on complaint by an inspector a court of summary jurisdiction is satisfied either—

- (a) that any part of the ways, works, machinery, or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury; or

- (b) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury;

PART II.  
—cont.

the court shall, as the case may require, by order—

- (i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or
- (ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under the last foregoing subsection, the court or a justice may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

40. A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any factory or part of a factory is in such a condition that any process or work carried on therein cannot be so carried on without risk of bodily injury, by order prohibit the use thereof for the purpose of that process or work, until such works have been executed as are in the opinion of the court necessary to remove the danger.

Power of court of summary jurisdiction to make orders as to dangerous factory

### PART III.

#### WELFARE (GENERAL PROVISIONS).

41.—(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the district council, such approval not to be withheld except on the ground of the unwholesomeness of the water.

Supply of drinking water.

PART III.  
—cont.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as the inspector for the district may direct, be clearly marked "Drinking Water."

(3) Except where the water is delivered in an upward jet from which the employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

Washing  
facilities.

42.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Secretary of State may by regulations prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

(3) The Secretary of State may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable.

(4) This section shall come into operation on the first day of July, nineteen hundred and thirty-nine :

Provided that, as respects persons employed in any process in which lead, arsenic or any other poisonous substance is used, or any process prescribed by the Secretary of State, being a process liable to cause dermatitis or any other affection of the skin, this section shall come into operation at the commencement of this Act.



**43.**—(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.

PART III.  
—cont.  
Accommodation for clothing.

(2) The Secretary of State may by regulations prescribe, either generally or as respects any class or description of factory, a standard of suitable accommodation for such clothing and of arrangements for drying such clothing.

(3) The Secretary of State may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

**44.** There shall be provided and maintained, for the use of all female workers whose work is done standing, suitable facilities for sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

Facilities for sitting.

**45.**—(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

First aid.

For the purposes of this provision the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(2) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons are

**PART III.**  
—*cont.*

employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

(4) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

**Welfare  
regulations.**

**46.**—(1) Where it appears to the Secretary of State that owing to the conditions and circumstances of employment or the nature of the processes carried on, provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make special regulations requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part of this Act.

(2) This section applies to the matters dealt with in the foregoing provisions of this Part of this Act; to arrangements for preparing or heating, and taking, meals; to the supply of protective clothing; to ambulance and first-aid arrangements; to the supply and use of seats in workrooms; to rest rooms; and to arrangements for the supervision of persons employed.

(3) This section shall not apply to factories in which the only persons employed are members of the same family dwelling there.

(4) Special regulations under this section are in this Act referred to as “welfare regulations” and any such regulations may—

- (a) be made for a particular factory or for factories of any class or description;
- (b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons concerned, and prescribe the

manner in which the views of the persons employed are to be ascertained;

PART III.  
—cont.

- (c) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made, in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any factory, except for the purpose of providing additional or special benefits which, in the opinion of the Secretary of State, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the employed persons affected in that factory, on their views being ascertained in the prescribed manner, assent.

(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed persons.

(6) The Secretary of State may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

#### PART IV.

#### HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS).

##### *Special Provisions.*

47.—(1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other

Removal of  
dust or  
fumes.

PART IV. impurity, so as to prevent it entering the air of any  
 —cont. workroom.

(2) No stationary internal combustion engine shall be used unless—

- (a) provision is made for conducting the exhaust gases from the engine into the open air; and
- (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom, in which persons are employed other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

Meals  
in certain  
dangerous  
trades.

**48.**—(1) Where in any room lead, arsenic or other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(2) Where in any room a process prescribed by regulations made by the Secretary of State is carried on being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in the last two foregoing subsections to take their meals elsewhere in the factory.

(4) Where it appears to the Secretary of State that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations extend all or any of the provisions of subsections (1) and (3) of this section to rooms where that process is carried on.

Protection  
of eyes in  
certain  
processes.

**49.** In the case of any such process as may be specified by regulations of the Secretary of State, being a process which involves a special risk of injury to the

eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

PART IV.  
—cont.

**50.** The Secretary of State may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories, in which the weaving of cotton or other cloth is carried on, of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

Shuttle  
threading  
by mouth  
suction.

**51.**—(1) No person shall use white phosphorus in the manufacture of matches.

Prohibition  
of use of  
white phos-  
phorus in  
manufacture  
of matches.

(2) For the purposes of this Part of this Act the expression “white phosphorus” means the substance usually known as white or yellow phosphorus.

**52.**—(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.

Humid  
factories.

(2) In every humid factory in which regulations made under this Act or under the enactments thereby repealed, with respect to humidity, are not for the time being in force, the provisions of this subsection shall have effect:—

(a) subject to the provisions of this section, there shall be provided and maintained in every room in which artificial humidity is produced, two hygrometers, conforming to such conditions, as regards construction and maintenance, as may be prescribed, and the following requirements with respect thereto shall be complied with:—

(i) one hygrometer shall be fixed in the centre and one at the side of each room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

(ii) a copy of the table of humidity set out in the First Schedule to this Act, or

PART IV.  
—cont.

such other table as may be substituted therefor by regulations of the Secretary of State, shall be kept hung up near to each hygrometer;

(iii) the occupier or other person authorised for the purpose shall read the hygrometers twice daily, namely, between ten and eleven o'clock in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the morning or afternoon as the case may be, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record which shall be provided for each hygrometer in the prescribed form;

(iv) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference. The entries recorded in the form shall be *primâ facie* evidence of the humidity of the atmosphere and temperature in the factory :

- (b) there shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees, or, in the case of a room in which the spinning of cotton or in which the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees :
- (c) there shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity :
- (d) no water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this provision

any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a grain of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

PART IV.  
—cont.

(3) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that the provision and maintenance of one hygrometer shall be sufficient instead of two, the hygrometer to be fixed in such position as may be directed by an inspector, and the last foregoing subsection shall have effect accordingly.

(4) Where as respects any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers, the provisions of sub-paragraphs (iii) and (iv) of paragraph (a) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

**53.**—(1) No work shall be carried on in any underground room (not being an underground room used only for the purpose of storage or for some purpose excepted by order of the Secretary of State) which is certified by the inspector for the district to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided :

Under-  
ground  
rooms.

Provided that, where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(2) In the case of any underground room which at the commencement of this Act does not form part of a factory or is not used as a workroom in a factory or is used only for the purpose of storage or for some purpose excepted as aforesaid—

(a) the occupier shall, before the room is used for work for which it may be certified as unsuitable

PART IV.  
—cont.

under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and

- (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet, or dusty nature, or which is liable to give off any fume, without the consent in writing of the inspector for the district.

(3) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal by way of complaint to a court of summary jurisdiction, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates, and the decision of the court shall in all cases be binding on the occupier and the inspector.

(4) In this section the expression “underground room” means any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

(5) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.

Basement  
bakehouses.

**54.**—(1) Without prejudice to the provisions of the last foregoing section, a basement bakehouse shall not be used as a bakehouse unless it was so used at the date of the passing of this Act and a certificate of suitability had been issued by the district council under an enactment repealed by this Act in respect thereof, and any basement bakehouse which, for a period exceeding twelve months, is not used as a bakehouse shall not be so used again.

(2) It shall be the duty of every district council to carry out, in the year beginning at the date of the commencement of this Act and in every fifth succeeding year after that year, an examination of every basement



bakehouse in respect of which a certificate of suitability has been issued and—

PART IV.  
—cont.

- (a) if as the result of the examination the council are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that the certificate shall cease to have effect after the expiration of such period, being not less than one month, as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or
- (b) if the council are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the council to revoke the certificate as the result of a subsequent examination under this subsection.

(3) Where the district council give notice that a certificate of a basement bakehouse is to cease to have effect, the occupier may, within twenty-one days of the notice, appeal by way of complaint to a court of summary jurisdiction, and the court may, if it is satisfied that the bakehouse is suitable as regards the matters aforesaid, by order direct that the certificate shall continue to operate as if a notice had been given under paragraph (b) of the last foregoing subsection or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.

(4) For the purpose of this section “basement bakehouse” means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room; and “baking room” means any room used for baking, or for any process incidental thereto.

(5) The prohibition of the use of basement bakehouses under this section shall be enforced by the district council,

PART IV.  
—cont.

and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this section.

Laundries.

**55.** In every laundry—

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every washhouse;
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;
- (c) no gas iron emitting any noxious fumes shall be used.

Lifting  
excessive  
weights.

**56.**—(1) A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Secretary of State may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such regulations may prescribe different weights in different circumstances and may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

Prohibition  
of employ-  
ment of  
female  
young  
persons  
where  
certain  
processes  
are carried  
on.

**57.**—(1) Where in any part of a factory—

- (a) the process of melting, or of blowing glass other than lamp blown glass; or
- (b) the process of annealing glass other than plate or sheet glass; or
- (c) the evaporating of brine in open pans, or the stoving of salt,

is carried on, a female young person shall not be employed in that part of the factory.

(2) The Secretary of State may by regulations extend this section to any process in which, on account of the special circumstances, it appears to him undesirable that female young persons should be employed, and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this

section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

PART IV.  
—cont.

**58.** A woman or young person shall not be employed in any factory in any of the following operations :—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on :
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc :
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead :
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead :
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators :
- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

Prohibition of employment of women and young persons in certain processes connected with lead manufacture.

**59.**—(1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all women and young persons employed :—

Provisions as to employment of women and young persons in processes involving use of lead compounds.

- (a) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin :
- (b) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health :

PART IV.  
—cont.

- (c) no food, drink or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times :
- (d) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed :
- (e) such suitable cloak-room, mess-room, and washing accommodation as may be prescribed shall be provided for the use of the persons employed :
- (f) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

(3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.

(4) In this section “prescribed” means prescribed by regulations made by the Secretary of State, and the expression “lead compound” means any soluble compound of lead which is declared by regulations of the Secretary of State to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

*Special Regulations for Safety and Health.*

Power to  
make  
special regu-  
lations for  
safety and  
health.

60.—(1) Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories is of such a nature as to cause risk of bodily injury to persons employed in connection therewith, or any class of those persons, he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations so made may, among other things,— PART IV.  
—cont.

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour; or
- (b) prohibit, limit, or control the use of any material, or process; or
- (c) modify or extend with respect to any class or description of factory any provisions of Part I, Part II or this Part of this Act, being provisions imposing requirements as to health or safety;

and may impose duties on owners, employed persons and other persons, as well as on occupiers.

(3) Special regulations so made may apply to all factories in which the manufacture, machinery, plant, process, or description of manual labour is used or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

#### *Supplementary Provisions.*

**61.**—(1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus. Prohibition of importation and sale of articles made with prohibited materials.

(2) Where by any regulations made under this Act the use of any material or process is prohibited, His Majesty may by Order in Council prohibit the importation into the United Kingdom of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.

(3) Any article the importation of which is prohibited by or under this section shall be deemed to be included amongst the goods enumerated and described in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876. 39 & 40 Vict.  
c. 36.

(4) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any

PART IV.  
—cont.

article the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence, forfeit any such article in his possession, and any article so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

Power  
to take  
samples.

**62.**—(1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory being a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act, or which in his opinion is likely to cause bodily injury to the persons employed.

(2) The occupier or the foreman or other responsible person aforesaid may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—

- (a) to deliver one part to the occupier, or the foreman or other responsible person aforesaid;
- (b) to retain one part for future comparison;
- (c) to submit one part to the analyst;

and any analysis under this section shall, if so required, be carried out by a Government department.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be liable to a fine not exceeding fifty pounds.

**63.** No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene or fail to comply with the regulations made under the Factory and Workshop (Cotton Cloth Factories) Act, 1929.

**PART IV.**  
—*cont.*  
Certificates required before approval of building plans relating to cotton cloth factories.

19 & 20  
Geo. 5. c. 15.

#### **PART V.**

##### **NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES.**

**64.—(1)** Where any accident occurs in a factory which either—

Notification of accidents.

- (a) causes loss of life to a person employed in that factory; or
- (b) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district :

Provided that a notice of any accident of which notice is sent in accordance with the requirements of the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, need not be sent in accordance with the requirements of this section.

38 & 39 Vict.  
c. 17.  
18 & 19  
Geo. 5. c. 32.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the

PART V.  
—cont.

factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding five pounds.

Power to extend to dangerous occurrences provisions as to notice of accidents.

**65.**—(1) If the Secretary of State considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under the foregoing section of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

(2) The Secretary of State may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

Notification of industrial diseases.

**66.**—(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to "The Chief Inspector of Factories, Home Office, London," a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be liable to a fine not exceeding forty shillings.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the



prescribed particulars to the inspector for the district and to the examining surgeon; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

PART V.  
—cont.

(4) The Secretary of State may, as respects all factories or any class or description of factory, by regulations apply the provisions of this section to any disease other than those mentioned in this section.

67.—(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest :

Inquest in case of death by accident or industrial disease.

Provided that—

- (a) the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof; and
- (b) if the inquest relates to the death of not more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

(2) The following provisions shall have effect with respect to any such inquest as aforesaid :—

- (a) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident or disease occurred or was contracted shall be qualified to serve on the jury empanelled on the inquest; it shall be the duty of the constable

PART V.  
—cont.

or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury:

- (b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory in which the accident or disease occurred or was contracted, any person appointed by the order in writing of the majority of the persons employed in the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

Power to direct formal investigation of accidents and cases of disease.

**68.**—(1) The Secretary of State may, where he considers it expedient so to do, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:—

- (a) the Secretary of State may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation:
- (b) the person or persons so appointed (hereinafter in this section referred to as “the court”) shall hold the investigation in open court in

such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report in this section mentioned :

PART V.  
—cont.

(c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences under this Act, and all the powers of an inspector under this Act, and, in addition, power—

(i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;

(ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;

(iii) to require the production of all books, papers, and documents which it considers important for the said purposes;

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court, who, on request, signed by the court, shall ascertain and certify the proper amount of the expenses :

(e) the court shall make a report to the Secretary of State stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the court thinks right to make :

PART V.  
—*cont.*

- (f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act :
- (g) any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine not exceeding ten pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding ten pounds for every day on which the failure was so continued.

(2) The Secretary of State may cause the report of the court to be made public at such time and in such manner as he thinks fit.

Duty of examining surgeon to investigate and report in certain cases.

**69.**—(1) It shall be the duty of the examining surgeon to investigate and report—

- (a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Secretary of State as requiring investigation; and
- (b) upon any case of death or injury which the inspector for the district in pursuance of any

general or special instructions of the Secretary of State may refer to him for that purpose; and

PART V.  
—cont.

- (c) upon any case of disease of which he receives notice under this Act.

(2) The examining surgeon, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

## PART VI.

### EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

#### *Hours and Holidays.*

70. Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:—

General conditions as to hours of employment of women and young persons.

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week;
- (b) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon;
- (c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours;
- (d) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in

PART VI.  
—*cont.*

the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen ;

- (e) no woman or young person shall be employed during any such interval allowed for meals or rest.

Reduction of weekly hours of work of young persons under sixteen.

**71.**—(1) Subject to the provisions of this section, as from the expiration of a period of one year after the commencement of this Act, the foregoing provision of this Part of this Act limiting the hours worked in any week, exclusive of intervals allowed for meals and rest, shall have effect, in the case of young persons who have not attained the age of sixteen, as if for the reference to forty-eight hours there were substituted a reference to forty-four hours.

(2) If representations are made to the Secretary of State with respect to any class or description of factory—

- (a) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of such young persons and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four ;
- (b) that such increased hours would not be likely to be injurious to the health of the young persons ; and
- (c) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry ;

the Secretary of State may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all the matters aforesaid, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young

persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations.

PART VI.  
—*cont.*

Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(3) If, at the expiration of a period of one year after the commencement of this Act, an inquiry under the last foregoing subsection has been directed but has not been held, or the decision of the Secretary of State after any such inquiry has not been given, this section shall not have effect as respects any class or description of factory or any process to which the inquiry relates until such date as may be appointed by order of the Secretary of State and the date shall, in a case where regulations are made as a result of the inquiry, be the date of the coming into operation of those regulations.

(4) The Secretary of State may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as appear or appears to him to be necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

72.—(1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form which shall be posted in the factory—

Notice fixing  
hours of em-  
ployment.

- (a) the period of employment for each day of the week for the women and young persons employed in the factory;
- (b) the intervals allowed for meals or rest to such women and young persons;

and, subject to the provisions of this Part of this Act with respect to overtime and to the special exceptions allowed

PART VI.  
—cont.

under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.

(2) Different periods of employment and different intervals may be fixed for different days of the week.

(3) A change in the said periods or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

Overtime  
employment  
of women  
and young  
persons over  
sixteen.

**73.**—(1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen :

Provided that the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.

(2) The overtime employment of a woman or young person shall be subject to the following conditions :—

(a) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day ;

(b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.



(3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

PART VI.  
—cont.

(4) If the Secretary of State is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.

(5) If representations are made to the Secretary of State with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Secretary of State may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, trade board, or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein.

Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(6) Where the Secretary of State is satisfied that work in any class or description of factory is subject to

PART VI. seasonal or other special pressure, he may by regulations  
—*cont.* as respects that class or description of factory—

- (a) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, so, however, that the increase shall only take place in such number of weeks, not exceeding eight in any year, as may be specified in the regulations;
- (b) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.

(7) The Secretary of State may increase the aggregate number of hours of overtime employment allowed for a factory under this section in any week or the number of weeks in any calendar year in which overtime employment can take place—

- (a) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary;
- (b) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.

(8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Secretary of State may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number of weeks in which overtime employment can take place, as if it were employment in different factories.

(9) If the Secretary of State is satisfied that the nature of the business carried on in any class or description

of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—

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—cont.

- (a) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year; and
  - (b) that no woman or young person shall, except as otherwise provided in regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.
- (10) For the purposes of this Part of this Act—
- (a) the expression “overtime employment” means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act;
  - (b) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour; and
  - (c) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

PART VI.  
—cont.  
Supplemen-  
tary pro-  
visions as  
to overtime.

**74.**—(1) Before employing any woman or young person in overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed including particulars of any interval for a meal or rest to be allowed under subsection (3) of the last foregoing section.

(2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kept posted in the factory during such time as may be prescribed.

Restriction  
of employ-  
ment inside  
and outside  
factory on  
same day.

**75.**—(1) A woman or young person shall not, during any interval allowed to that woman or young person for a meal or rest, or any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory :

Provided that a woman or young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.

(2) For the purposes of this section, a woman or young person to or for whom any work is given out or who takes out any work to be done by her or him outside the factory, shall be deemed to be employed outside the factory on the day on which the work is so given or taken out.

Prohibition  
of use of  
rooms  
during  
intervals.

**76.** Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

Prohibition  
of Sunday  
employ-  
ment.

**77.** Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or

young person employed in any factory on any other day of the week, be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

PART VI.  
—cont.

**78.**—(1) Subject to the special exceptions allowed under this Part of this Act, the occupier of a factory shall allow in each year to every woman and young person employed in the factory the following whole holidays :—

In England—

the whole of Christmas Day, Good Friday, and every bank holiday, unless the occupier throughout not less than three weeks before any one of those days posts in the factory a notice that he intends to substitute for that day some other weekday specified in the notice as a whole holiday ;

In Scotland—

six weekdays which shall, subject as hereinafter provided, be fixed by the occupier and notified by means of a notice posted in the factory throughout not less than three weeks before the holiday :

Provided that in burghs two of the said weekdays, which shall not be less than three months apart, shall be fixed by the town council.

(2) At least half of the said whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3) If default is made in complying with the requirements of this section as to the notice to be given of any day substituted or fixed by the occupier as a whole holiday, a whole holiday allowed on that day shall not be deemed to be a whole holiday allowed in compliance with this section.

(4) Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a whole holiday fixed by or in pursuance of this section for that factory, and a woman

**PART VI.** or young person employed in any factory shall not be  
—*cont.* employed on such a whole holiday about the business of  
the factory or in any other business carried on by the  
occupier.

**Exception as  
to women  
holding posi-  
tions of  
management.**

**79.** The foregoing provisions of this Part of this Act shall not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

**Power to  
suspend  
certain pro-  
visions of  
Part VI in  
emergency.**

**80.** The Secretary of State may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories.

*Special Exceptions.*

**Exception  
as to male  
young per-  
sons em-  
ployed in  
shifts.**

**81.—(1)** Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on a system of shifts outside the hours specified in this Part of this Act for the beginning and end of the period of employment, subject to the conditions hereinafter specified, and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct, on work which is by reason of the nature of the process required to be carried on continuously day and night. The period of employment for any such shift as aforesaid may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and ten o'clock in the evening on Sundays.

(2) The conditions referred to in the last foregoing subsection are as follows:—

(a) the number of turns worked by any such young person shall not exceed six in any week;

- (b) the interval between successive turns of any such young person shall not be less than fourteen hours;
- (c) no such young person shall, in two consecutive weeks, be employed between twelve midnight and six o'clock in the morning:

PART VI.  
—cont.

Provided that, as respects young persons employed in a system of four shifts and any young persons employed in the manufacture of glass, the conditions contained in this subsection shall be subject to such modifications as the Secretary of State may by regulations direct.

(3) The total hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week or one hundred and forty-four in any continuous period of three weeks.

(4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory shall not continue to be so employed after the expiration of such period, not being less than seven days, as may be prescribed by regulations of the Secretary of State unless he has, in accordance with those regulations, been examined by the examining surgeon and certified by him to be fit for such employment, and the regulations shall provide for the re-examination of young persons so employed at intervals not exceeding six months.

(5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (2) of this section and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct; and the total hours worked by those young persons may exceed forty-eight in any week, but shall not exceed the limits specified in subsection (3) of this section.

(6) The provisions of this Part of this Act with respect to the overtime employment of women and

PART VI.  
—cont.

young persons, shall not apply to any young persons employed in accordance with the foregoing provisions of this section.

(7) The industries and processes to which this section applies are—

the smelting of iron ore;

the manufacture of wrought iron, steel or tin-plate;

processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges, or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Secretary of State;

the galvanising of sheet metal or wire (except the pickling process);

the manufacture of paper;

the manufacture of glass.

Exception  
for factories  
operating  
the five-day  
week.

**82.**—(1) In any factory conducted on the system of employing women and young persons on not more than five days in the week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.

(2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week, subject to the following conditions:—

(a) the total hours worked on that day shall not exceed four and a half; and

(b) no woman or young person shall be employed overtime on any other day in that week;

and any such employment as aforesaid on a sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.



**83.** Where the Secretary of State is satisfied that the exigencies of the trade carried on in any factory or class or description of factory or the convenience of the persons employed therein so require, he may—

- (a) in the case of any class or description of factory, by regulations; or
- (b) in the case of any factory, by order;

allow the period of employment for women and young persons as respects either the whole factory or any part thereof or any set of persons employed therein and either for the whole year or for any part of the year to begin at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

**84.**—(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—

- (a) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
- (b) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the said inspector.

(2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

**85.** The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the

PART VI.  
—cont.  
Exception as to hour of commencement of period of employment.

Exception as to simultaneous hours for meals and rest.

Exception as to employment during intervals.

**PART VI.**  
—*cont.*

manufacture of wrought iron, steel or tinplate, or in the manufacture of paper or in the manufacture of glass.

Exception  
as to use  
of rooms  
during  
intervals.

**86.**—(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—

- (a) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or
- (b) where different sets of persons have different intervals for meals or rest; or
- (c) as respects any interval allowed in the course of a spell of continuous employment.

(2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

Exception  
as to con-  
tinuous em-  
ployment of  
male young  
persons em-  
ployed with  
men.

**87.** The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four-and-a-half hours without an interval of at least half-an-hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four-and-a-half hours as the length of the spell for which they may be employed continuously.

Exception  
as to male  
young per-  
sons em-  
ployed on  
repairing  
work.

**88.**—(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in

repairing any part of the factory or any machinery or plant therein.

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—cont.

(2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

**89.**—(1) Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class or description of factories require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description a special exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.

Exception  
as to  
Saturday.

(2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of the nature thereof requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

**90.** Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class or description of factories so require, he may by regulations grant to factories of that class or description a special exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

Exception  
as to  
holidays on  
different  
days for  
different  
sets.

**91.**—(1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday.

Exception  
as to Sun-  
days and  
Saturdays  
in Jewish  
factories.

Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young

PART VI.  
—*cont.*

persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.

(2) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath, if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise.

Exception  
as to  
laundries.

**92.**—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening :

Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

Exception  
as to manu-  
facture of  
bread or  
flour con-  
fectionery  
or sausages.

**93.**—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten

hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening :

PART VI.  
—cont.

Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

94.—(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, and annual holidays shall not apply to the employment of women and young persons who have attained the age of sixteen in processes connected with—

Exception as to the preserving of fish, fruit and vegetables.

- (a) the preserving, canning or curing of fish or the preparing of fish for sale; or
- (b) the preserving or canning of fruit or vegetables during the months of June, July, August and September;

where such processes require to be carried out without delay in order to prevent goods from being spoiled.

(2) Where an occupier avails himself of this exception, the notice required to be served and posted by an occupier availing himself of any special exception need not, except in so far as regulations made under this section so require, specify the period of employment or the intervals to be allowed for meals or rest.

95. In the case of factories, or any class or description of factory, in which cream, butter or cheese is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Secretary of State

Exception as to factories where milk is treated.

PART VI.  
—*cont.*

may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and young persons who have attained the age of sixteen, and any such regulations may make different provision in respect of different processes or different periods of the year :

Provided that the hours worked in any week by any such woman or young person shall not exceed fifty-four, except that in such factories as may be specified in regulations of the Secretary of State, being factories in which cheese is made, and during such period of the year as may be so specified, the hours worked in any week as aforesaid may extend to sixty.

Provision for protection of women and young persons employed under exceptions.

**96.** Where it appears to the Secretary of State that the adoption of any special provision is required for the protection of the health or welfare of women or young persons employed overtime or in pursuance of a special exception under this Part of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

Notices, registers, &c., relating to special exceptions.

**97.**—(1) An occupier of a factory, not less than seven days before he avails himself of any special exception under this Part of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention so to avail himself, as from a date specified in the notice, and whilst he so avails himself shall keep the notice so posted.

(2) Before the service of the notice on the inspector, the special exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had previously served on the inspector for the district notice that he no longer intended to avail himself of the exception.

(3) The notice so served and posted must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the special exception shall be employed otherwise than in accordance with the notice.

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—cont.

(4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(5) The Secretary of State may by order direct that every occupier of a factory availing himself of such special exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified respecting the employment of women and young persons in pursuance of that special exception.

*Regulation of Employment of Young Persons in certain occupations.*

**98.**—(1) This section applies to young persons—

- (a) employed in collecting, carrying or delivering goods, carrying messages or running errands, being employed in the business of a factory wholly or mainly outside the factory or being employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1934, applies), and by a person having the use or occupation of the dock, wharf, quay, or warehouse, or of premises within it or forming part of it; or
- (b) employed in or in connection with any process (not being a process to which section one hundred and six of this Act applies) carried on at any such dock, wharf, quay, or

Regulation of employment of young persons in certain occupations.

24 & 25  
Geo. 5. c. 42.

PART VI.  
—cont.

warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

(2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say:—

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall, subject to the provisions hereinafter contained relating to overtime, not exceed forty-eight in any week;
- (b) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner;
- (c) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon;
- (d) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year;
- (e) the young person shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval



of at least eleven consecutive hours which shall include the hours from ten o'clock in the evening until six o'clock in the morning;

PART VI.  
—cont.

- (f) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record;
- (g) section seventy-one of this Act (which provides for the reduction of weekly hours of work of young persons under sixteen to forty-four hours), section seventy-seven of this Act (which prohibits Sunday employment), section seventy-eight (which relates to annual holidays), and section ninety-one (which relates to employment on Sundays and Saturdays in Jewish factories) shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies;
- (h) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Secretary of State, for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.

(3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in the last foregoing subsection to employment shall, in relation to that young person, include a reference to that other employment.

(4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him.

PART VI.  
—cont.

Any notice given under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.

(5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

(6) Subsection (3) of section one of the Shops Act, 1934, shall have effect as if the reference therein to employment in a factory or workshop included a reference to any such employment as is mentioned in subsection (1) of this section.

*Certificate of fitness for Employment of Young Persons.*

Certificate  
of fitness for  
employment  
of young  
persons.

**99.**—(1) Subject to the provisions of this section, a young person who has not attained the age of sixteen and is taken into any employment in a factory shall not remain in that employment after the expiration of such period, not being less than seven days, as may be prescribed, unless he has been examined by the examining surgeon and certified by him to be fit for that employment.

(2) Where the examining surgeon after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it was issued.

(3) Any certificate by the examining surgeon may be issued—

- (a) in respect of employment in all factories in the occupation of the same occupier and in the district of the examining surgeon, or such of them as may be specified in the certificate;
- (b) subject to conditions as respects the nature of the work in which the person concerned is to be employed; and
- (c) subject to a condition that he shall be re-examined after an interval specified in the certificate.

(4) Where a certificate under this section in respect of any young person is issued by the examining surgeon upon any such condition as aforesaid, the young person shall not be employed except in accordance with the condition.

PART VI.  
—cont.

(5) Where the examining surgeon so directs in the certificate, any such condition as aforesaid shall, so far as relates to the employment in respect of which the certificate was issued or other employment in a factory in the occupation of the same occupier, continue to have effect after the young person has attained the age of sixteen; but unless such a direction is made, the condition shall cease to have effect when the young person attains the age of sixteen, and shall in any case cease to have effect when the young person attains the age of eighteen.

(6) Where a certificate under this section is subject to a condition requiring re-examination after an interval specified in the certificate, the examining surgeon on such re-examination may vary the certificate or may revoke the certificate as from such date as he may direct; and, if the certificate of a young person is revoked before he attains the age of sixteen, he shall not remain in any employment to which the certificate relates, and subsection (1) of this section shall thereafter have effect as if no certificate had been issued in respect of that young person.

(7) Where a certificate under this section in respect of any young person is refused or revoked, the examining surgeon shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Secretary of State may make rules prescribing—

- (a) the manner in which and the place at which examinations under this section shall be conducted;
- (b) the form of certificates under this section;
- (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under

PART VI.  
—cont.

this section, including facilities for an examining surgeon to inspect any process in which a young person is to be employed;

- (d) any other matter which the Secretary of State may consider desirable for the purpose of giving effect to this section.

11 & 12  
Geo. 5. c. 51.

(9) It shall be the duty of every local education authority under the Education Act, 1921, to arrange for their officers to furnish, on the application of the examining surgeon for his confidential information, such particulars as to the school medical record of a young person and such other information in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Health may make rules for the purpose of securing the observance of the foregoing provisions of this subsection or may arrange that the Board of Education may make such rules on his behalf; and the examining surgeon shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.

(10) The Secretary of State may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

Power of  
inspector to  
require cer-  
tificate of  
fitness for  
work.

**100.** Where an inspector is of opinion that the employment of any young person in a factory or in any particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice thereof on the occupier of the factory requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person (notwithstanding that a certificate of fitness has been previously obtained for the young person), unless the examining surgeon has, after the service of the notice, personally examined the young

person, and certified that he is fit for employment in the factory or in the process or kind of work as the case may be. PART VI.  
—cont.

## PART VII.

### SPECIAL APPLICATIONS AND EXTENSIONS.

#### *Premises in respect of which Owner is liable.*

**101.**—(1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the provisions of this Act hereinafter in this subsection mentioned, that is to say:— Tenement  
factories.

- (i) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, and (except in the case of any room which is occupied by not more than one tenant) cleanliness, overcrowding, temperature, ventilation and lighting;
- (ii) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, except in so far as they relate to machinery or plant belonging to or supplied by the occupier of the tenement, the construction, maintenance, testing and examination of machinery or plant, except such machinery or plant as aforesaid, the construction and maintenance of floors, passages and stairs, means of escape in case of fire, safety provisions in case of fire and the power of a court of summary jurisdiction to make orders as to dangerous factories;
- (iii) the provisions of Part III;
- (iv) the provisions of Part IV with respect to removal of dust or fumes except in the case of any room which is occupied by not more than one tenant;
- (v) the provisions of Part V, except in the case of any such room as aforesaid;
- (vi) the provisions of Part VI as to notices fixing the hours of employment and notices relating to special exceptions; and
- (vii) the provisions of Part X as to posting an abstract and notices;

PART VII. and for the purpose of the foregoing provisions the  
—*cont.* whole of a tenement factory or, as the case may be, the  
whole of such factory except rooms occupied by not  
more than one tenant shall be deemed to be one factory in  
the occupation of the owner :

Provided that—

- (a) the owner of the tenement factory shall not be responsible for any contravention of the foregoing provisions arising from the use in a tenement of any fencing, appliances, machinery or plant if the use thereof is a matter outside his control, and the occupier of the tenement shall be responsible for any such contravention ; and
  - (b) the owner of the tenement factory shall be responsible, instead of the occupier, for any contravention in rooms occupied by not more than one tenant of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting, or the provisions of Part IV with respect to removal of dust or fumes, where the contravention arises from a failure to carry out any necessary structural work or any defect in any machinery, plant or fixtures belonging to him, and shall only be so responsible for any contravention of the provisions of Part II with respect to safety provisions in case of fire or the provisions of Part III, where the contravention arises from any such failure or defect as aforesaid ; and
  - (c) any occupier may post in his own tenement the notice with respect to the period of employment, and the intervals for meals or rest or any notice relating to a special exception, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice posted by the owner.
- (2) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

(3) The Secretary of State may by special regulations modify the provisions of this section in their application to any class or description of tenement factory, and those provisions shall also be subject to any regulations made under any enactment repealed by this Act.

PART VII.  
—cont.

102. Where a part of a building not being a part of a tenement factory is let off as a separate factory, the provisions of Part I of this Act with respect to cleanliness and lighting, and the provisions of Part II of this Act with respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part I of this Act with respect to sanitary conveniences and the provisions of Part II of this Act with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory :

Premises where part of building is separate factory.

Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions relate to matters within his control.

#### *Electrical Stations.*

103.—(1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public

Application of Act to electrical stations.

PART VII. institution, or for supply to streets or other public places,  
—*cont.* as if the premises were a factory and the employer of any  
person employed in the premises in or in connection with  
any such process or operation were the occupier of a  
factory.

(2) The provisions of this Act hereinafter in this subsection mentioned shall apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory, that is to say :—

- (a) the provisions of Part IV with respect to special regulations for safety and health ;
- (b) Part V ;
- (c) the provisions of Part XI with respect to powers and duties of inspectors and regulations and orders of the Secretary of State ;
- (d) Part XII ;
- (e) Part XIII ;
- (f) Part XIV.

(3) The Secretary of State may by special regulations apply any of the provisions of this Act mentioned in the last foregoing subsection to any machinery or plant used elsewhere than in premises mentioned in that subsection or in subsection (1) hereof, being machinery or plant used in the aforesaid processes or operations and for such supply as aforesaid, as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

(4) Subsections (1) and (2) of this section shall not, except in so far as the Secretary of State may by special regulations direct, apply to any premises where the aforesaid processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.



(5) For the purposes of the definition in section one hundred and fifty-one of this Act of the expression "factory", electrical energy shall not be deemed to be an article, but save as aforesaid nothing in this section shall affect the application of this Act to factories within the meaning of that definition.

PART VII.  
—cont.

### *Institutions.*

**104.**—(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises. Institutions.

(2) If in any such institution to which this Act applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force this Act shall apply to the institution subject to the following modifications:—

- (a) the managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Secretary of State is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of this Act, the Secretary of State may approve the scheme, and upon the scheme being so approved this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of this Act:

PART VII.  
—*cont.*

- (b) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the examining surgeon for the institution :
- (c) the provisions of Part X of this Act as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act :
- (d) in the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution give notice to the chief inspector to that effect, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid :

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the provisions of this Act, or of any regulation or order made thereunder, is taking place in any such institution, may suspend the operation of this paragraph as respects that institution to such extent as he may consider necessary :

- (e) the managers shall, not later than the fifteenth day of January in every year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and shall, if they fail to do so, be guilty of an offence and liable to a fine not exceeding five pounds.

(3) This Act shall not except in so far as the Secretary of State may by order direct apply to any premises which

do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department.

PART VII.  
—cont.

*Docks, Wharves, Quays, Warehouses and Ships.*

**105.**—(1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory; and as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say :—

Docks, &c.

- (a) the provisions of Part II with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;
- (b) the provisions of Part II with respect to the power of the Secretary of State to require special safety arrangements for the prevention of accidents and to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;
- (c) the provisions of Part III with respect to welfare regulations;
- (d) the provisions of Part IV with respect to special regulations for safety and health;
- (e) Part V;
- (f) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Secretary of State;
- (g) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable),

PART VII.  
—cont.

preservation of registers and records, subject to such modifications as may be made by regulations of the Secretary of State, and the provisions of the said Part X with respect to duties of persons employed, and the prohibition of deductions from wages and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;

- (h) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;
- (i) Part XII;
- (j) Part XIV.

(2) Subject as hereinafter in this subsection provided, the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (b), (d), (e), (g), (h) and (i) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory :

Provided that the provisions of this Act mentioned in the said paragraphs (a) and (b) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

For the purposes of this subsection, the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a court of summary jurisdiction to make orders as to dangerous factories shall apply to every warehouse mentioned in

subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory. PART VII.  
—cont.

**106.**—(1) Subject as hereinafter in this section Ships. provided, the provisions of this Act hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say :—

- (a) the provisions of Part III with respect to welfare regulations ;
- (b) the provisions of Part IV with respect to special regulations for safety and health ;
- (c) Part V ;
- (d) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Secretary of State to meet special circumstances ;
- (e) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages ;
- (f) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State ;
- (g) Part XII ;
- (h) Part XIV ;

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

(2) Nothing in this Act shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.

*Works of Building and Engineering Construction.*

**107.**—(1) Subject as hereinafter in this section Building  
operations. provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to building operations

PART VII.  
—*cont.*

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say :—

- (a) the provisions of Part I, with respect to sanitary conveniences ;
- (b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices ;
- (c) the provisions of Part III, with respect to welfare regulations ;
- (d) the provisions of Part IV, with respect to special regulations for safety and health ;
- (e) Part V ;
- (f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed, and the prohibition of deductions from wages ;
- (g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State ;
- (h) Part XII ;
- (i) Part XIII ;
- (j) Part XIV.

(2) The provisions of this Act in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State :

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept

posted up on the premises shall be deemed to be complied with as respects building operations if the general register is kept at an office of the person undertaking the building operations and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard, or shop of the person undertaking the operations at which persons employed by him on the operations attend, and in a position where they can easily be read by such persons.

PART VII.  
—*cont.*

(3) Any person undertaking any building operations to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the operations, the place and nature of the operations, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations are situated and such other particulars as may be prescribed :

Provided that—

- (a) this subsection shall not apply to any operations which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and
- (b) where a person undertakes any building operations in a place where such operations are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations in progress.

**108.**—(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say :—

Works of  
engineering  
construc-  
tion.

- (a) the provisions of Part I, with respect to sanitary conveniences;
- (b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions

PART VII.  
—*cont.*

- as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;
- (c) the provisions of Part III, with respect to welfare regulations;
  - (d) the provisions of Part IV, with respect to special regulations for safety and health;
  - (e) Part V;
  - (f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;
  - (g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State;
  - (h) Part XII;
  - (i) Part XIII;
  - (j) Part XIV:

Provided that no order made under the provisions of this Act with respect to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge being a method which is not inconsistent with the safety of the works or of the persons employed.

(2) The provisions of this Act in their application to works of engineering construction shall have effect as if any place where such works are carried on were a factory, and any person undertaking any such works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State:



Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects works of engineering construction if the general register is kept at an office of the person undertaking the works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the works at which persons employed by him on the works attend, and in a position where they can easily be read by such persons.

PART VII.  
—cont.

(3) Any person undertaking any works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, whether any mechanical power is used, and, if so, its nature, the name of the district council within whose district the works are situate and such other particulars as may be prescribed :

Provided that—

- (a) this subsection shall not apply to any works which the person undertaking them has reasonable ground for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and
- (b) if a person undertakes any works of engineering construction in a place where such works are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the works in progress.

*Lead Processes carried on in Places other than Factories.*

109. The following provisions of this Act, that is to say :—

- (a) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds ;

Employment of women and young persons in places other than factories in

## PART VII.

—*cont.*

processes connected with lead manufacture or involving the use of lead compounds.

(b) the provisions requiring notification to be sent to the chief inspector, or to the inspector for the district, of lead poisoning contracted or occurring in factories; and

(c) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory, and as if the references to young persons included references to all persons who had not attained the age of eighteen.

## PART VIII.

## HOME WORK.

Lists of outworkers to be kept in certain trades.

110.—(1) In the case of persons employed in such classes of work as may from time to time be specified by regulations of the Secretary of State, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

(a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (hereinafter referred to as outworkers) directly employed by him, either as workmen or as contractors, in the business of the factory, outside the factory, and of the places where they are employed; and

(b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

(c) send to the district council during the month of February and the month of August in each year copies of those lists, showing all outworkers so employed by him during the preceding six months.

(2) Every district council shall cause the lists received by the council in pursuance of this section to be examined, and shall furnish the name and place of

employment of every outworker included in any such list whose place of employment is outside the district of the council to the council in whose district his place of employment is.

PART VIII.  
—*cont.*

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector or officer of any Government department.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place, or by a contractor, the occupier or contractor shall be guilty of an offence and liable to a fine not exceeding ten pounds.

**111.**—(1) Where work in respect of which this section applies is carried on for the purpose of or in connection with the business of a factory in any place which is in the opinion of the district council injurious or dangerous to the health of the persons employed therein, the district council may give notice in writing to the occupier of the factory or to any contractor employed by him setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of such notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

Employment of person in unwholesome premises.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

(3) This section shall apply in respect of such classes of work as may be specified in regulations made by the Secretary of State.

## PART IX.

## PARTICULARS OF PIECE WORK AND WAGES.

Particulars  
of work and  
wages to be  
given to  
piece-  
workers.

**112.**—(1) In every textile factory the occupier shall, for the purpose of enabling each person employed who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, to be published as follows :—

- (a) in the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible ;
- (b) in the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible ;
- (c) in the case of other persons employed, the particulars of the rate of wages applicable to the work to be done by each person shall be furnished to him in writing at the time when the work is given out to him ; provided that, if the same particulars are applicable to the work to be done by each of the persons employed in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible ;
- (d) such particulars of the work to be done by each person employed as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be

furnished to him in writing at the time when the work is given out to him ;

PART IX.  
—*cont.*

- (e) where such particulars of the work as affect the amount of wages are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room in pursuance of an agreement between employers and persons employed, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with the foregoing provisions of this section ;
- (f) the particulars either as to rate of wages or as to work shall not be expressed by means of symbols ;
- (g) where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller or such other particulars as will enable the accuracy of the indicator to be checked, so, however, that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked instead of the diameter of the driving roller.

(2) If the occupier fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any person employed fraudulently alters an automatic indicator, the occupier or person employed, as the case may be, shall be guilty of an offence.

(3) If any person employed in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be guilty of an offence.

(4) If any person for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person employed in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART IX.  
—*cont.*

(5) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of factories other than textile factories, may, if he thinks fit, by regulations apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by regulations apply those provisions, subject to such modifications as may in his opinion be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

(6) In this section the expression "textile factory" means any factory in which mechanical power is used in the spinning, weaving or knitting of cotton, wool, hair, silk (including artificial silk), flax, hemp, jute, tow, china-grass, cocoanut fibre, asbestos, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof or in any process preparatory or incidental thereto, whether or not carried on in the same premises.

## PART X.

## MISCELLANEOUS.

Notice of  
occupation  
of factory,  
and use of  
mechanical  
power.

**113.**—(1) Every person shall, within one month after he begins to occupy, or to use any premises as a factory, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed, and if he fails to do so, he shall be guilty of an offence and liable on conviction thereof to a fine not exceeding twenty pounds or one pound for each day since the expiration of the month aforesaid, whichever is the greater.

(2) Within one month of the date upon which mechanical power is, after the commencement of this Act, first used in any factory, the occupier shall serve on

the inspector for the district a written notice stating the nature of such mechanical power.

PART X.  
—cont.

**114.**—(1) There shall be kept posted at the principal entrances of a factory at which employed persons enter—

Posting of  
abstract of  
Act and  
notices.

- (a) the prescribed abstract of this Act; and
- (b) a notice of the address of the inspector for the district and the superintending inspector for the division; and
- (c) a notice of the name and address of the examining surgeon for the factory; and
- (d) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and
- (e) every notice and document required by this Act to be posted in the factory:

Provided that an inspector may direct that all or any of the aforesaid documents shall be posted in such parts of the factory, either in addition to or in substitution for the said principal entrances, as he may direct.

(2) All such documents shall be posted in such characters and in such positions as to be conveniently read by the persons employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.

(3) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable to a fine not exceeding five pounds.

**115.**—(1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory.

Provisions  
as to special  
regulations.

(2) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his application.

**116.**—(1) There shall be kept in every factory, or in such place outside the factory as may be approved by the inspector for the district, a register, in the prescribed

General  
registers.

**PART X.** form, called the general register, and there shall be entered  
—*cont.* in or attached to that register—

- (a) the prescribed particulars as to the young persons employed in the factory; and
- (b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and
- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector; and
- (d) particulars showing every special exception of which the occupier of the factory avails himself; and
- (e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and
- (f) such other matters as may be prescribed.

(2) There shall be attached to the general register a copy of the certificate of the district council relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

Preserva-  
tion of  
registers  
and records.

**117.** The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by the examining surgeon for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

Periodical  
return of  
persons em-  
ployed.

**118.—**(1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Secretary of State may direct, send to the chief inspector a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and



occupation of all persons employed, and as to such other matters, if any, as the Secretary of State may direct.

PART X.  
—cont.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make a like return to the chief inspector.

(3) The Secretary of State may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Government department is empowered to call for from occupiers.

**119.**—(1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

Duties of  
persons  
employed.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

**120.** Save as otherwise expressly provided under this Act, the occupier of a factory shall not in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person.

Prohibition  
of deduc-  
tions from  
wages.

**121.**—(1) Every enactment for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade, and the power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to extend any of the provisions of any such enactment to such measuring

Weights,  
measures  
and weigh-  
ing and  
measuring  
instruments  
used in  
ascertaining  
wages.  
4 Edw. 7.  
c. 28.

**PART X.** instruments used in factories for the purposes aforesaid  
—*cont.* as may be specified in the regulations.

(2) Every inspector or other person authorised under the Acts relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.

## **PART XI.**

### **ADMINISTRATION.**

Appoint-  
ment and  
duties of  
inspectors  
and clerks  
and ser-  
vants.

**122.**—(1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time determine) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them shall be deemed to be expenses of the Secretary of State in carrying this Act into effect.

(5) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(6) An inspector shall not be liable to serve on any jury. PART XI.  
—cont.

(7) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8) Any notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Secretary of State directs by declaration published in the London Gazette or otherwise as he thinks expedient for making the direction known to all persons interested.

**123.**—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say :— Powers of  
inspectors.

- (a) to enter, inspect, and examine at all reasonable times, by day and night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used ;
- (b) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty ;
- (c) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy any of them ;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom section ninety-eight of this Act applies ;
- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory ;

PART XI.  
—*cont.*

- (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in subsection (1) of the said section ninety-eight, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself;
- (g) in the case of an inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act;
- (h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by a chief inspector, superintending inspector for a division, or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

PART XI.  
—cont.

**124.** An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not of counsel, or a solicitor, prosecute, conduct, or defend before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

Power of inspector to conduct proceedings before magistrates.

**125.** Every inspector shall be furnished with the prescribed certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory.

Certificate of appointment of inspector.

**126.**—(1) Subject to any general directions of the Secretary of State, the chief inspector or, in cases where the Secretary of State so directs, a superintending inspector for a division may appoint a sufficient number of duly qualified medical practitioners to be examining surgeons for any of the purposes of this Act, and may revoke any such appointment.

Appointment and duties of examining surgeons.

(2) Every appointment and revocation of appointment of an examining surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as examining surgeon for that factory :

Provided that the Secretary of State may authorise a medical practitioner who is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory, but is not otherwise interested in the factory, to act as examining surgeon for that factory for the purpose of examining and certifying the fitness of young persons.

PART XI.  
—cont.

(4) The examining surgeon for any factory shall have power at all reasonable times to inspect the general register of that factory.

(5) The Secretary of State may make rules regulating the duties of examining surgeons.

(6) An examining surgeon shall, if so directed by the Secretary of State, make such special inquiry and examination of employed persons as may be directed.

(7) Every examining surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to examinations made and other duties performed by him in pursuance of this Act.

(8) If and so long as there is no examining surgeon for a factory, the poor law medical officer for the district in which the factory is situate shall act as the examining surgeon for that factory.

15 & 16  
Geo. 5. c. 84.

(9) References in the Workmen's Compensation Act, 1925, to a certifying surgeon shall be construed as references to an examining surgeon appointed under this section, and references to the certifying surgeon for the district in which the workman is employed shall, in a case where a workman is employed in a district for which no examining surgeon is appointed, be construed as references to the medical practitioner (if any) appointed by the Secretary of State to have the powers and duties of a certifying surgeon under Part II of the Workmen's Compensation Act, 1925, in such a case or, if no such appointment has been made, to the poor law medical officer for the district in which the workman is employed.

Fees of  
examining  
surgeons.

**127.** The fees to be paid to examining surgeons for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be defrayed as an expense of carrying this Act into effect, and the fees shall, subject to any agreement between the examining surgeon and the occupier of a factory as respects the fees payable by the occupier, be of such

amount as may be determined by the Secretary of State. PART XI.  
—cont.

**128.**—(1) The expenses of the London County Council under this Act shall be defrayed as expenses for general county purposes. Provisions  
as to county  
and district  
councils.

(2) The expenses under this Act of the common council of the City of London and of the council of a metropolitan borough shall be defrayed as part of their general expenses.

(3) The medical officer of health of every district council shall—

(a) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part I and Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Secretary of State; and

(b) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(4) An officer of any district council appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(5) For the purpose of their duties under this Act, a county council and a district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector has, and accordingly in relation to their said duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the council authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the

**PART XI.** occupier or other person holding a responsible position of  
—*cont.* management at the factory.

(6) If any person who, in pursuance of powers conferred by the last foregoing subsection, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Provisions  
as to  
regulations  
and orders  
of Secretary  
of State.

**129.**—(1) The following provisions shall apply to regulations and orders made by the Secretary of State under this Act :—

- (a) all regulations made under this Act shall be laid as soon as may be before Parliament, and if either House within the next twenty-eight days on which that House has sat after the regulations have been laid before it, resolves that the regulations be annulled, the regulations shall be of no effect, but without prejudice to the validity of anything done in the meantime thereunder or to the making of new regulations :
- (b) the provisions contained in the Second Schedule to this Act shall apply to all such regulations as are in this Act referred to as “ special regulations ” :
- (c) section one of the Rules Publication Act, 1893, shall not apply to any instrument made under this Act except regulations other than special regulations.

56 & 57 Vict.  
c. 66.

(2) Any regulations or order made by the Secretary of State under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order and may, except as herein otherwise expressly provided, be varied or revoked by subsequent regulations or by a subsequent order made in like manner as the original regulations or order.



## PART XII.

## SUPPLEMENTARY.

*Offences, Penalties and Legal Proceedings.*

**130.**—(1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject as hereinafter in this Act provided, be guilty of an offence. Offences.

(2) In the event of a contravention by an employed person of the provisions of Part X of this Act with respect to duties of persons employed or of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence in respect of that contravention unless it is proved that he failed to take all reasonable steps to prevent the contravention.

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

PART XII.  
—*cont.*

Fines for offences for which no express penalty provided.

**131.** Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable to a fine not exceeding twenty pounds, and, if the contravention in respect of which he was so convicted is continued after the conviction he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

Power of court to order cause of contravention to be remedied.

**132.** Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding five pounds for each day on which the non-compliance continues.

Fines in case of death or injury.

**133.** If any person is killed, or dies, or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or of any regulation or order made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine not exceeding one hundred pounds; and subject to the provisions of section five of the Criminal Justice Administration Act, 1914, the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the Secretary of State determines :

4 & 5 Geo. 5.  
c. 58.

Provided that—

- (a) in the case of injury to health, the occupier or owner shall not be liable to a fine under this section unless the injury was caused directly by the contravention; and
- (b) the occupier or owner shall not be liable to a fine under this section if an information

against him under this Act in respect of the act or default by which the death or injury was caused, has been heard and dismissed before the death or injury occurred.

PART XII.  
—cont.

**134.** If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable to a fine not exceeding five pounds, unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

Fine for  
offence by  
parent.

**135.** If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or any order or regulation made thereunder;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be an inspector;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by under or for the purposes of this Act or any order or regulation made thereunder to be kept or served or sent;
- (i) wilfully makes or signs a false declaration required by, under or for, the purposes of this Act or any order or regulation made thereunder;
- (j) knowingly makes use of any such false entry or declaration as aforesaid;

Forgery of  
certificates,  
false entries,  
and false  
declarations.

PART XII. he shall, without prejudice to any other penalty, be  
—*cont.* guilty of an offence under this Act, and liable to a fine  
not exceeding one hundred pounds, or to imprisonment  
for a term not exceeding three months.

Penalty on persons actually committing offence for which occupier is liable. **136.** Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like fine as if he were the occupier or owner, as the case may be.

Power of occupier or owner to exempt himself from liability on conviction of the actual offender. **137.**—(1) Where the occupier or owner of a factory is charged with an offence under this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court—

- (a) that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and
- (b) that the said other person had committed the offence in question without his consent, connivance, or wilful default,

that other person shall be summarily convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

The prosecution shall have the right in any such case to cross-examine the occupier or owner if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.

(2) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

- (a) that the occupier or owner (as the case may be) of the factory has used all due diligence to enforce the execution of this Act; and

(b) by what person the offence has been committed; and PART XII.  
—cont.

(c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the factory.

**138.** Where, under this Act, any person is substituted for the occupier or owner with respect to any provisions of this Act, any order, summons, notice, or proceeding, which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person. Proceedings against persons other than occupiers or owners.

**139.** Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory. Owner of machine liable in certain cases instead of occupier.

**140.—(1)** All offences under this Act shall be prosecuted and all fines under this Act shall be recovered summarily. Prosecution of offences and recovery and application of fines.

(2) In any proceedings under this Act it shall be sufficient in the information to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.

(3) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest is held, and it appears from the report,

PART XII.  
—*cont.*

or from the proceedings at the inquest, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of such non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

(6) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, all fines imposed under this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(7) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.

Appeal from  
orders made  
on com-  
plaint.

**141.** Any person aggrieved by an order made by a court of summary jurisdiction on determining a complaint under this Act may appeal therefrom to a court of quarter sessions.

Special pro-  
visions as to  
evidence.

**142.—(1)** If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.

(2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of or below that age.

PART XII.  
—*cont.*

(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

**143.** For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, or section one of the Employment of Women, Young Persons, and Children Act, 1920, or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

Proceedings for offences in respect of the employment of children.  
8 & 9 Geo. 5. c. 39.  
10 & 11 Geo. 5. c. 65.

**144.—(1)** Any document (including any summons or order) required or authorised to be served under this Act may be served—

Service and sending of documents, &c.

- (a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
- (c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Act, 1929, applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.

19 & 20 Geo. 5. c. 23.

PART XII.  
—*cont.*

(2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to “the occupier” at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

Certificates  
of birth.

**145.** Where the age of any person is required to be ascertained or proved for the purposes of this Act any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Minister of Health and on payment of a fee of sixpence, be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths and marriages.

Power of  
county  
court to  
modify  
agreements.

**146.** If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply in accordance with county court rules to the county court, and the court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

Power of  
county  
court to  
apportion  
expenses.

**147.** Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the



owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply in accordance with county court rules to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may at the request of the owner or occupier determine the lease.

PART XII.  
—*cont.*

148. The Arbitration Acts, 1889 to 1934, shall not apply to proceedings under this Act except in so far as they may be applied by regulations made under this Act.

Application  
of Arbitra-  
tion Acts.

### PART XIII.

#### APPLICATION OF ACT.

149. Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories, as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

General  
application  
of Act.

150.—(1) This Act applies to factories belonging to or in the occupation of the Crown and to building operations and works of engineering construction undertaken by or on behalf of the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

Application  
to factories  
belonging to  
the Crown.

(2) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Act; and any

PART XIII. notice required by this Act to be sent to a district council  
—*cont.* shall in any such case be sent to the inspector for the  
district.

#### PART XIV.

#### INTERPRETATION AND GENERAL.

##### *Interpretation.*

Interpreta-  
tion of  
expression  
“factory.”

**151.**—(1) Subject to the provisions of this section, the expression “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely :—

- (a) the making of any article or of part of any article; or
- (b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or
- (c) the adapting for sale of any article;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control :

And (whether or not they are factories by reason of the foregoing definition) the expression “factory” also includes the following premises in which persons are employed in manual labour, that is to say :—

- (i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;
- (ii) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;
- (iii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;

- (iv) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on; PART XIV.  
—*cont.*
- (v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;
- (vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;
- (vii) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;
- (viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
- (ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
- (x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;
- (xi) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical

PART XIV.  
—*cont.*  
15 & 16  
Geo. 5. c. 50.

performers within the meaning of the Theatrical Employers Registration Act, 1925, and of attendants on such theatrical performers shall not be deemed to be employment in a factory;

- (xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;
- (xiii) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet.

(2) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) No premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is a process ancillary to the getting, dressing or preparation for sale of minerals shall be deemed to be a factory.

(6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some

purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory. PART XIV.  
—cont.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Secretary of State by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

**152.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:— General  
interpretation.

“Bakehouse” means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain :

“Bank holiday” means a holiday under the Holidays Extension Act, 1875 : 38 & 39 Vict.  
c. 13.

“Bodily injury” includes injury to health :

“Building operation” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act :

PART XIV.  
—cont.

- “Calendar year” means the period of twelve months beginning with the first day of January in any year :
- “Chief inspector” means the chief inspector appointed under this Act, and includes a deputy chief inspector :
- “Class or description”, in relation to factories, includes a group of factories described by reference to locality :
- “Contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene”, shall be construed accordingly :
- “Cotton cloth factory” means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on :
- “Degrees” means degrees Fahrenheit :
- “District council” means the council of a borough or county district :
- “Driving-belt” includes any driving strap or rope :
- “Fume” includes gas or vapour :
- “General register” means the register kept in accordance with the requirements of section one hundred and sixteen of this Act :
- “Humid factory” means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process :
- “Inspector” means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the superintending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division, in which the factory is situate :
- “Machinery” includes any driving-belt :

- “ Maintained ” means maintained in an efficient state, in efficient working order, and in good repair :
- “ Owner ” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent if the premises were let at a rackrent :
- “ Parent ” means a parent or guardian of, or person having the legal custody of, or the control over a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages :
- “ Period of employment ” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day :
- “ Prescribed ” means prescribed by order of the Secretary of State :
- “ Prime mover ” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source :
- “ Process ” includes the use of any locomotive :
- “ Railway ” means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway :
- “ Railway company ” includes the London Passenger Transport Board and a company or person working a railway under lease or otherwise :
- “ Sanitary conveniences ” includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience :
- “ Ship,” “ vessel,” and “ harbour ” have the same meaning as in the Merchant Shipping Act, 1894 :
- “ Tenement factory ” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed

PART XIV.  
--cont.

PART XIV.  
—cont.

for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories :

“ Tramway ” means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic :

“ Transmission machinery ” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance :

“ Week ” means the period between midnight on Saturday night and midnight on the succeeding Saturday night :

“ Woman ” means a woman who has attained the age of eighteen :

“ Work of engineering construction ” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and shall include such other works as may be specified by regulations of the Secretary of State :

“ Young person ” means a person who has attained the age of fourteen and has not attained the age of eighteen but does not include any person whose parent is required under or by virtue of the Education Acts, 1921 to 1937, to cause him (unless there is some reasonable excuse) to attend school or to attend an alternative course within the meaning of the Education Act, 1936.

26 Geo. 5. &  
1 Edw. 8.  
c. 41.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed before the passing of this Act or the making of regulations under this Act, and a factory or building shall be deemed to have been constructed, reconstructed, extended, added to, or converted for use as a factory,



before the passing or commencement of this Act or the coming into operation of any provision of this Act, if the construction, reconstruction, extension, addition, or conversion was begun before the passing or commencement of this Act, or the making of regulations under this Act, or the coming into operation of any provision of the Act, as the case may be.

PART XIV.  
—*cont.*

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder :

Provided that any woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

(5) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(6) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(7) This Act shall in its application to London have effect, except when otherwise expressly provided, as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London references to metropolitan borough councils.

(8) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

## PART XIV.

—*cont.*

Application  
of Act to  
young  
persons  
employed  
in factories  
in certain  
occupations.

**153.** A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder :

Provided that the provisions of Part VI of this Act shall not apply, except as expressly provided, to any such young person who is employed mainly outside the factory.

*General.*

Inspection  
of certain  
premises.

**154.** Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an arrangement is made, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

Expenses of  
Secretary of  
State.

**155.** The expenses of the Secretary of State in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

Application  
to Scotland.

**156.**—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) (a) The Department of Health for Scotland shall be substituted for the Minister of Health and the Scottish Education Department shall be substituted for the Board of Education.

(b) The expressions “ medical officer of health ” and “ sanitary inspector ” have the like meanings as in the Public Health (Scotland) Act, 1897; the expression “ information ” means complaint; the expression “ informant ” means prosecutor; the expression “ defendant ” means accused person; the expression “ summons ” means order; the expression “ owner ” means the person

60 & 61 Vict.  
c. 38.

for the time entitled to receive or who would, if the same were let, be entitled to receive the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted and the expression " young person " means a person who has attained the age of fourteen and has not attained the age of eighteen, but does not include any person whose parent is required under or by virtue of the Education (Scotland) Acts, 1872 to 1936, to provide efficient education for him.

PART XIV.  
—*cont.*

(c) For any reference to a local education authority under the Education Act, 1921, there shall be substituted a reference to an education authority for the purposes of the Education (Scotland) Acts, 1872 to 1936; for any reference to section fourteen of the Education Act, 1918, there shall be substituted a reference to section seventeen of the Education (Scotland) Act, 1918; for any reference to a county court there shall be substituted a reference to the sheriff; for any reference to county court rules there shall be substituted a reference to Act of Sederunt; for any reference to a witness attending before a court of record there shall be substituted a reference to a witness attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895; for any reference to a master of the Supreme Court there shall be substituted a reference to the auditor of the sheriff court; for the reference in subsection (1) of section one hundred and fifty-seven of this Act to the Ministry of Health Act, 1919, there shall be substituted a reference to the Scottish Board of Health Act, 1919, and to the Reorganisation of Offices (Scotland) Act, 1928; for any reference to the Births and Deaths Registration Acts, 1836 to 1929, there shall be substituted a reference to the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934.

8 & 9 Geo. 5.  
c. 48.

58 & 59 Vict.  
c. 36.

9 & 10  
Geo. 5. c. 20.  
18 & 19  
Geo 5. c. 34.

(3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution, as the case may require.

(4) The powers and duties conferred and imposed by this Act on district councils shall be exercised and performed in a county by the county council, and in

PART XIV. a burgh by the town council, save that, in so far as those powers and duties relate to the provisions contained in Part II of the Third Schedule to this Act, they shall be exercised and performed in a small burgh by the county council of the county in which such burgh is situate, and references in this Act to a district council and a district shall be construed accordingly.

—cont.

(5) Any expenses incurred under this Act by a county or a town council shall be defrayed in like manner as expenditure for the purposes of the Public Health (Scotland) Act, 1897.

(6) The powers conferred by Part II or Part IV of this Act on a court of summary jurisdiction or a justice shall be exercisable only by the sheriff, and any reference in Part VII of this Act to the provisions of Part II with respect to the power of a court of summary jurisdiction shall be construed accordingly.

8 Edw. 7.  
c. 65.

(7) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where the offence was committed.

(8) An offence against any provision of this Act which is directed to be enforced by a county or town council may be prosecuted by the council of the county or town in which such offence was committed and any such council may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.

(9) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by the last foregoing subsection to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.

(10) Every person convicted of an offence against this Act may be found liable in expenses.

(11) Subsection (10) of section thirty-four, subsection (3) of section fifty-three and subsection (3) of

section fifty-four of this Act shall have effect as if the words "by way of complaint" were omitted. PART XIV.  
—cont.

(12) Where, in pursuance of section sixty-eight of this Act, the Secretary of State directs a formal investigation to be held of any fatal accident, no inquiry into any death due to such accident shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

(13) For subsection (8) of section one hundred and twenty-six the following subsection shall be substituted:—

“(8) If and so long as there is no examining surgeon for a factory, the medical officer of health for the county or burgh in which the factory is situate, or any medical officer of the council of such county or burgh designated for the purpose by the medical officer of health shall act as the examining surgeon for that factory.

For the purposes of this subsection, ‘burgh’ means large burgh, and a small burgh shall be included within the county in which it is situate.”

(14) In subsection (9) of section one hundred and twenty-six for any reference to the poor law medical officer there shall be substituted a reference to such medical officer of health or medical officer as is referred to in the foregoing subsection.

(15) Subsection (4) of section one hundred and forty of this Act shall have effect as if for any reference to a coroner’s inquest there were substituted a reference to a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906. 6 Edw. 7.  
c. 35.

(16) Any provision of this Act with regard to the recovery of any money summarily as a civil debt shall have effect as if the word “summarily” were omitted therefrom.

(17) Section sixty-seven, subsection (5) of section one hundred and twenty-eight so far as it relates to legal proceedings, subsection (1) of section one hundred and thirty-seven, section one hundred and forty-one and section one hundred and forty-eight of this Act shall not apply.

PART XIV.  
—cont.

(18) References to section five of the Criminal Justice Administration Act, 1914, shall not apply.

(19) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.

(20) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Acts, 1897 and 1907, extend to factories within the meaning of those Acts.

19 & 20  
Geo. 5. c. 25.

(21) In this section the expressions "large burgh" and "small burgh" have the like meanings as in the Local Government (Scotland) Act, 1929, and the expressions "county council" and "county" where occurring in any provision for the purposes of which a small burgh is included within a county or which directs that powers and duties shall be exercised and performed by a county council in a small burgh, shall mean respectively, in any case where two counties are combined under subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council and the combined county.

Substitution  
of corre-  
sponding  
provisions  
for certain  
provisions of  
1 Edw. 7.  
c. 22.

**157.**—(1) The provisions contained in Part I of the Third Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, of which the administration was transferred under the Ministry of Health Act, 1919, to the Minister of Health, set out with the necessary modifications) shall have effect in lieu of the corresponding provisions repealed by this Act, and shall be enforced by the district council.

(2) The provisions contained in Part II of the Third Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, of which the administration was transferred as aforesaid but which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by this Act, and shall be enforced by the district council.

(3) The section of this Act relating to powers in case of default of a district council shall apply with respect to the provisions specified in the foregoing subsections of this section as it applies with respect to the

provisions of Part I of this Act, except that references in that section to the Secretary of State and to an inspector shall, for the purposes of the application thereof under this section, be construed as references to the Minister of Health and to an officer appointed by him, and any such officer shall have the like powers as an inspector.

PART XIV.  
—cont.

**158.**—(1) The provisions of the Quarries Act, 1894, shall apply to all quarries of whatever depth, but for the purposes of that Act the expression “quarry” shall not include any place in which any manufacturing process, other than a process ancillary to the getting, dressing, or preparation for sale of minerals is carried on.

Provisions  
as to  
quarries and  
pit banks.  
57 & 58 Vict.  
c. 42.

(2) The provisions of section nineteen of the Mining Industry Act, 1920 (which empowers the Board of Trade to make general and special regulations with respect to metalliferous mines) shall apply to quarries as they apply to metalliferous mines, but with this modification, that for the reference in that section to the general rules contained in section twenty-three of the Metalliferous Mines Regulation Act, 1872, there shall be substituted a reference to all the provisions of that Act which apply to quarries.

10 & 11  
Geo. 5. c. 50.

(3) Regulations made by the Board of Trade by virtue of the said section nineteen with respect to quarries and metalliferous mines shall apply the provisions of sections ninety-two, ninety-three and ninety-five of the Coal Mines Act, 1911, so far as they relate to employment above ground, to women and young persons employed in connection with any quarry or metalliferous mine, in like manner as the provisions apply to the employment of such persons in connection with the mines mentioned in section one of that Act.

35 & 36 Vict.  
c. 77.

1 & 2 Geo. 5.  
c. 50.

(4) The Secretary of State may make arrangements with the Board of Trade, with respect to any premises or place in or adjacent to a quarry or mine, for the exercise and performance by the Board of Trade of any of the powers and duties of the Secretary of State under this Act and for the exercise and performance by the Secretary of State of any of the powers and duties of the Board of Trade relating to quarries and mines, and it shall be lawful for the Board of Trade and their officers and the Secretary of State and his officers respectively to exercise

PART XIV. and perform the said powers and duties in accordance  
—*cont.* with the arrangements.

Repeals  
and exclu-  
sion of  
certain  
enactments.

**159.**—(1) Subject as hereinafter provided the enactments referred to in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that any order, regulation, byelaw, requirement, appointment, or agreement made or certificate (other than a certificate given under section fourteen of the Factory and Workshop Act, 1901) or notice given under any enactment repealed by this Act which is in force at the commencement of this Act shall continue in force and shall have effect as though it had been made or given under this Act, and, in so far as it could have been made or given under a particular provision of this Act, shall be deemed to have been made or given under that provision, and any such order or regulation made by the Secretary of State under a power which is exercisable under a corresponding provision of this Act by a different class of instrument, shall be deemed to be an instrument of that class, so, however, that any order or regulation of the Secretary of State which continues in force by virtue of this proviso may, in so far as may be necessary to bring it into conformity with this Act, be varied or revoked by an order made by him under this Act.

(2) References in any enactment to a special order made under section one hundred and twenty-six of the Factory and Workshop Act, 1901, shall be construed as references to regulations made under this Act.

18 & 19  
Geo. 5. c. 44.

(3) Nothing in this Act shall affect the definition of the expressions “factory” and “workshop” for the purposes of the Rating and Valuation (Apportionment) Act, 1928, but save as aforesaid references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

52 & 53 Vict.  
c. 63.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.



(5) Section one hundred and six of the Public Health (London) Act, 1936 (which relates to sanitary conveniences for factories), section one hundred and twenty-eight of that Act (which relates to nuisances from certain factories, workshops and workplaces), and section one hundred and twenty-nine of that Act (which relates to the limewashing and washing of certain factories, workshops and workplaces) shall not apply to any factory to which this Act applies.

PART XIV.  
—*cont.*  
26 Geo. 5. &  
1 Edw. 8.  
c. 50.

**160.**—(1) This Act may be cited as the Factories Act, 1937.

Short title,  
commence-  
ment,  
extent and  
saving.

(2) This Act shall, except as otherwise provided, come into operation on the first day of July, nineteen hundred and thirty-eight :

Provided that, if it is shown to the satisfaction of the Secretary of State as respects any particular requirement contained in Part II of this Act that by reason of substantial expenditure involved through the necessity of providing new, or altering existing, buildings or plant, or on account of other special difficulties, it would be right in the case either of factories generally or of any class or description of factory that the requirement should not come into operation on the date aforesaid, he may by order postpone the date of coming into operation of the said requirement, as respects factories generally or that class or description of factory, until such date as he may think fit but not later than the first day of January, nineteen hundred and forty; and any such order may direct that such corresponding provisions of any enactment repealed by this Act as may be specified in the order shall apply in lieu of the postponed requirement of this Act.

(3) This Act shall not, except where otherwise expressly provided, extend to Northern Ireland.

(4) Except where otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of any other Act.

SCHEDULES.

Section 52.

FIRST SCHEDULE.TABLE OF HUMIDITY.

I. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	II. Wet Bulb Thermometer Readings. Degrees Fahrenheit.
50	48
51	49
52	50
53	51
54	52
55	53
56	54
57	55
58	56
59	57
60	58
61	59
62	60
63	61
64	62
65	63
66	64
67	65
68	66
69	67
70	68
71	68·5
72	69
73	70
74	70·5
75	71·5
76	72
77	73
78	73·5
79	74·5
80	75·5
81	76
82	76·5
83	77·5
84	78
85	79
86	80

## SECOND SCHEDULE.

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Sections 71,  
73, 129.

### PROCEDURE FOR MAKING SPECIAL REGULATIONS.

1. Before the Secretary of State makes any special regulations, he shall publish in the London Gazette, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

2. Every objection must be in writing and state—

- (a) the specific grounds of objection; and
- (b) the omissions, additions, or modifications asked for.

3. The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

4. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations or the Secretary of State withdraws the draft regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided. The Secretary of State may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—

- (a) the Secretary of State shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon;

2ND SCH.  
—cont.

- (b) the inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;
- (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath;
- (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. For the purposes of this Schedule the expression "general objection" means, as respects any draft regulations, an objection made—

- (a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories; or by any person who satisfies the Secretary of State that he or an association on behalf of which he acts, represents a majority of the persons employed in those factories; or
  - (b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Secretary of State that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid; or by any person who satisfies the Secretary of State that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.
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### THIRD SCHEDULE.

PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, Sections 156,  
TO BE ADMINISTERED BY DISTRICT COUNCILS. 157.

#### PART I.

**97.**—(1) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with :— Sanitary regulations for bake-houses.

- (a) a watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse ;
- (b) every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset ;
- (c) a drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be guilty of an offence, and liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day on which any room or place is so occupied after a conviction under this section in respect of the room or place.

**98.**—(1) Where a court of summary jurisdiction is satisfied on the prosecution of a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds. Penalty for bakehouse being unfit on sanitary grounds.

(2) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day after the expiration of that time on which the non-compliance continues.

**99.**—(1) All the inside walls of the rooms of a bakehouse, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed ; and Limewash- ing, painting and washing of bake-houses.

3RD SCH.  
—cont.

- (a) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap or other suitable detergent once at least in every six months; and
- (b) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2) If a bakehouse is not kept in conformity with this section the occupier shall be liable to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for the same offence, not less than one pound for each offence.

(3) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day after the expiration of that time on which the non-compliance continues.

Provision as  
to sleeping  
places near  
bakehouses.

**100.**—(1) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it—

- (a) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and
- (b) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place for the purpose of its being used in contravention of the provisions of this section, he shall be guilty of an offence, and liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

## PART II.

### PROVISIONS APPLICABLE IN LONDON AND SCOTLAND ONLY.

Prohibition  
of employ-  
ment of  
women after  
childbirth.

**61.** If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding three, or if the offence was committed during the night five,

pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than one pound for each offence.

3RD SCH.  
—cont.

**109.** If the occupier of a factory or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, while any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

Making of wearing apparel where there is scarlet fever or small-pox.

**110.**—(1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or any other place from which work is given out, or on the contractor employed by any such occupier.

Prohibition of home work in places where there is infectious disease.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health.

Section 159.

## FOURTH SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 28.	The Notice of Accidents Act, 1894.	In paragraph one of the schedule the words " use, working," the words " canal, bridge, tunnel," and the words " or other " work authorised by " any local or personal " Act of Parliament "
57 & 58 Vict. c. 42.	The Quarries Act, 1894	In section one, the words " any part of which is " more than twenty feet " deep " ; and section three.
1 Edw. 7. c. 22	The Factory and Workshop Act, 1901.	The whole Act.
6 Edw. 7. c. 49	The Census of Production Act, 1906.	Section ten.
6 Edw. 7. c. 53	The Notice of Accidents Act, 1906.	Section four and section five so far as it relates to factories and workshops.
7 Edw. 7. c. 39	The Factory and Workshop Act, 1907.	The whole Act.
8 Edw. 7. c. 42	The White Phosphorus Matches Prohibition Act, 1908.	The whole Act.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Sections seven, eight and nine.
10 & 11 Geo. 5. c. 62.	The Women and Young Persons (Employment in Lead Processes) Act, 1920.	The whole Act.
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	Subsection (1) of section twenty-eight and section twenty-nine.



4TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. 15.	The Factory and Workshop (Cotton Cloth Factories) Act, 1929.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 22.	The Hours of Employment (Conventions) Act, 1936.	In section two the words “ Sections twenty-three “ to thirty-five of the “ Factory and Workshop “ Act, 1901, and ” and the words “ factories, work- shops and ”.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In subsection (3) of section forty-four the words “ to “ which section nine of “ the Factory and Work- “ shop Act, 1901, ap- “ plies,” in subsection (4) of section forty-five the words “ to which section “ nine of the Factory “ and Workshop Act, “ 1901, applies,” in subsection (1) of section forty-six the words “ factory, workshop, or ”, and subsection (5) of that section; in para- graph (e) of subsection (1) of section ninety-two the words “ factory (not “ being a factory to “ which section one of “ the Factory and “ Workshop Act, 1901, “ applies), workshop, or ” and subsection (4) of that section.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Sections one hundred and thirty and one hundred and thirty-one.

## CHAPTER 68.

An Act to make further and better provision with respect to the payment of superannuation allowances and gratuities by local authorities and certain statutory undertakers, and with respect to the persons entitled to participate in the benefits of a local authority's superannuation fund or scheme, and for purposes connected with the matters aforesaid. [30th July 1937.]

**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.

SUPERANNUATION OF EMPLOYEES OF LOCAL  
AUTHORITIES NOT BEING LOCAL ACT AUTHORITIES.*Superannuation funds and contributors thereto.*

Superannu-  
ation funds.

1.—(1) As from the appointed day, a superannuation fund shall, subject to the provisions of this section, be maintained for the purposes of this Part of this Act by each of the following bodies, that is to say :—

- (a) the council of every county, county borough and metropolitan borough ;
- (b) the council of every county district having on the day six months before the appointed day one hundred or more employees who, according to a return made by the council to the Minister for the purposes of this subsection, will be contributory employees within the meaning of that expression as used in this Act ;
- (c) every joint committee established by a combination scheme for the time being in force ; and
- (d) every other local authority as respects whom the Local Government and other Officers'

Superannuation Act, 1922, (in this Act referred to as "the Act of 1922") was in operation immediately before the appointed day.

PART I.  
—cont.

(2) The preceding subsection shall not apply to any local authority specified therein who—

- (a) not having adopted the Act of 1922, maintain a superannuation fund under a local Act; or
- (b) are a constituent authority under a combination scheme for the time being in force; or
- (c) were immediately before the appointed day a party (otherwise than in the capacity of the admitting authority) to an admission agreement;

and shall cease to apply to any local authority specified therein who become a constituent authority under a combination scheme, or who, under subsection (3) of section four of this Act, transfer their superannuation fund in accordance with directions of the Minister to another authority.

(3) In this Act—

- (a) a local authority who are for the time being required to maintain a superannuation fund under this Part of this Act are referred to as an "administering authority";
- (b) a council mentioned in Part I of the First Schedule to this Act who, not having adopted the Act of 1922, maintain a superannuation fund under a local Act are referred to as a "local Act authority", and the superannuation scheme which such an authority administer is referred to as a "local Act scheme";
- (c) the local authority, or other body, in whose employment a contributory employee is, are in relation to him referred to as the "employing authority"; and
- (d) the superannuation fund maintained under this Part of this Act, in the benefits of which a contributory employee is entitled to participate, is, in relation to him and to the employing authority, referred to as "the appropriate

PART I.  
—cont.

superannuation fund," and, in relation to him and to the employing authority and to that fund, the local authority maintaining the fund are referred to as "the appropriate administering authority."

Combina-  
tion  
schemes.

2.—(1) Any two or more administering authorities may enter into combination for the purpose of maintaining a joint superannuation fund under this Part of this Act in accordance with the terms of a combination scheme made by them.

(2) A combination scheme shall provide for the administration of the fund by a joint committee, and shall contain such supplemental and consequential provisions as appear to the constituent authorities to be necessary or expedient for the purpose of applying the provisions of this Act to a combination of authorities.

(3) The joint committee established by a combination scheme made under section five of the Act of 1922 shall, not less than twelve months before the appointed day, make a scheme for making such modifications in the combination scheme as appear to them to be necessary for bringing it into accordance with the provisions of this Act and continuing it in force as a scheme made under this section :

Provided that the committee may, if they think fit, make a new combination scheme to take effect in lieu of the existing scheme.

(4) A combination scheme may be amended by a subsequent scheme made by the joint committee concerned and approved by the Minister after consultation with the constituent authorities.

(5) A combination scheme may be revoked by a resolution passed by the joint committee concerned and approved by the Minister after consultation with the constituent authorities, and the Minister may give all such directions as he deems necessary for the transfer of the joint superannuation fund and the liabilities thereof, and with respect to other consequential and incidental matters.

(6) A joint committee established by a combination scheme may sue and be sued in the name of their clerk, and an action by or against the committee shall not abate

by the death or removal of the clerk, but shall continue as if the clerk for the time being were the plaintiff or defendant therein.

PART I.  
—cont.

3.—(1) On and after the appointed day all such persons as are mentioned in the next succeeding subsection shall, subject to the provisions of this section and to the provisions of Part III of this Act relating to officers appointed in a temporary capacity, be entitled to participate in the benefits of the appropriate superannuation fund maintained under this Part of this Act, and persons so entitled shall, unless they are such persons as are mentioned in the proviso to subsection (1) of section six of this Act, contribute to that fund in accordance with the provisions of that section.

Contributory employees.

In this Act, the expression “contributory employee” means a person who is for the time being entitled to participate in the benefits of such a superannuation fund, notwithstanding that he may be such a person as is mentioned in the said proviso.

(2) The persons referred to in the preceding subsection are—

- (a) every whole-time officer of a local authority specified in Part I of the First Schedule to this Act who are not a local Act authority;
- (b) every servant, or part-time officer, of such a local authority as aforesaid who belongs to a class or description which the authority have by a statutory resolution specified as a class or description the members of, or persons falling within, which are to be contributory employees;
- (c) every officer or servant of a local authority, not being either a local authority specified in Part I of the said First Schedule or a local Act authority, whom the authority have by a statutory resolution specified as a contributory employee;
- (d) every registration officer acting in or for a district in relation to which registration functions are discharged by a local authority who are not a local Act authority;
- (e) in the circumstances mentioned in Part I of the Second Schedule to this Act, a transferred poor

PART I.  
—cont.

law employee in the employment of a local authority who are not a local Act authority and a transferred rating employee in such employment;

- (f) every employee of the managers of any public elementary school maintained but not provided by a local education authority for elementary education who are not a local Act authority, being an employee whom the authority have, by a statutory resolution and with the consent of the managers, specified as a contributory employee; and
- (g) every other person who on the appointed day was in the employment of a local authority not being a local Act authority, and who immediately before that day held a post in virtue of which he was, or was being treated as being, subject to the Act of 1922, but so long only as he continues without any break of service in the employment of that authority, whether in the same post or in some other post.

(3) A person who becomes a contributory employee under a local authority shall continue to be a contributory employee so long as he continues without any break of service in the employment of that authority, whether in the same post or in some other post.

(4) The following persons shall not become contributory employees by virtue of the foregoing provisions of this section, that is to say, a person who—

- (a) is such a person as is mentioned in Part II of the First Schedule to this Act;
- (b) is under the age of eighteen years; or
- (c) has attained the age of fifty-five years and has not completed, and cannot before attaining the age of compulsory retirement applicable in his case complete, ten years of service:

Provided that paragraph (c) of this subsection shall not have effect in relation to such a midwife as is mentioned in paragraph (b) of subsection (3) of section two of the Midwives Act, 1936.

4.—(1) The appropriate superannuation fund in relation to the contributory employees of an employing authority shall, where that authority are an administering authority, or are a constituent authority under a combination scheme for the time being in force, or were immediately before the appointed day a party to an admission agreement made with an admitting authority, be the fund maintained by the employing authority, or, as the case may be, by the joint committee or by the authority who were the admitting authority.

(2) In any case not falling within the preceding subsection, the appropriate superannuation fund in relation to the contributory employees of an employing authority shall be the superannuation fund maintained by the council of the county or county borough within which the area of the employing authority, or the greater part of the area of that authority, is situate :

Provided that, in any such case—

- (a) if the council of the county or, as the case may be, of the county borough are a local Act authority; or
- (b) if the Minister, on an application made to him before the appointed day, is satisfied, after consultation with the authorities appearing to him to be concerned, that it is expedient so to do,

the Minister may order that the contributory employees of any particular employing authority shall be entitled to participate in the benefits of the superannuation fund maintained by some other administering authority.

(3) If at any time the Minister is satisfied that the number of contributory employees entitled to participate in the benefits of the fund maintained by an administering authority who are the council of a county district is, and is likely to remain, below one hundred, he may order that those contributory employees shall be entitled to participate in the benefits of the superannuation fund maintained by the council of the county, or, if that council are a local Act authority, or if the Minister for other reasons, after consultation with the authorities appearing to him to be concerned, deems it expedient, the superannuation fund maintained by some other administering authority, and the Minister shall include in his order

PART I.  
—*cont.*

all such directions as he deems necessary for the transfer of the superannuation fund of the first-mentioned authority and the liabilities thereof, and with respect to other consequential and incidental matters.

Power to admit employees of statutory undertakers and certain associations.

5.—(1) If application for the purpose is made to an administering authority by undertakers exercising any of their powers within the area of the authority under any Act or statutory order, the authority may, on such terms and conditions as they think fit and with the approval of the Minister, admit any employee of the undertakers to participate in the benefits of the superannuation fund maintained by the authority, and, in that event, this Act shall have effect in relation to the undertakers and any employee so admitted as if the undertakers were a local authority and the employee were a contributory employee, and the undertakers shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved by the Minister.

(2) An admission agreement made under paragraph (b) of subsection (3) of section five of the Act of 1922 and in force immediately before the appointed day shall, notwithstanding the repeal of that Act, continue in force as if made under this section, subject, however, to such modifications and adaptations as the parties concerned may, with the approval of the Minister, determine to be necessary for bringing it into accordance with the provisions of this Act.

(3) In relation to any person who immediately before the appointed day was subject to the Act of 1922 by virtue of such an admission agreement as is mentioned in the last preceding subsection, this Act shall, on and after the appointed day, have effect as if he were a contributory employee.

(4) Subsection (1) of this section shall not apply in the case of managers of a public elementary school maintained but not provided by a local education authority for elementary education, and, without prejudice to the rights of any such person as is mentioned in the last preceding subsection, no employee of any such managers shall on or after the appointed day be admitted to participate in the benefits of a superannuation fund by virtue of anything contained in an admission agreement continued in force by this section.



PART I.  
—cont.

(5) Where a local authority, who are a local supervising authority for the purposes of the Midwives Act, 1936, have made arrangements under subsection (1) of section one of that Act with a voluntary organisation for the employment of certified midwives by that organisation, the provisions of subsection (1) of this section shall apply in relation to that organisation and to midwives employed as aforesaid as they apply in relation to statutory undertakers and to employees of those undertakers.

**6.**—(1) Subject to the provisions of this Act, a contributory employee of an employing authority shall, at such intervals as the administering authority may determine, contribute to the appropriate superannuation fund—

- (a) an amount equal to five per cent. of his remuneration under that employing authority in the case of—
- (i) an officer being a designated employee who, without a disqualifying break of service, is at any time a contributory employee;
  - (ii) a servant;

- (b) an amount equal to six per cent. of such remuneration as aforesaid, in the case of an officer not being such an officer as aforesaid :

Provided that a contributory employee who has attained the age of sixty-five years, or who, immediately before becoming such an employee, was by virtue of subsection (3) of section fifteen of the Act of 1922 exempted from liability to contribute under that section, shall not contribute under this subsection.

(2) An employing authority shall contribute to the appropriate superannuation fund in each year a sum (in this Act referred to as “ the equivalent contribution ”) equal in amount to the sum which during the year has been contributed to the fund by the authority’s contributory employees, and any sums payable into the fund by the authority by virtue of subsection (1) of section twenty-one of this Act, and any sums payable into the fund by the authority, or the share properly attributable to them of any sums payable into the fund, in

PART I.  
—*cont.*

pursuance of an actuary's certificate given, or a scheme made, under section twenty-two of this Act.

(3) An employing authority may deduct from the remuneration payable by them to a contributory employee the contributions payable by him to the appropriate superannuation fund, and, if and so far as deductions are not made from the remuneration of a contributory employee, the appropriate administering authority may recover any contributions payable by him as a simple contract debt in any court of competent jurisdiction, or may deduct any sum remaining due on account thereof from any payment by way of superannuation allowance.

(4) A contributory employee who receives any part of his remuneration otherwise than from the employing authority shall render to that authority within one month after the first day of each financial half-year a written statement of his receipts in respect of that part of his remuneration during the preceding financial half-year, together with a statutory declaration verifying the correctness of the statement.

(5) If, in consequence of his incapacity to continue to discharge efficiently the duties of his post, a contributory employee is transferred to another post at a reduced remuneration, or otherwise suffers a reduction of remuneration, he shall be entitled to continue to contribute to the superannuation fund the like amount as if his remuneration had not been reduced.

Age of  
compulsory  
retirement.

**7.**—(1) When a contributory employee attains the age of sixty-five years, he shall cease to hold his employment :

Provided that the employing authority may with his consent extend his service for one year, or any less period, and so from time to time as they deem expedient.

(2) Notwithstanding anything in the preceding subsection, a contributory employee who had attained the age of sixty-five years before the appointed day, or who attains that age on, or within one month after, the appointed day, shall not cease by virtue of that subsection to hold his employment until the expiration of that month, and the power of the employing authority under that subsection to extend the service of an employee shall apply

also in the case of an employee to whom this subsection applies.

PART I.  
—cont.

(3) An extension of service under this section shall not entitle an employee to reckon for purposes relating to superannuation any service rendered on or after the day on which he attained the age of sixty-five years or the appointed day, whichever may be the later.

*Superannuation allowances, return of contributions and gratuities.*

8.—(1) Subject to the provisions of this Act, a contributory employee of an employing authority shall be entitled, on ceasing to be employed by them, to receive an annual superannuation allowance if he either—

Eligibility for superannuation allowance, and scale of allowances.

- (a) has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or
- (b) has attained the age of sixty years and completed forty years' service; or
- (c) has attained the age of sixty-five years and completed ten years' service.

(2) The superannuation allowance to be made to a contributory employee under this Part of this Act shall be on the following scale, that is to say :—

- (a) in respect of every completed year of contributing service, one sixtieth of his average remuneration;
- (b) in respect of every year of non-contributing service, one one-hundred-and-twentieth of his average remuneration :

Provided that—

- (i) in the case of any particular employee, the employing authority may, on his becoming entitled to a superannuation allowance, resolve that there shall be substituted for the said fraction of one one-hundred-and-twentieth any larger fraction not exceeding one sixtieth;

PART I.  
—cont.

(ii) an employee shall be entitled, if he pays a sum or sums calculated in such manner and payable at such time or times as may be prescribed, to receive in respect of any year of non-contributing service a prescribed fraction of his average remuneration larger than one one-hundred-and-twentieth but not exceeding one sixtieth.

(3) No superannuation allowance under this Part of this Act shall exceed two-thirds of the employee's average remuneration.

(4) Every superannuation allowance under this Part of this Act shall be paid out of the appropriate superannuation fund, but any extra charge resulting from any resolution passed by an employing authority under proviso (i) to paragraph (b) of subsection (2) of this section shall be repaid to the fund by that authority.

Payment of any such allowance shall be made at such intervals, not being longer than three months, as the appropriate administering authority may determine.

(5) For the purposes of this section, the average remuneration of a contributory employee means the annual average of the remuneration received by him in respect of service rendered during the five years immediately preceding the day on which he ceases to hold his employment or the day on which he attains the age of sixty-five years, whichever is the earlier:

Provided that—

- (a) the average remuneration of an employee who has attained the age of sixty-five years before the appointed day shall be calculated by reference to the five years immediately preceding the appointed day;
- (b) an employee who on a reduction of his remuneration contributed under subsection (5) of section six of this Act at his former rate, and an employee whose remuneration was reduced or suspended by reason of his absence from duty owing to ill-health or injury, shall be deemed to have received the remuneration which he would have received but for the reduction or suspension; and

PART I.  
—cont.

- (c) if a contributory employee in the whole-time employment of a single local authority becomes a contributory employee in the part-time employment of each of two or more authorities, then, if his remuneration in his whole-time employment becomes material for the purpose of calculating the superannuation allowance payable to him on his ceasing to hold one of his part-time employments, that remuneration shall for the purposes of the calculation be treated as attributable to those part-time employments and shall be apportioned between them.

(6) For the purposes of subsection (1) of this section, an employee's service shall be calculated by aggregating all periods of service.

(7) For the purposes of subsection (2) of this section—

- (a) an employee's contributing service shall be calculated by aggregating all periods of such service;
- (b) his non-contributing service shall be calculated by deducting from his service, calculated in accordance with the last preceding subsection, all completed years of contributing service; and
- (c) if his non-contributing service as so calculated includes a fraction of a year, that fraction shall, if it amounts to or exceeds six months, be treated as a year, and in any other case be disregarded.

9.—(1) The Minister 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 contributory employee who becomes entitled to a superannuation allowance under this Part of this Act on his ceasing to hold his employment otherwise than by reason of ill-health shall be allowed to surrender, as from the date on which he so ceases, in return for the benefits of the rules such part, not exceeding one-third, of the allowance as may be specified in the rules, and for enabling the appropriate administering authority to grant to the spouse of the employee a pension of such value as, according to

Allocation of part of superannuation benefits to wife or husband.

PART I.  
—cont.

tables to be prepared from time to time by the Government Actuary, is actuarially equivalent at the said date to the value of that part of the allowance which is surrendered.

(2) Any such pension as aforesaid shall be payable in respect of the period, if any, for which the spouse survives the employee.

(3) Where an employee takes advantage of the provisions of this section, subsection (4) of the last preceding section shall apply in relation to the reduced allowance and in relation to the pension granted to the spouse as if each of them were a separate superannuation allowance.

Return of  
contribu-  
tions in cer-  
tain cases.

10.—(1) A contributory employee of an employing authority who, before becoming entitled to a superannuation allowance under this Part of this Act, ceases to be employed by that authority for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund, together with compound interest thereon, calculated to the date on which he ceased to hold his employment at the rate of three per cent. per annum with half-yearly rests.

(2) A contributory employee of an employing authority who, before becoming entitled to a superannuation allowance under this Part of this Act, ceases to be employed by them by reason of his voluntary resignation, or his resignation or dismissal in consequence of inefficiency, shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund.

(3) If a contributory employee—

- (a) dies before becoming entitled to a superannuation allowance under this Part of this Act; or
- (b) having become entitled to such a superannuation allowance, dies before he has received by way thereof an amount equal to the aggregate

amount of his contributions to the appropriate superannuation fund, together with compound interest thereon calculated to the date on which he ceased to hold his employment at the rate of three per cent. per annum with half-yearly rests,

PART I.  
—*cont.*

his legal personal representatives shall be entitled to receive out of the fund, in the first-mentioned case, the aggregate amount of his contributions to the fund, together with compound interest calculated as aforesaid to the date of his death and, in the second-mentioned case, either the said aggregate amount with compound interest as aforesaid calculated to the date on which he ceased to hold his employment, or, if he has received any payment by way of superannuation allowance, the difference between the total amount which he has so received and the said aggregate amount with compound interest as aforesaid :

Provided that, where an employee so dying has become entitled to a superannuation allowance but has surrendered a part thereof in accordance with rules made under the last preceding section, he shall for the purposes of this subsection be deemed to have received by way of superannuation allowance the like amount as he would have received but for the surrender.

(4) Where a contributory employee of an employing authority ceases to be employed by them in consequence of an offence of a fraudulent character, or ceases to be employed by them in consequence of misconduct and is not entitled to a superannuation allowance under this Part of this Act, the employing authority may, if they think fit, direct the return to him out of the appropriate superannuation fund of a sum equal to the whole or a part of the aggregate amount of his contributions to the fund, or, if he ceases to be employed in consequence of an offence of a fraudulent character, the payment out of that fund of an equivalent sum to his wife or family.

(5) In this section references to the aggregate amount of an employee's contributions to a superannuation fund include references to any contributions paid by him to any superannuation fund under this Part of this Act, or under the Act of 1922, or under a local Act scheme, and any sum paid by him into a superannuation fund under a scheme in force by virtue of subsection (3) of

PART I.  
—*cont.*  
26 Geo. 5. &  
1 Edw. 8.  
c. 33.

section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or the corresponding provisions of any Act repealed by that Act, and any sum paid by him by way of an additional contributory payment, but only in so far as any such contribution or sum has not been returned to him and is attributable to service which might have been reckoned for the purposes of superannuation allowance in respect of the employment which he has ceased to hold or in which he died, as the case may be.

(6) Notwithstanding anything in the foregoing provisions of this section, no payment shall be made thereunder to an employee of a local authority who leaves their employment in order to enter the employment of another local authority in such circumstances that a transfer value is payable in respect of him under the relevant provisions of Part III of this Act.

(7) An administering authority shall be under no obligation to make any payment under subsection (1) or subsection (2) of this section before the expiration of one year from the date on which the employee in question ceases to be employed or until a claim for payment has been made to them, whichever event first occurs.

Gratuities.

11.—(1) On or after the appointed day, a local authority may grant to any employee, on his ceasing to be employed by them, a gratuity, by way either of a lump sum or of periodical payments, not exceeding, or not exceeding in the aggregate, an amount equal to twice the amount of the annual emoluments of the employment :

Provided that this subsection shall not apply in the case of a contributory employee who is entitled to a superannuation allowance.

(2) If a contributory employee of an employing authority, who has not attained the age of compulsory retirement applicable in his case, ceases to be employed by them in consequence of his being permanently incapacitated by an injury sustained by him in the actual discharge of his duty and without his own default, and specifically attributable to the nature of his duty, the authority may grant to him, subject to such conditions as they think fit, such a gratuity by way either of a lump sum



or of periodical payments as they consider reasonable having regard to all the circumstances of the case, including any statutory right to compensation or to a superannuation allowance under this Part of this Act :

PART I.  
—cont.

Provided that, in the case of a gratuity granted under this subsection by way of periodical payments, an authority shall not in any year pay to the employee in respect of the gratuity any greater sum than would, together with any statutory compensation, or superannuation allowance under this Part of this Act, receivable in that year, be equal to the amount of any superannuation allowance which might have been granted to him on his attaining the age of compulsory retirement applicable in his case if he had continued to be a contributory employee of the authority until he attained that age and had continued to be remunerated at the same rate as immediately before the date of his injury.

(3) A gratuity granted under this section shall not be paid out of the superannuation fund.

*Reckoning of service.*

12.—(1) A contributory employee shall be entitled to reckon as contributing service, in relation to the employment in respect of which he is a contributory employee,—

Reckoning of contributing and non-contributing service, war service, and service of persons indirectly employed.

- (a) service in respect of which he was required to contribute to the appropriate superannuation fund ;
- (b) in the case of a person who became a contributory employee on the appointed day, any service which immediately before that day he was entitled to reckon as contributing service for the purposes of the Act of 1922 in relation to his said employment ; and
- (c) any other service which, by virtue of any of the provisions of this Act, or of any regulations made thereunder, is to be reckoned as contributing service :

Provided that, subject to the provisions of this Act, a contributory employee shall not be entitled to reckon as contributing service any service in respect of which

PART I.  
—cont.

he has received a return of contributions under this Act or under the Act of 1922.

(2) A contributory employee of a local authority shall be entitled to reckon as non-contributing service any service which he is not entitled to reckon as contributing service.

(3) In the case of a contributory employee who left the employment of a local authority in order to serve in His Majesty's forces or the forces of the Allied or Associated Powers during the late war, the period during which he so served shall be taken into account for the purposes of the last preceding subsection as if it had been a period of service within the meaning of this Act :

Provided that no such service after the thirty-first day of December, nineteen hundred and twenty, shall be taken into account.

(4) Where a contributory employee had, under subsection (2) of section eight of the Act of 1922, paid before the appointed day part, but not the whole, of a sum in lieu of transfer value, account shall, for the purposes of the foregoing provisions of this section, be taken in the prescribed manner of the service by reference to which that sum was ascertained.

(5) For the purpose of calculating the superannuation allowance of a contributory employee employed whole-time in a single employment who has formerly served as a part-time employee, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(6) When a person who has been for a continuous period of not less than three years in the employment of an officer of a local authority, and engaged wholly or mainly in the performance of duties relating to the functions of that authority, enters or has entered the employment of that or any other local authority and is a contributory employee, there shall be taken into account in reckoning his non-contributing service so much, if any, of that period as the first authority under whom he becomes a contributory employee may, within one year from the date on which he becomes such an employee, determine.

**13.**—(1) Where a contributory employee or local Act contributor under a local authority ceases to be employed by that authority, but within twelve months after so ceasing becomes a contributory employee under another local authority—

- (a) if the first-mentioned authority are not a local Act authority, he shall be entitled to reckon as contributing service all service which in relation to his employment under them he was entitled to reckon as such immediately before he ceased to be employed by them; and
- (b) in any other case, in computing his contributing service, account shall be taken in such manner as may be prescribed of his previous service :

Provided that an employee shall not be entitled to the benefit of this subsection unless he informs the employing authority within three months of entering upon his employment under them that he has previously served in the employment of another local authority, and pays to the appropriate administering authority an amount equal to any sum which, on his ceasing to serve under that other authority, was paid to him by way of return of contributions, whether with or without interest, under this Part of this Act or the local Act scheme.

(2) Where a contributory employee under a local authority ceases to be employed by them, but within twelve months after so ceasing again becomes such an employee under them, he shall, if he repays any sum which on his so ceasing was paid to him by way of return of contributions under this Part of this Act, whether with or without interest, be entitled to reckon as contributing service the service which he was entitled to reckon as such immediately before he ceased to be employed by them.

*Provisions as to special classes of employees.*

**14.** Where one of the holders of a joint appointment under a local authority ceases to hold his appointment and the appointment of the other is thereby determined, then that other, if he is a contributory employee and has either attained the age of fifty years or completed twenty years' service, shall be entitled to

PART I.  
—cont.  
Reckoning of contributing service under two or more local authorities, or in case of re-employment by the same authority.

Holders of joint appointments.

PART I. receive a superannuation allowance according to the scale  
—cont. laid down by this Part of this Act :

Provided that this section shall not apply in the case where a joint appointment of spouses is determined in consequence of the misconduct of one of them.

Transferred  
poor law  
and rating  
employees.

**15.** The provisions of Part I of the Second Schedule to this Act shall have effect in relation to such transferred poor law employees and transferred rating employees as are therein mentioned.

Female  
nurses, mid-  
wives and  
health  
visitors.

**16.**—(1) In the case of female nurses, midwives and health visitors, being contributory employees, the age of compulsory retirement shall be sixty years instead of sixty-five years and, accordingly, throughout section seven of this Act sixty years shall be substituted for sixty-five years, and—

(a) in the application of this Part of this Act to any such employee, in paragraph (b) of subsection (1) of section eight, fifty-five years shall be substituted for sixty years and thirty years for forty years, and, in paragraph (c) of the said subsection and throughout subsection (5) of the same section and in the definition of service contained in this Act, sixty years shall be substituted for sixty-five years; and

(b) in the application of this Part of this Act to any female nurse or health visitor or any midwife not being such a midwife as is mentioned in paragraph (b) of subsection (3) of section two of the Midwives Act, 1936, in paragraph (c) of subsection (4) of section three, fifty years shall be substituted for fifty-five years :

Provided that the foregoing provisions of this subsection shall not apply to any nurse, midwife or health visitor who is employed as such on the appointed day unless within three months thereafter she gives notice in writing to the employing authority that she desires those provisions to apply to her.

(2) If a person to whom the provisions of paragraph (a) of the preceding subsection apply becomes entitled to a superannuation allowance under this Part of this Act on attaining the age of sixty years, and has not then completed forty years' service, the employing

authority may grant to her an additional annual compensatory allowance not exceeding the difference between the superannuation allowance to which she is entitled and that to which she would have been entitled if the provisions of the said paragraph had not applied to her and she had remained in the employment of the authority until she attained the age of sixty-five years receiving an annual remuneration equal to the annual average of the remuneration received by her in respect of service rendered during the five years immediately preceding the day on which she attains the age of sixty years.

PART I.  
—*cont.*

An additional compensatory allowance granted under this subsection shall not be paid out of the superannuation fund.

(3) In this section the expression "health visitor" means a woman appointed by a local authority as a whole-time employee whose duties include the visiting of women and children in their homes for the purpose of giving advice as to the nurture, care and management of young children and as to the health of expectant and nursing mothers, or the visiting of the homes of persons suffering from tuberculosis for the purpose of giving advice as to the care and hygiene of such persons and as to the measures necessary to prevent the spread of infection.

17.—(1) Notwithstanding anything in the definition of service contained in this Act or in the provisions of this Act relating to the reckoning of service, a contributory employee who, at any time before he became such an employee, was in service which is treated as recognised or contributory service under the Teachers (Superannuation) Acts, 1918 to 1937 (in this subsection referred to as the "Teachers Acts"), shall be entitled to reckon such service, if it is service in respect of which contributions were paid under the Teachers Acts, as contributing service, and in any other case as non-contributing service, but the amount receivable by him in any year in respect of superannuation allowance under this Part of this Act shall be reduced by a sum equivalent to the amount, if any, which is receivable by him in that year by virtue of the Teachers Acts, or would have been so receivable by him in that year but for any deduction made by the

Teachers.

PART I. Board of Education under section seven of the Teachers  
—cont. (Superannuation) Act, 1925 :  
15 & 16  
Geo. 5. c. 59. Provided that—

- (a) any period of such service in respect of which contributions have been repaid under the Teachers Acts shall be treated as a period of service in respect of which contributions were not paid;
- (b) in computing the reduction to be made under this subsection, account shall be taken in the prescribed manner of any sum paid or payable at any time under the Teachers Acts which was or is in the nature of a capital payment, or which represents a return of contributions in respect of a period of service which has been reckoned as contributing service in calculating the superannuation allowance payable under this Part of this Act; and
- (c) if a contributory employee has taken advantage of the provisions of section nine of this Act or of any corresponding provisions applicable in the case of teachers, the provisions of this subsection with respect to the reduction of allowances shall, in relation to him, have effect subject to such modifications as may be prescribed.

(2) Section seven of the Teachers (Superannuation) Act, 1925, shall not apply in relation to a superannuation allowance granted under this Part of this Act to such a contributory employee as is mentioned in the preceding subsection.

Employees  
of managers  
of non-  
provided  
schools.

**18.** Where a local education authority have, by a resolution passed for the purposes of subsection (2) of section three of this Act, specified an employee of the managers of a non-provided school as a contributory employee, he shall be deemed for the purposes of this Act to be in the employment of that authority :

Provided that, for the purposes of section seven of this Act (which relates to the age of compulsory retirement), the managers of the school shall be deemed to be the employing authority.

## PART I.

—cont.

19. The provisions of Part II of the Second Schedule to this Act shall have effect with respect to clerks of county councils, clerks of the peace of counties and deputy clerks of the peace of counties.

Clerks of county councils, and clerks and deputy clerks of the peace of counties.

20.—(1) On and after the appointed day, every whole-time justices' clerk shall for the purposes of this Act—

Clerks and assistant clerks to justices.

- (i) as respects each clerkship to county justices held by him, be deemed to be a contributory employee of the council of the county, unless that council are a local Act authority; and
- (ii) as respects each clerkship to borough justices held by him, be deemed to be a contributory employee of the council of the borough, unless that council are a local Act authority;

and the provisions of this Act shall have effect in relation to him as they have effect in relation to other contributory employees of the council, subject, however, to the modifications set out in Part III of the Second Schedule to this Act :

Provided that a person who on the appointed day holds a clerkship to justices may, unless immediately before that day he was subject in respect of that clerkship to the Act of 1922, by notice in writing given within three months after that day to the council of the county or borough concerned, elect that this Act shall not, during his tenure of the post, apply in relation to that clerkship.

(2) On and after the appointed day, an employee of a whole-time clerk to justices, who under the preceding subsection is, or but for an election made by him thereunder would be, deemed as respects any particular clerkship to be a contributory employee of the council of a county or borough, shall himself be deemed, as respects his employment for the purposes of that particular clerkship, to be a contributory employee of the same council, if he devotes substantially the whole of his time to assisting his employer in the discharge of functions appertaining to any clerkship or clerkships to justices held by the employer, and the provisions of this Act shall have effect in relation to him as they have effect in relation

**PART I.**  
—*cont.*

to other contributory employees of the council, subject, however, to the modifications set out in Part III of the Second Schedule to this Act.

(3) A person shall not be deemed to be a contributory employee by virtue of the foregoing provisions of this section who—

- (a) is under the age of eighteen years; or
- (b) has attained the age of fifty-five years and has not completed, and cannot before attaining the age of compulsory retirement applicable in his case complete, ten years of service.

(4) In this section and in Part III of the Second Schedule to this Act the expression “ whole-time justices’ clerk ” means a justices’ clerk who devotes substantially the whole of his time either to the duties of one or more clerkships to justices or partly to such duties and partly to duties under one or more local authorities, and for the purposes of this definition the expression “ clerkship to justices ” includes a clerkship to justices of a county or a borough, notwithstanding that the council of the county or the borough are a local Act authority.

*Management and valuation of funds.*

Manage-  
ment of  
superannua-  
tion fund,  
and use and  
investment  
of moneys.

**21.**—(1) If immediately before the appointed day an administering authority were maintaining a superannuation fund or funds under the Act of 1922, they shall close that fund or those funds and transfer any balance standing to the credit thereof to the superannuation fund to be maintained by them under this Part of this Act, and any outstanding or continuing liabilities of, or liabilities of any authority or individual to, the former fund or funds shall become liabilities of or to the latter fund.

(2) There shall be carried and credited in each year to every superannuation fund maintained under this Part of this Act—

- (a) the amounts contributed during the year by the contributory employees entitled to participate in the benefits of the fund;
- (b) the equivalent contributions payable into the fund by employing authorities;



PART I.  
—cont.

- (c) any equal annual charge or other amount payable into the fund by any employing authority by virtue of the transfer and continuance of liabilities effected by the preceding subsection;
- (d) any amounts payable into the fund in pursuance of an actuary's certificate given, or a scheme made, under the next succeeding section;
- (e) all dividends and interest arising during the year out of the investment or use of the fund or any part thereof, and any capital moneys resulting from the realisation of investments, or from the repayment of moneys used temporarily for other authorised purposes;
- (f) the amount of any transfer values, contributions towards the superannuation allowances of mental hospital employees, or additional contributory payments, received by the administering authority under this Act; and
- (g) any other sums which the administering authority may become liable to carry to the fund under this Act.

(3) If any moneys forming part of a superannuation fund maintained under this Part of this Act are not for the time being required to meet payments to be made out of the fund under this Act, the administering authority shall invest the moneys in securities in which trustees are authorised to invest, or, in lieu of such investment, may use the moneys for any purpose for which they have a statutory borrowing power, or may lend the moneys to any other employing authority contributing to the fund for use for any purpose for which that authority have a statutory borrowing power, subject to the following conditions, that is to say:—

- (a) interest shall be paid to the fund on any moneys so used and for the time being not repaid at such rate per cent. per annum as may be determined by the administering 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; and

PART I.  
—cont.

- (b) the statutory borrowing power for the purpose of which the moneys are so used 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.

Actuary's  
certificates  
and  
periodical  
valuation of  
superannu-  
ation fund.

**22.**—(1) As soon as may be after the passing of this Act, a local authority who are to be an administering authority, and are not maintaining a superannuation fund under the Act of 1922, shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the superannuation fund to be maintained by them under this Part of this Act during a period not exceeding forty years from the appointed day in order that the fund may be solvent, and as to the part, if any, of such amount which is attributable to any other employing authority whose employees are to be contributory employees entitled to participate in the benefits of the fund.

(2) As soon as may be after the appointed day, an administering authority who were maintaining a superannuation fund under the Act of 1922 shall obtain from an actuary a certificate as to the amount, if any, by which any sum payable annually into the superannuation fund maintained by them under this Part of this Act as a result of the transfer and continuance of liabilities effected by subsection (1) of the last preceding section should be increased on account of the burden to be imposed on that fund as from the appointed day by, or under, the provisions of this Act :

Provided that an administering authority need not take action under this subsection if their fund will under the next succeeding subsection be valued as at some date not later than the thirty-first day of March, nineteen hundred and forty, or if they satisfy the Minister that such action is for any other reason unnecessary.

(3) Every administering authority shall—

(a) if they were maintaining a superannuation fund or funds under the Act of 1922—

(i) upon, or at any time before, the expiration of a period of five years from the end of the financial year comprising the date as at which that fund, or the earliest date as at which any of those funds, was last valued under the Act of 1922; or

PART I.  
—cont.

- (ii) if there has been no such valuation under the Act of 1922, upon, or at any time before, the expiration of a period of five years from the end of the financial year comprising the date on which that fund, or the earliest date on which any of those funds, was established;
- (b) if they were not maintaining a superannuation fund under the Act of 1922, upon, or at any time before, the expiration of the financial year ending on the thirty-first day of March, nineteen hundred and forty-four; and
- (c) in all cases, upon the expiration of any period of five years from the end of the financial year comprising the date as at which the fund was last valued under this Act,

obtain from an actuary within the prescribed period an actuarial valuation of, and a report on, the assets and liabilities of the fund in such form and containing such information as may be prescribed.

Every valuation under this subsection shall be a valuation as at the end of a financial year.

(4) An administering authority may at any other time obtain a valuation and report under this section.

(5) An administering authority shall, forthwith upon receipt of any valuation or report under this section, send a copy thereof to the Minister.

(6) Where by any valuation and report under this section a deficiency or a disposable surplus is disclosed, the administering authority shall, within three months after receiving the valuation and report, make a scheme for making good the deficiency or, as the case may require, for disposing of the surplus.

#### *General.*

**23.** A superannuation allowance or gratuity, or a pension to a spouse, granted under this Part of this Act shall be payable to, or in trust for, the person to whom it is granted, and shall not be assignable or chargeable with his debts or other liabilities.

Allowances,  
&c. not  
assignable.

**24.** A contributory employee who is dismissed or resigns, or otherwise ceases to hold his employment, in consequence of an offence of a fraudulent character or of

Forfeiture  
of rights in  
certain  
cases.

**PART I.** grave misconduct shall forfeit all claim to any rights  
—*cont.* under this Part of this Act in respect of his previous  
service.

Adaptation  
to this Act  
of certain  
provisions  
of local  
Acts and  
of provisions  
of certain  
schemes.

**25.**—(1) Where a local Act or statutory order in force in the area of a local authority contains provisions amending, supplementing, modifying or adapting the provisions of the Act of 1922 in its application to that authority, the authority may make a scheme for continuing in force and applying to this Act, with any necessary modifications and adaptations, such of those provisions of the local Act or statutory order as the authority desire to preserve notwithstanding the repeal by this Act of the Act of 1922.

A scheme made by an authority under this subsection shall be submitted to the Minister within six months from the passing of this Act.

16 & 17  
Geo. 5. c. 51.

(2) Where a scheme made under section twenty-four of the Act of 1922 (whether by a local authority, or by a Joint Electricity Authority by virtue of section thirty-three of the Electricity (Supply) Act, 1926), or under subsection (3) of section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or the corresponding provisions of any Act repealed by the last-mentioned Act, contains provisions modifying or adapting the provisions of the Act of 1922 in its application to an authority, the scheme shall continue in force subject to such modifications and adaptations as the authority may, with the approval of the Minister, determine to be necessary for making it applicable to this Act.

## PART II.

### SUPERANNUATION OF EMPLOYEES OF LOCAL ACT AUTHORITIES.

Modifica-  
tion or re-  
placement  
of local Act  
superannua-  
tion  
schemes.

**26.**—(1) A local Act authority shall, not later than twelve months before the appointed day, make a scheme for modifying their local Act scheme so as to secure that on and after the appointed day—

(a) the following persons shall, subject to the provisions of this section and to the provisions of Part III of this Act relating to officers appointed

in a temporary capacity, be entitled to participate in the benefits of their superannuation fund, that is to say—

PART II.  
—*cont.*

(i) every whole-time officer of the authority ;

(ii) every registration officer acting in or for a district in relation to which they discharge registration functions ;

(iii) every person in their employment on the appointed day who was immediately before that day subject as a transferred poor law employee to the Act of 1896, and every person who ceased before the appointed day to be so subject but, on or after the appointed day and within twelve months from the date on which he so ceased, enters their employment ;

(iv) every person in their employment on the appointed day who was immediately before that day subject as a transferred rating employee to the Act of 1896 ; and

(v) every transferred poor law employee who is at any time, without a disqualifying break of service, in their employment after having been subject to another local Act scheme with the benefit of such provisions as are mentioned in the next succeeding paragraph, or after having been a contributory employee with the benefit of the provisions of paragraph 3 of Part I of the Second Schedule to this Act ;

- (b) so far as is reasonably practicable, the benefits of their superannuation fund shall be so adapted in relation to such persons as are mentioned in sub-paragraphs (ii) to (v) of the last preceding paragraph that they shall enjoy rights not substantially less favourable, and be subject to liabilities not substantially more onerous, than those which they would enjoy, and to which they would be subject, if they were in the employment of an employing authority under Part I of this Act ;
- (c) a person who becomes subject to their local Act scheme, after being a contributory employee or local Act contributor under another local authority, shall, in respect of the reckoning

PART II.  
—*cont.*

of previous service, enjoy, so far as is reasonably practicable, rights substantially similar to those which he would enjoy as a contributory employee of a local authority whose employment he had entered after being a contributory employee of another local authority; and

(d) due provision is made for any consequential or incidental matters.

(2) The following persons shall not be entitled to the benefit of the preceding subsection, that is to say, a person who—

(a) is such a person as is mentioned in Part II of the First Schedule to this Act;

(b) is under the age of eighteen years or, as the case may be, such other age as is, in accordance with the local Act scheme or the practice of the authority, the minimum age for entry into superannuable service; or

(c) has attained such an age that he cannot under the provisions (if any) of the local Act scheme or the practice of the authority, relating to qualifying periods of service and the age of compulsory retirement, become entitled to a superannuation allowance :

Provided that paragraph (c) of this subsection shall not have effect in relation to such persons as are mentioned in sub-paragraphs (ii) to (v) of paragraph (a) of the preceding subsection or such a midwife as is mentioned in paragraph (b) of subsection (3) of section two of the Midwives Act, 1936.

(3) A scheme made by an authority under subsection (1) of this section may provide that any provisions of their local Act scheme or any practice of the authority, relating to medical examination of employees or prospective employees, shall (unless the authority otherwise determine) continue to have effect in relation to such persons as are mentioned in paragraph (a) of the said subsection (1), not being such persons as are mentioned in sub-paragraphs (ii) to (v) of that paragraph.

(4) A local Act authority may, by a statutory resolution, determine to substitute the provisions of Part I of this Act and a superannuation fund maintained thereunder for their local Act scheme, and, if

they so determine, shall make a scheme for giving effect to their resolution, and shall include in the scheme such modifications and adaptations of this Act as may be required and such consequential and incidental provisions, including provisions for the transfer of their local Act superannuation fund and the liabilities thereof and for protecting adequately the rights and interests of the various parties interested in the local Act scheme, as they may think necessary.

PART II.  
—cont.

### PART III.

#### MISCELLANEOUS AND GENERAL PROVISIONS.

**27.**—(1) Every registration officer shall be deemed, for the purposes of this Act and of any local Act scheme, to be an officer in the employment of the local authority discharging registration functions in relation to the district in or for which the officer acts :

Registration  
officers.

Provided that nothing in this Act shall affect any power of the Registrar-General to remove a registration officer from office.

(2) The provisions of Part IV of the Second Schedule to this Act shall have effect with respect to such registration officers as are therein mentioned.

**28.** The provisions of Part V of the Second Schedule to this Act shall have effect with respect to such mental hospital employees as are therein mentioned.

Mental  
hospital  
employees.

**29.**—(1) Where a contributory employee or local Act contributor under a local authority ceases to be employed by them, but within twelve months after so ceasing becomes a contributory employee or a local Act contributor under another local authority, then, unless the superannuation fund concerned is the same in the case of both employments, a transfer value calculated in the prescribed manner shall be payable by the authority maintaining the fund relating to the former employment to the authority maintaining the fund relating to the latter employment.

Payment of  
transfer  
values.

(2) Such a transfer value as aforesaid shall also be payable, unless only one superannuation fund is concerned, where a contributory employee or local Act contributor in the whole-time employment of a single local authority ceases to be so employed by them

PART III.  
—cont.

and becomes a contributory employee or local Act contributor in their part-time employment and a contributory employee or local Act contributor in the part-time employment of another local authority.

Whole-time  
officers  
appointed  
in a tem-  
porary  
capacity.

**30.**—(1) Where a whole-time officer of a local authority, being an authority specified in Part I of the First Schedule to this Act, has been, on or after or within two years before the appointed day, appointed to a post in their employment in a temporary capacity for a period of not more than two years, then, notwithstanding anything in the foregoing provisions of this Act but subject to the following provisions of this section, he shall not, by virtue of being a whole-time officer, become a contributory employee or local Act contributor under that authority unless the authority at any time otherwise resolve :

Provided that nothing in this subsection shall have effect in relation to any employee of an authority who has been in their employment for a period (whether continuous or not) of two years or has been at any time subject to the Act of 1896 or subject to the Act of 1922 or a contributory employee or a local Act contributor.

(2) Where a whole-time officer of a local authority who, by virtue of the preceding subsection, has not become a contributory employee or local Act contributor has been in the employment of that authority or of any other authority specified in Part I of the First Schedule to this Act for a period (whether continuous or not) of two years, then, on the expiration of that period, if he would but for the provisions of the preceding subsection be a contributory employee or local Act contributor under the authority in whose employment he is, he shall, by virtue of this subsection, thereupon become a contributory employee or local Act contributor, as the case may be, under the last-mentioned authority.

(3) If a whole-time officer of a local authority who, by virtue of subsection (1) of this section, has not become a contributory employee or local Act contributor ceases to be employed by them and within twelve months after so ceasing becomes a whole-time officer of another local authority, being an authority specified in Part I of the First Schedule to this Act, then, if at that time or later he becomes, by virtue of the last preceding subsection or otherwise, a contributory employee or local



Act contributor under that other local authority, a transfer value calculated in the prescribed manner shall, unless the superannuation fund concerned is the same in the case of both employments, be payable by the authority maintaining the fund relating to the former employment to the authority maintaining the fund relating to the latter employment.

PART III.  
—cont.

**31.**—(1) If a person entitled to a superannuation allowance under Part I of this Act, other than an allowance payable to him in respect of service rendered without a disqualifying break of service as a designated employee and a contributory employee, proposes to accept further employment with any local authority, he shall inform that authority that he is so entitled and, if he enters their employment, shall forthwith give notice in writing that he is so employed to the authority from whom he receives the allowance.

Reduction of superannuation allowance during re-employment and adjustment of rights thereafter.

(2) In any such case as aforesaid, the superannuation allowance shall, so long as the employee holds his new employment, be reduced in such manner as may be prescribed, and, if in that employment he is a contributory employee or local Act contributor, then, on his ceasing to hold that employment, he shall be entitled, notwithstanding anything in the definition of service contained in this Act or in the provisions of this Act relating to the reckoning of service, or, as the case may be, notwithstanding any corresponding definition in, or provisions of, the local Act scheme, to such rights in respect of superannuation benefits as may be prescribed.

**32.** As from the appointed day—

- (a) the Poor Law Officers' Superannuation Act, 1896, shall cease to apply to any transferred poor law employee or transferred rating employee;
- (b) the Superannuation (Metropolis) Act, 1866, shall cease to have effect, except in so far as its provisions have been applied by other enactments:

Part repeal of 59 & 60 Vict. c. 50 and 29 & 30 Vict. c. 31.

Provided that—

- (i) nothing in this section shall affect the power of an authority or body to whom

PART III.  
—cont.

the said Act of 1866 applies to grant an allowance in accordance with the provisions of that Act to a servant who was in their employment on the appointed day and who, without having become a contributory employee or local Act contributor, ceases to hold his employment under them;

52 & 53 Vict.  
c. 63.

- (ii) without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, nothing in this section shall affect the rights of any person who has before the appointed day become entitled to a superannuation allowance under the said Act of 1896 or been granted an allowance under the said Act of 1866.

Amendment  
of 26 Geo. 5.  
& 1 Edw. 8.  
c. 33, s. 28  
(3).

**33.**—(1) Subsection (3) of section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which relates to the modification of existing superannuation schemes), shall have effect as if—

- (a) for the words “after giving persons affected by the proposed scheme or their representatives an opportunity of objecting” there were substituted the words “after satisfying himself that persons affected by the proposed scheme or their representatives have had an opportunity of objecting”;
- (b) after the words “confirm the scheme” there were inserted the words “either with or without modifications”; and
- (c) at the end of the subsection there were inserted the following paragraph:—

“A scheme confirmed under the provisions of this subsection may be revoked or amended by a subsequent scheme submitted and confirmed in like manner as the original scheme.”

(2) For the purposes of the said subsection (3), this Act shall be deemed to be such a public general Act as is therein referred to.

**34.**—(1) Where a Joint Electricity Authority have before the appointed day adopted the provisions of the Act of 1922 by virtue of section thirty-three of the Electricity (Supply) Act, 1926, this Act shall have effect in relation to the Authority as if the Authority were a local authority required to maintain a superannuation fund under Part I of this Act, and, in relation to any employee of the Authority (including an employee who had become subject as an officer or servant to the Act of 1922), as if the Authority were a local authority not being either a local authority specified in Part I of the First Schedule to this Act or a local Act authority.

PART III.  
—cont.  
Central  
Electricity  
Board and  
Joint  
Electricity  
Authorities.

(2) As from the appointed day there shall be substituted for the said section thirty-three, so far as it extends to England, the following section :—

“ 33. The Board, or a Joint Electricity Authority whose district is situate wholly or partly in England, may (without prejudice in the case of any such Authority to the provisions contained in subsection (2) of section eight of the Electricity (Supply) Act, 1919) adopt the provisions of Part I of the Local Government Superannuation Act, 1937, and, if they do so, that Act shall have effect in relation to the Board or Authority as if they were a local authority required to maintain a superannuation fund under Part I of that Act, and, in relation to any employee of the Board or Authority, as if the Board or Authority were a local authority within the meaning of that Act not being either a local authority specified in Part I of the First Schedule thereto or a local Act authority within the meaning of that Act.”

(3) If, at the date when a Joint Electricity Authority adopt the provisions of Part I of this Act, they have in force a superannuation scheme made under subsection (2) of section eight of the Electricity (Supply) Act, 1919, they shall forthwith make a scheme making such modifications and adaptations of this Act in its application to them and to their employees, and containing such consequential and incidental provisions, including provisions for the transfer of their existing superannuation fund and the liabilities thereof and for protecting adequately

9 & 10  
Geo. 5. c.100.

**PART III.** the rights and interests of persons interested in the  
—*cont.* original scheme, as they think necessary.

Decision of  
questions,  
and appeals  
to the  
Minister.

**35.** Any question concerning the rights or liabilities of an employee of a local authority, or of a person claiming to be treated as such an employee, under any of the provisions of Part I or this Part of this Act, or any regulations made under this Act, shall be decided in the first instance by the authority concerned, and if the employee is dissatisfied with any such decision or with the authority's failure to come to a decision, shall be determined by the Minister, and the Minister's determination shall be final :

Provided that the Minister may at any stage of the proceedings on the reference to him, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

Schemes,  
rules and  
regulations.

**36.**—(1) A scheme made under this Act shall be of no effect unless it has been approved by the Minister, and the Minister may approve any such scheme either with or without modifications.

Before approving any such scheme, the Minister shall consult with such organisations as are in his opinion representative of the interests concerned.

(2) Where any such scheme is so approved, this Act and any other Act affected by the scheme shall have effect subject to the provisions of the scheme.

(3) The Minister may extend the time within which any scheme under this Act may be or is to be made or submitted.

(4) If a local authority or other body required by this Act to make a scheme fail to make and submit to the Minister a scheme satisfactory to him within six months from the time when the requirement takes effect, or within such further period as the Minister may allow, the Minister may himself make a scheme, and a scheme so made by him shall have effect as if it were a scheme made by the authority or other body concerned and approved by him.

(5) Subject to the provisions of this Act, a scheme made under this Act may be amended by a subsequent scheme :

Provided that, if the original scheme was made by the Minister, it may be amended either by a scheme made by him or by a scheme made by the authority or other body concerned and approved by him.

(6) The Minister may make regulations for prescribing anything which under this Act is to be prescribed, and with respect to such administrative action to be taken by local authorities as is mentioned in the Third Schedule to this Act.

(7) Any scheme approved, and any regulation, rule or scheme made, by the Minister under this Act shall be laid forthwith 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 before the expiration of that period praying that the scheme, regulation or rule 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 scheme, regulation or rule :

Provided that, in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses are adjourned for more than four days.

37. Nothing in this Act shall affect the operation of paragraph 8 of the Sixth Schedule to the Rating and Valuation Act, 1925, or of paragraph 11 of the Eighth Schedule to the Local Government Act, 1929 (which relate to certain cases of compensation for loss of office), or of any corresponding provisions in any other Act, or any statutory order or statutory scheme.

Saving for certain provisions relating to compensation for loss of office.  
15 & 16 Geo. 5. c. 90.  
19 & 20 Geo. 5. c. 17.

38.—(1) If the Secretary of State and the Minister are satisfied that the provisions of any Act for the time being in force in Scotland with respect to the superannuation of employees of local authorities are substantially similar to the provisions of this Act, they may make regulations with respect to the rights and liabilities of a person who leaves the employment of a local authority within the meaning of the Scottish Act and enters the employment of a local authority within the meaning of this Act, or leaves the employment of a local authority within the meaning of this Act and enters the employment of a local authority within the meaning of the Scottish

Reciprocal arrangements between England and Scotland.

PART III. Act, and with respect to the rights and liabilities of the  
—cont. local authorities concerned.

(2) The provisions of subsection (7) of section thirty-six of this Act shall apply in relation to regulations made under this section as they apply in relation to regulations made by the Minister.

Transitional  
provisions.

**39.**—(1) The provisions of sections thirteen and twenty-nine of this Act with respect to contributory employees who cease to be employed by a local authority but become contributory employees under another local authority, or again become such employees under the same authority, shall also have effect in the case of a designated employee who ceased before the appointed day to be subject to the Act of 1922, but, on or after the appointed day and within twelve months after so ceasing, becomes a contributory employee.

(2) In the case of any such designated employee as aforesaid, references in any of the said provisions to contributions returned under Part I of this Act, and to service which may be reckoned as contributing service under that Part, shall be construed as including references to contributions returned under the Act of 1922 and service which might be reckoned as contributing service under that Act.

(3) If in calculating the amount of a superannuation allowance to be granted to a contributory employee, being also a designated employee, it is necessary to take account of his remuneration in respect of any period of service rendered before the appointed day, his remuneration in respect of that period shall not be taken to be less than the amount of the remuneration by reference to which he contributed in respect of that period to a superannuation fund maintained under the Act of 1922.

Inter-  
pretation.

**40.**—(1) In this Act, unless the context otherwise requires—

“ Act ” includes a local Act ;

“ Act of 1896 ” means the Poor Law Officers’ Superannuation Act, 1896 ;

“ Act of 1922 ” means the Local Government and other Officers’ Superannuation Act, 1922 ;

“ actuary ” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland ;

PART III.  
—cont.

- “ additional contributory payment ” means a payment or repayment made either under this Act or under the Act of 1922 or under a local Act scheme, as a condition of being entitled to reckon any service, either as service generally or as service of a particular character, or a payment made for the purposes of proviso (ii) to paragraph (b) of subsection (2) of section eight of this Act;
- “ administering authority ” has the meaning assigned to it by section one of this Act;
- “ admission agreement ” means an agreement made under subsection (3) of section five of the Act of 1922;
- “ admitting authority ” means the local authority who under an admission agreement have admitted employees of another employing authority to participate in the benefits of the superannuation fund maintained by the first-mentioned authority;
- “ appointed day ” means the first day of April, nineteen hundred and thirty-nine;
- “ combination scheme ” means a scheme of combination under subsections (1) and (2) of section five of the Act of 1922 or under section two of this Act;
- “ contributing service ” in relation to any person means service which he is entitled to reckon as contributing service in accordance with the provisions of section twelve of this Act;
- “ contributory employee ” has the meaning assigned to it by section three of this Act;
- “ designated employee ” means a person who before the appointed day had been, or had been treated by a local authority as being, an officer or servant to whom the Act of 1922 applied;
- “ disqualifying break of service ” in relation to any person means a continuous period of twelve months or longer during no part of which he was a contributory employee or local Act contributor or subject to the Act of 1922;

PART III.  
—cont.

- “employee” means an employee whether permanent or temporary, but does not include a person whose employment is of a casual nature;
- “employing authority” has the meaning assigned to it by section one of this Act;
- “employment” includes office;
- “equivalent contribution” has the meaning assigned to it by section six of this Act;
- “local Act” includes a provisional order confirmed by Parliament;
- “local Act authority” has the meaning assigned to it by section one of this Act;
- “local Act contributor” means a person in the employment of a local Act authority who on or after the appointed day is entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme;
- “local Act scheme” has the meaning assigned to it by section one of this Act;
- “local authority” means the council of a county, county borough, metropolitan borough or county district, the common council of the City of London, and any other local authority within the meaning of the Local Loans Act, 1875, and includes a joint committee established by a combination scheme, and any other joint committee appointed under an Act, or a statutory order or statutory scheme, if all the constituent authorities are such local authorities as aforesaid;
- “mental hospital employee” means such a person as is mentioned in paragraph 1 of Part II of the First Schedule to this Act;
- “Minister” means the Minister of Health;
- “non-contributing service” in relation to any person means service which he is entitled to reckon as non-contributing service in accordance with the provisions of section twelve of this Act;
- “officer” means an employee as to whom either of the following conditions is satisfied, that is to say:—
- (a) that his duties are wholly or mainly administrative, professional or clerical; or

38 & 39 Vict.  
c. 83.



(b) that his remuneration is at a rate greater than two hundred and fifty pounds per annum and that he is not an employed contributor within the meaning of the National Health Insurance Act, 1936;

PART III.  
—cont.  
26 Geo. 5. &  
1 Edw. 8.  
c. 32.

- “part-time officer” means an officer other than a whole-time officer;
- “prescribed” means prescribed by regulations made by the Minister;
- “registration officer” means a superintendent registrar or registrar of births and deaths, and includes a registrar of births and deaths exercising any of the functions of a registrar of marriages and a person appointed by a local authority to act as a deputy superintendent registrar or deputy registrar of births and deaths;
- “remuneration” means all salary, wages, fees, poundage and other payments paid or made to an employee as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime, or any allowance paid to him to cover cost of office accommodation or clerks’ assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment;
- “servant” means an employee who is not an officer;
- “service” means service rendered to any local authority after attaining the age of eighteen years and before attaining the age of sixty-five years, and includes, in the case of a contributory employee who first became subject to provision for superannuation on the appointed day and had then attained the age of sixty-five years, service rendered after attaining that age and before the appointed day, but does not include service in any employment if the person in question has already become entitled in respect of that service in that employment to a superannuation allowance under this or any other Act;
- “statutory order” means an order, rule, or regulation made under an enactment;

PART III.  
—cont.

“ statutory resolution ” means, in relation to a local authority, a resolution passed in the manner in which an ordinary resolution of the authority may be passed, except that twenty-eight days’ notice of the meeting at which the resolution is passed, and of the terms of the resolution and of the fact that it is to be proposed at that meeting, must have been given in the manner in which notice for convening ordinary meetings of the authority may be given ;

“ transferred poor law employee ” means a person who, by virtue of his employment under a poor law authority, was transferred by the Local Government Act, 1929, to the employment of the council of a county, county borough or metropolitan borough, or of the common council of the City of London, and includes a registration officer who, for superannuation purposes, was under that Act deemed to be a person so transferred ;

“ transferred rating employee ” means a person who, by reason of his holding such an office, or performing such duties, as are mentioned in subsection (1) or subsection (2) of section forty-eight of the Rating and Valuation Act, 1925, was transferred by or under that Act to the employment of a rating authority or assessment committee, and includes a person who, by reason of his holding a similar office or performing similar duties, had previously been transferred by the corresponding provisions of some local Act to the employment of a local authority ;

“ whole-time officer ” means, in relation to any local authority, an officer who devotes substantially the whole of his time to their employment, and includes an officer who is employed by them for a part only of his time but devotes substantially the whole of the rest of his time to employment by one or more other local authorities.

(2) Unless the context otherwise requires, references in this Act to employees of a local authority include references to persons who are deemed for the purposes of this Act to be in the employment of the authority, and other provisions relating to employment by or under a local authority shall be construed accordingly.

(3) Where an employee holds under a local authority two or more separate employments of such a nature that he can cease to hold one without ceasing to hold the other or others, the provisions of this Act shall, unless the context otherwise requires, apply as respects him in relation to each of those separate employments as if the other or others were an employment or employments held by him under another authority.

PART III.  
—cont.

41.—(1) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed as from the appointed day to the extent specified in the third column of that Schedule.

Repeals and  
construction  
of refer-  
ences.

(2) References in the Local Government and Civil Service (Superannuation) Rules, 1936, and the Unemployment Assistance Board (Superannuation) Rules, 1935, to persons who are, or to persons who were, subject to the Local Government and other Officers' Superannuation Act, 1922, or to that Act as modified by section one hundred and twenty-four of the Local Government Act, 1929, shall be construed—

- (a) in the case of references to persons who are so subject, as references to persons who are contributory employees under Part I of this Act, and
- (b) in the case of references to persons who were so subject, as including references to persons who were contributory employees under Part I of this Act.

42.—(1) This Act may be cited as the Local Government Superannuation Act, 1937.

Short title  
and extent.

(2) Section thirty-eight of this Act shall extend to Scotland but, save as aforesaid, this Act shall not extend to Scotland nor shall it extend to Northern Ireland.

(3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, apply to the Isles of Scilly, but except as so applied this Act shall not apply to the said Isles.

The Minister may by order from time to time amend any order previously made under this subsection.

## SCHEDULES.

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Sections 1, 3,  
26, 30, 34,  
40.

### FIRST SCHEDULE.

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#### PART I.

##### LOCAL AUTHORITIES WHOSE WHOLE-TIME OFFICERS ARE TO BE COMPULSORILY SUPERANNUABLE.

The council of a county, county borough, metropolitan borough or county district.

The common council of the City of London.

A joint board or joint committee appointed under any Act, or any statutory order or statutory scheme, if all the constituent authorities are such councils as aforesaid.

A joint committee established by a combination scheme.

An assessment committee.

Any other local authority as respects whom the Act of 1922 was in operation immediately before the appointed day.

#### PART II.

##### EMPLOYEES NOT BECOMING CONTRIBUTORY EMPLOYEES OR LOCAL ACT CONTRIBUTORS.

20 & 21  
Geo. 5. c. 23.  
8 & 9  
Geo. 5. c. 33.

1. A person employed in and in the service of an institution within the meaning of the Mental Treatment Act, 1930, or in and in the service of a certified institution for defectives within the meaning of the Asylums and Certified Institutions (Officers Pensions) Act, 1918, not being a person who was immediately before the appointed day subject to the Act of 1896.

15 & 16  
Geo. 5. c. 47.

2. A person who is a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925, whether or not the provisions of that Act have effect in relation to him.

3. A chaplain who is a person to whom the Clergy Pensions Measures, 1926 to 1936, apply.

4. A person who is in service which is contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1937.

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SECOND SCHEDULE.

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PROVISIONS AS TO SPECIAL CLASSES OF EMPLOYEES.

PART I.

TRANSFERRED POOR LAW EMPLOYEES AND TRANSFERRED RATING  
EMPLOYEES.

1. In this Part of this Schedule—

the expression “local authority” means a local authority other than a local Act authority; and

the expression “the Act of 1929” means the Local Government Act, 1929.

Sections 3,  
15, 26.

2. A transferred poor law employee who—

(a) was on the appointed day in the employment of a local authority and, having remained subject to the Act of 1896 by virtue of the Act of 1929, was immediately before that day still subject to the Act of 1896; or

(b) having remained subject to the Act of 1896 by virtue of the Act of 1929, ceased before the appointed day to be so subject but, on or after the appointed day and within twelve months after he so ceased, and without having become in the interval subject to the Act of 1922, enters the employment of a local authority; or

(c) having remained subject as a registration officer to the Act of 1896 by virtue of the Act of 1929, ceased before the appointed day to be so subject, but was on the appointed day in office as a registration officer,

shall, by virtue of this paragraph, become a contributory employee on the appointed day or (as the case may be) when he enters as aforesaid the employment of a local authority, and be a contributory employee whenever he is, without a disqualifying break of service, in the employment of any local authority.

3. While any such person as aforesaid is a contributory employee by virtue of the last preceding paragraph, Part I of this Act shall, in its application to him, have effect subject to the following modifications, that is to say:—

(a) any service before the date when he first became subject to that Part which immediately before the appointed day, or, as the case may be, immediately before the earlier date when he ceased to be subject to the Act of 1896, would have been treated as service for the purposes of that Act shall be treated as contributing service, and

2ND SCH.  
—cont.

contributions paid under that Act shall, for the purposes of the provisions of Part I of this Act relating to the return of contributions, be treated as having been paid under that Part of this Act :

Provided that this sub-paragraph, so far as it relates to the reckoning of service, shall not apply in relation to any such person as is mentioned in sub-paragraph (b) or sub-paragraph (c) of the last preceding paragraph who on the date when he first became subject to Part I of this Act was a registration officer ;

- (b) subsection (5) of section twelve shall not apply ; and
- (c) the percentage of his remuneration which shall be payable by way of contribution to the appropriate superannuation fund shall be—
  - (i) if on the date when he first became subject to Part I of this Act he had completed less than ten years of service which would have been treated as service for the purposes of the Act of 1896, two and one-half per cent. ;
  - (ii) if on the said date he had completed ten years, but less than twenty years, of such service as aforesaid, three per cent. ; and
  - (iii) if on the said date he had completed twenty years of such service as aforesaid, three and one-half per cent.

4.—(1) A transferred poor law employee who was on the appointed day in the employment of a local authority and who, having become subject to the Act of 1922 by virtue of the Act of 1929, was immediately before the appointed day still subject to the Act of 1922 by virtue of the Act of 1929 or of a scheme made under section twenty-four thereof, shall, by virtue of this paragraph, be a contributory employee until he ceases to be in the employment of that local authority.

(2) In its application to—

- (a) any such person as is mentioned in the preceding sub-paragraph ; and
- (b) any transferred poor law employee who, having become subject to the Act of 1922 by virtue of the Act of 1929, ceased before the appointed day to be so subject to the Act of 1922, but, on or after the appointed day and within twelve months after he so ceased, and without having become in the interval subject to the Act of 1922 otherwise than by virtue of the Act of 1929, becomes a contributory employee ; and
- (c) any transferred poor law employee who, having become subject as a registration officer to the Act of 1922 by

virtue of the Act of 1929, ceased before the appointed day to be so subject, but is on the appointed day in office as a registration officer,

2ND SCH.  
—cont.

Part I of this Act shall, whenever the employee in question is without a disqualifying break of service a contributory employee, have effect subject to the modifications set out in the next succeeding paragraph.

5. The modifications referred to, in the case of a person to whom the last preceding paragraph applies, are—

- (a) any service before the date when he first became subject to Part I of this Act which immediately before the appointed day, or, as the case may be, immediately before the earlier date when he ceased to be subject to the Act of 1922, would have been treated as contributing service for the purposes of that Act shall be treated as contributing service, and contributions paid under that Act shall, for the purposes of the provisions of Part I of this Act relating to the return of contributions, be treated as having been paid under that Part of this Act :

Provided that this sub-paragraph, so far as it relates to the reckoning of service, shall not apply in relation to any such person as is mentioned under head (b) or head (c) of sub-paragraph (2) of the last preceding paragraph who on the date when he first became subject to Part I of this Act was a registration officer ;

- (b) subsection (5) of section twelve shall not apply ; and  
(c) the percentage of his remuneration which shall be payable by way of contribution to the appropriate superannuation fund shall be the same as the percentage of his salary or wages which he was required to contribute while he was subject to the Act of 1922 by virtue of the Act of 1929.

6. A transferred rating employee who was on the appointed day in the employment of a local authority and who, having remained subject to the Act of 1896 as a transferred rating employee, was immediately before the appointed day still subject to the Act of 1896 by virtue of any Act or statutory order shall, by virtue of this paragraph, be a contributory employee until he ceases to be in the employment of that local authority and, while he is in their employment, Part I of this Act shall, in its application to him, have effect subject to the following modifications, that is to say :—

- (a) any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as contributing service, and contributions paid under that Act shall, for the purposes of the provisions of Part I of this Act relating to the

2ND SCH.  
—cont.

return of contributions, be treated as having been paid under that Part of this Act;

- (b) subsection (5) of section twelve shall not apply; and
- (c) the percentage of his remuneration which shall be payable by way of contribution to the appropriate superannuation fund shall be—

(i) if on the appointed day he had completed less than ten years of service which would have been treated as service for the purposes of the Act of 1896, two and one-half per cent. as respects so much of his remuneration as is remuneration for duties corresponding to the duties in respect of which he was, immediately before the appointed day, subject to the Act of 1896;

(ii) if on the appointed day he had completed ten years, but less than twenty years, of such service as aforesaid, three per cent. as respects so much of his remuneration as aforesaid; and

(iii) if on the appointed day he had completed twenty years of such service as aforesaid, three and one-half per cent. as respects so much of his remuneration as aforesaid,

and in all cases five per cent. as respects the balance, if any, of his remuneration.

7. A transferred rating employee who was on the appointed day in the employment of a local authority and who, having remained subject to the Act of 1896 by virtue of the Rating and Valuation Act, 1925, subsequently became subject to the Act of 1922 by virtue of an order made under section fifty-one of the Rating and Valuation Act, 1925, and was, immediately before the appointed day, still subject to the Act of 1922 with the benefit of the order, shall, by virtue of this paragraph, be a contributory employee until he ceases to be in the employment of that local authority, and, while he is in their employment, Part I of this Act shall, in its application to him, have effect subject to the following modifications, that is to say :—

- (a) any service before the appointed day, as well under the Act of 1896 as under the Act of 1922, which would have been treated as contributing service for the purposes of the Act of 1922, shall be treated as contributing service;
- (b) subsection (5) of section twelve shall not apply;
- (c) the percentage of his remuneration which shall be payable by way of contribution to the appropriate superannuation fund shall be the same as the percentage of his salary or



wages which he was required to contribute while he was subject to the Act of 1922; and

2ND SCH.  
—cont.

- (d) contributions paid under the Act of 1896, as well as contributions paid under the Act of 1922, shall, for the purposes of the provisions of Part I of this Act relating to the return of contributions, be treated as having been paid under that Part of this Act.

8. A transferred poor law employee who became subject to a local Act scheme by virtue of sub-paragraph (iii) of paragraph (a) of subsection (1) of section twenty-six of this Act shall, by virtue of this paragraph, be a contributory employee whenever he is, without a disqualifying break of service, in the employment of any local authority, and Part I of this Act shall, in its application to him, while he is such an employee, have effect subject to the following modifications, that is to say:—

- (a) contributions paid under the Act of 1896 shall, for the purposes of the provisions of Part I of this Act relating to the return of contributions, be treated as having been paid under that Part of this Act;
- (b) subsection (5) of section twelve shall not apply; and
- (c) the percentage of his remuneration which shall be payable by way of contribution to the appropriate superannuation fund shall be the same as the percentage of his remuneration which he was required to contribute while he was subject as aforesaid to the local Act scheme.

9. If, when any such person as is mentioned in the foregoing provisions of this Part of this Schedule last ceased to be subject to a statutory provision for superannuation, a payment was made to him under that provision by way of return of contributions, whether with or without interest, none of the modifications specified in the said foregoing provisions shall apply in relation to him unless he pays to the appropriate administering authority a sum equal to the sum so paid to him.

## PART II.

Section 19.

### CLERKS OF COUNTY COUNCILS, CLERKS OF THE PEACE OF COUNTIES AND DEPUTY CLERKS OF THE PEACE OF COUNTIES.

A. The following provisions shall have effect as respects every clerk of the peace and county council appointed before the passing of the Local Government (Clerks) Act, 1931 (hereafter in this Part of this Schedule referred to as "the Act of 1931") :—

21 & 22  
Geo. 5. c. 45.

1. The provisions of this Act, except as provided by the next succeeding paragraph, shall not apply, and the provisions of subsection (2) of section nine of the Act of 1931 shall continue to apply, in relation to any such clerk.

2ND SCH.  
—cont.

2. The provisions of subsections (1) and (2) of section nine of this Act, relating to allocation of superannuation benefits, shall have effect in relation to a superannuation allowance granted under subsection (2) of section nine of the Act of 1931 as they have effect in relation to a superannuation allowance granted under Part I of this Act.

B. The following provisions shall have effect as respects every clerk of a county council, not being a local Act authority, appointed after the passing of the Act of 1931, and whether before, or on or after, the appointed day :—

1. The provisions of section seven of this Act shall not apply in relation to any such clerk, but no contribution shall be made by or in respect of him to the appropriate superannuation fund in respect of any period during which his service has been extended beyond the age of sixty-five years, either under subsection (2) of section four of the Act of 1931 or under subsection (3) of section one hundred of the Local Government Act, 1933.

23 & 24  
Geo. 5. c. 51.

2. If any such clerk also holds office as clerk of the peace of the county, his remuneration as clerk of the county council shall, for the purposes of determining the amount of the contributions to be paid by and in respect of him, and of calculating the amount of any superannuation allowance payable to him, under the provisions of Part I of this Act, be deemed to be increased by an amount equal to his salary as clerk of the peace (including any payments made to him as such for his own use) so, however, that, if any such person holds the office of clerk of the peace after having been dismissed from the office of clerk of the county council, any superannuation allowance payable to him while he so holds the office of clerk of the peace shall be of such amount only as would have been payable to him if this paragraph had not been applicable in his case.

3. If any such clerk also holds office as clerk of the peace of the county, and is by reason of his voluntarily resigning the office of clerk of the peace deemed under the provisions of the Act of 1931 thereby to vacate the office of clerk of the county council, then, for the purposes of this Act, he shall be deemed voluntarily to have resigned the office of clerk of the county council.

4. If immediately before the appointed day the superannuation rights of any such clerk were regulated by Part I of the First Schedule to the Act of 1931, then, on his becoming a contributory employee under this Act,—

- (a) he shall be entitled to reckon as contributing service under this Act any contributing service within the meaning of the Act of 1931 which he was entitled to reckon immediately before the appointed day ;

- (b) contributions paid by him under Part I of the First Schedule to the Act of 1931 shall, for the purposes of the provisions of Part I of this Act relating to the return of contributions, be treated as having been paid under that Part of this Act;
- (c) the county council shall pay out of the county fund to the superannuation fund maintained under Part I of this Act such a sum as may, on the next valuation of the fund, be certified by the actuary to be appropriate in respect of the transfer of liability.

2ND SCH.  
—cont.

C. The following provisions shall have effect as respects certain deputy clerks of the peace of counties :—

If a contributory employee of a county council also holds office as deputy clerk of the peace of the county, his remuneration as an employee of the council shall, for the purpose of determining the amount of the contributions to be paid by and in respect of him, and of calculating the amount of any superannuation allowance payable to him, under the provisions of this Act, be deemed to be increased by an amount equal to his remuneration as deputy clerk of the peace :

Provided that—

- (a) if any such person holds the office of deputy clerk of the peace after having ceased to hold his employment in the service of the county council, any allowance payable to him while he so holds the office of deputy clerk of the peace shall be of such amount only as would have been payable to him if this paragraph had not been applicable to him; and
- (b) if any such person resigns, or is dismissed from, the office of deputy clerk of the peace, then, if he continues in the service of the county council, the provisions of Part I of this Act relating to the return of contributions shall apply to him as if in the office of deputy clerk of the peace he had been an employee of the county council, but the sum payable to him thereunder shall be a sum equal to the amount by which the contributions paid by and in respect of him have been increased by reason of this paragraph, and this paragraph shall not apply for the purpose of calculating any superannuation allowance payable to him on his ceasing to hold his employment under the county council.

2ND SCH.  
—cont.

## Section 20.

## PART III.

## CLERKS AND ASSISTANT CLERKS TO JUSTICES.

The modifications subject to which this Act applies to certain justices' clerks and certain employees of such clerks are as follows:—

- (a) subsection (3) of section three and subsections (5) and (6) of section twelve shall not apply;
- (b) for the purposes of section seven, each bench of justices whom a clerk serves shall as respects his clerkship to them be deemed to be the employing authority, and, in the case of an employee of a clerk, the clerk acting with the consent of each bench of justices whom he serves shall be deemed to be the employing authority;
- (c) for the purposes of the following provisions, that is to say, proviso (i) to paragraph (b) of subsection (2) of section eight, subsection (4) of section ten, and section eleven, each bench of justices whom the person in question, or his employer, serves shall as respects the clerkship to them or employment for the purposes of that clerkship be deemed to be the employing authority (or, as the case may be, the local authority), but, if the council concerned are dissatisfied at any action taken by the justices under any of those provisions, they may appeal against it to the Secretary of State, whose decision shall be final;
- (d) the remuneration of any such justices' clerk shall be taken to be the salary and other payments paid or made to him as such and retained by him for his own use, after deducting the amount of any salaries or other sums paid by him to persons employed by him in connection with his duties as such clerk, and after deducting the amount of any office expenses;
- (e) in the case of an employee whose employer holds two or more clerkships to justices, the employer shall from time to time apportion the employee's remuneration between those clerkships, but, if any council concerned are dissatisfied at the apportionment, they may appeal against it to the Secretary of State, whose decision shall be final;
- (f) any payments to be made in respect of any such clerk or employee, not being payments which are payable out of the superannuation fund, shall be paid out of the county fund or, as the case may be, out of the general rate fund of the borough;
- (g) in relation to a clerk or an employee of a clerk, or a person who is at any time a contributory employee otherwise than by virtue of section twenty of this Act after being

a contributory employee by virtue of that section, the expression "service" includes, in addition to any service within the meaning assigned to that expression by Part III of this Act, any service rendered after attaining the age of eighteen years and before attaining the age of sixty-five years, either as a whole-time justices' clerk, or as an employee of a clerk to justices, being in the latter case service during which the employee devoted substantially the whole of his time to assisting his employer in the discharge of functions appertaining to any clerkship or clerkships to justices held by the employer; and

2ND SCH.  
—cont.

- (h) in the case of a clerk or an employee who, immediately before the appointed day, was subject to the Act of 1922 by virtue of a local Act or an order made by the Secretary of State under a local Act, the rate of contribution to be paid by him shall be five per cent. of his remuneration, and he shall be entitled to reckon as contributing service for the purposes of this Act any service which, immediately before the appointed day, he was entitled to reckon as contributing service for the purposes of the Act of 1922, and this Act shall have effect in relation to him subject to such other modifications, if any, as the Secretary of State may deem it necessary by order to make for the purpose of securing that his position under this Act shall be substantially as favourable to him as was his position under the Act of 1922, as applied to him by the local Act or original order.

#### PART IV.

Section 27.

##### REGISTRATION OFFICERS.

1. The following provisions of this Part of this Schedule shall, in lieu of any other provisions of this Act or of any local Act scheme (including any definition of "service" contained in this Act or in the scheme), have effect with respect to the reckoning of service rendered as a registration officer before the appointed day by a registration officer who—

- (a) was first appointed as such after the thirty-first day of March, nineteen hundred and thirty, and before the appointed day; or
- (b) by virtue of the Local Government Act, 1929, remained subject as a registration officer to the Act of 1896, or became subject as such to the Act of 1922, but ceased before the appointed day to be so subject,

and who, in either case, either is in office as a registration officer on the appointed day, or, having ceased to hold office before the

2ND SCH.  
—cont.

appointed day is, on or after the appointed day and within twelve months from the date on which he so ceased, re-appointed as a registration officer.

2. For the purposes of Part I of this Act and of any local Act scheme—

- (a) if any special provision contained in a local Act is applicable to the reckoning of any such service as is mentioned in the preceding paragraph, account shall be taken of that service in accordance with that provision; and
- (b) in any other case, account shall be taken of any such service in such manner and subject to such terms and conditions, including conditions as to the making of payments by an employee or a local authority, as may be prescribed.

Section 28.

## PART V.

### MENTAL HOSPITAL EMPLOYEES.

9 Edw. 7.  
c. 48.

1. In this Part of this Schedule the expression "the Act of 1909" means the Asylums Officers' Superannuation Act, 1909, as extended by any subsequent enactment.

2.—(1) Where a mental hospital employee, being an established officer or servant within the meaning of the Act of 1909, ceases to be employed as such, or so ceased before the appointed day, but, on or after the appointed day and within twelve months after so ceasing, becomes a contributory employee or local Act contributor under the same or another local authority—

- (a) account shall be taken in the prescribed manner of his previous service as an officer or servant employed in a permanent capacity within the meaning of the Act of 1909 and of any other previous service with any local authority;
- (b) if he becomes entitled to receive a superannuation allowance under Part I of this Act or under the local Act scheme, the body by which he was employed as a mental hospital employee shall, out of the fund out of which his remuneration was paid, contribute annually to the superannuation fund maintained by the appropriate administering authority or the local Act authority, as the case may be, a sum calculated in such manner as may be prescribed by way of contribution towards the allowance, and that body shall have the like right of contribution, if any, under the proviso to section twelve of the Act of 1909 as if that sum constituted a payment by way of superannuation allowance awarded by that body to the employee; and

- (c) if he becomes entitled to a return of contributions under Part I of this Act or under the local Act scheme, he shall be entitled to receive from the bodies concerned the aggregate amount of his contributions under the Act of 1909.

2ND SCH.  
—cont.

(2) If an employee mentioned in the preceding sub-paragraph has received a return of contributions under the Act of 1909, then, unless he repays those contributions, the preceding sub-paragraph shall not apply in relation to him and, notwithstanding anything in the definition of service contained in this Act, he shall not be entitled to reckon for the purposes of Part I of this Act any service rendered by him as an officer or servant employed in a permanent capacity within the meaning of the Act of 1909.

3.—(1) The following provisions of this paragraph apply in relation to—

- (a) a contributory employee or local Act contributor under a local authority who ceases to be employed as such by them, or
- (b) a designated employee who had ceased before the appointed day to be subject to the Act of 1922,

but, on or after the appointed day and within twelve months after so ceasing, becomes an established officer or servant within the meaning of the Act of 1909 as a mental hospital employee.

(2) If a person mentioned in the preceding sub-paragraph repays any sum paid to him by way of return of contributions, whether with or without interest, under Part I of this Act or under the local Act scheme or under the Act of 1922—

- (a) account shall be taken for the purposes of the Act of 1909 in the prescribed manner of his previous service with any local authority;
- (b) the administering authority appropriate in relation to the authority whose employment he ceased to hold, or the local Act authority, as the case may be, shall pay out of their superannuation fund to the body under which he becomes a mental hospital employee a transfer value ascertained in the prescribed manner; and
- (c) if he becomes entitled to a return of contributions under the Act of 1909, there shall be included in the aggregate amount of his contributions under that Act so much of the said transfer value as represents contributions or additional contributory payments paid or made by him under Part I of this Act or under the local Act scheme or under the Act of 1922.

2ND SCH.  
—cont.

4. Where the fund out of which the remuneration of a mental hospital employee was or is paid by the body under which he was or becomes such an employee is not the fund out of which superannuation allowances are paid to such employees, the foregoing provisions of this Part of this Schedule shall have effect subject to such modifications as may be prescribed.

Section 36  
(6).

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### THIRD SCHEDULE.

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#### ADMINISTRATIVE ACTION OF LOCAL AUTHORITIES AS RESPECTS WHICH REGULATIONS MAY BE MADE.

1. For determining which of their employees will on the appointed day become contributory employees or local Act contributors, for making returns for the purposes of subsection (1) of section one of this Act, and for notifying to their existing employees and to employees subsequently appointed or promoted whether they become contributory employees or local Act contributors.

2. For ascertaining which of their employees are officers and which are servants, and what rate of contribution is applicable in the case of any particular employee.

3. For ascertaining and recording for the purposes of this Act the service which any person who on the appointed day is, or who at any subsequent date becomes, a contributory employee or a local Act contributor is entitled to reckon, and the class of service into which it falls.

4. For securing early decisions upon any questions which may fall to be determined affecting the rights or liabilities of any employee.

5. For regulating the relations and financial arrangements between an administering authority and any other local authority interested in the superannuation fund maintained by the administering authority.

6. For the exchange of information in advance of the appointed day, and thereafter from time to time, between local authorities with regard to the matters aforesaid.

7. For transmitting to any other local authority, whose employment a contributory employee, or a local Act contributor,



enters, particulars as to his past service and rates of remuneration, the contributions paid by him and any sum paid by way of return of contributions.

3RD SCH.  
—cont.

8. Generally, for the purpose of carrying into effect the provisions of this Act.

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**FOURTH SCHEDULE.**

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Section 41.

**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo. 5. c. 59.	The Local Government and other Officers' Superannuation Act, 1922.	The whole Act.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	Section fifty-one.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In paragraph (g) of section eighteen, the word "superannuation." In section one hundred and twenty-two, the words from "and for the purpose" to the end of the section. In section one hundred and twenty-four, subsection (1) and paragraph (a) of subsection (2).
21 & 22 Geo. 5. c. 45.	The Local Government (Clerks) Act, 1931.	In section four, subsection (4). In section nine, subsection (1). Section ten. The First Schedule.

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## CHAPTER 69.

An Act to make further and better provision with respect to the payment of superannuation allowances and gratuities by local authorities and certain statutory undertakers in Scotland, and with respect to the persons entitled to participate in the benefits of a local authority's superannuation fund or scheme, and for purposes connected with the matters aforesaid. [30th July 1937.]

**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.

#### SUPERANNUATION OF EMPLOYEES OF LOCAL AUTHORITIES NOT BEING LOCAL ACT AUTHORITIES.

##### *Superannuation Funds and contributors thereto.*

Superannuation funds.

1.—(1) As from the appointed day, a superannuation fund shall, subject to the provisions of this section, be maintained for the purposes of this Part of this Act by each of the following bodies, that is to say :—

- (a) the council of any county or large burgh and any joint county council who have on the day six months before the appointed day fifty or more employees who, according to a return made by the council of the county or large burgh, or the joint county council, as the case may be, to the Secretary of State for the purposes of this subsection, will be contributory employees for the purposes of this Part of this Act;
- (b) every joint committee established by an amalgamation scheme for the time being in force; and
- (c) every joint committee established by a combination scheme for the time being in force.

(2) The preceding subsection shall not apply to any local authority specified therein who—

PART I.  
—cont.

- (a) not having adopted the Act of 1922, maintain a superannuation fund under a local Act; or
- (b) were immediately before the appointed day a party (otherwise than in the capacity of an admitting authority) to an admission agreement; or
- (c) are a constituent authority under an amalgamation scheme;

and shall cease to apply to any local authority specified therein who become a constituent authority under a combination scheme, or who, under subsection (3) of section four of this Act, transfer their superannuation fund in accordance with directions of the Secretary of State to another authority.

(3) Every council of a county or large burgh or joint county council not being a council to which paragraph (a) of subsection (1) of this section applies shall jointly in the case of such a council of a large burgh with the council of the county in which the large burgh is situated, and in the case of such a council of a county or of such a joint county council with the councils of one or more counties, make and submit to the Secretary of State a scheme (in this Act referred to as an "amalgamation scheme") for the purpose of maintaining a joint superannuation fund.

(4) The following provisions shall have effect with regard to amalgamation schemes :—

- (a) an amalgamation scheme shall provide for the administration of the fund by a joint committee and for making any modifications in this Part of this Act which appear to the constituent authorities to be necessary or expedient for the purpose of applying this Part of this Act to an amalgamation of authorities, and may contain such supplemental and consequential provisions as appear to them to be necessary or expedient;
- (b) subsection (4) of section thirty-one of this Act shall in its application to an amalgamation

PART I.  
 —cont.

scheme have effect as if for the words “ within “ six months from the time when the require- “ ment takes effect ” there were substituted the words “ by a date not later than three months before the appointed day ”;

- (c) an amalgamation scheme may be revoked by a resolution passed by the joint committee concerned and approved by the Secretary of State after consultation with the constituent authorities, and the Secretary of State may give all such directions as he deems necessary for the purpose of enabling any of the constituent authorities to become an administrative authority or to enter into any other amalgamation and for the transfer of the joint fund and the liabilities thereof, and with respect to other consequential matters.

(5) For the purpose of subsection (1) of this section, the employees of the council of a small burgh or of a district council who will be contributory employees for the purposes of this Part of this Act shall be counted as employees of the council of the county within which the small burgh or district is situated, who will be contributory employees for the purposes of this Part of this Act, and shall be included in any return required to be made by such county council to the Secretary of State under that subsection, and the council of a small burgh or the district council shall furnish to such county council such information as may be necessary for the purpose of enabling them to make such return.

(6) In this Act—

- (a) a body which is for the time being required to maintain a superannuation fund under this Part of this Act is referred to as an “ administering authority ”;
- (b) a council mentioned in Part I of the First Schedule to this Act who, not having adopted the Act of 1922, maintain a superannuation fund under a local Act are referred to as a “ local Act authority ”, and the superannuation scheme which they administer is referred to as a “ local Act scheme ”;

- (c) the authority or other body in whose service a contributory employee is, are, in relation to him, referred to as the "employing authority"; and
- (d) the superannuation fund maintained under this Part of this Act in the benefits of which a contributory employee is entitled to participate is, in relation to him and to the employing authority referred to as "the appropriate superannuation fund," and, in relation to him and to the employing authority and to that fund the local authority maintaining the fund are referred to as "the appropriate administering authority."

PART I.  
—cont.

2.—(1) Any two or more administering authorities may enter into combination for the purpose of maintaining a joint superannuation fund under this Part of this Act in accordance with the terms of a combination scheme made by them.

Combina-  
tion  
schemes.

(2) A combination scheme shall provide for the administration of the fund by a joint committee, and shall contain such supplemental and consequential provisions as appear to the constituent authorities to be necessary or expedient for the purpose of applying the provisions of this Act to a combination of authorities.

(3) Any joint committee established by a combination scheme under section five of the Act of 1922, being a combination scheme all the parties to which are councils of counties or large burghs, shall, not less than twelve months before the appointed day, submit to the Secretary of State either a new combination scheme to take effect in lieu of the existing scheme or a scheme for making such modifications in the combination scheme as appear to them to be necessary for bringing it into accordance with the provisions of this Part of this Act and continuing it in force as a scheme made under this section. Any other combination scheme made under section five of the Act of 1922, being a scheme any of the parties to which are not such councils as aforesaid, shall as from the appointed day be revoked, and the Secretary of State may give all such directions as he deems necessary for the transfer of the joint superannuation fund and the liabilities

PART I.  
—*cont.*

thereof, and with respect to other consequential and other incidental matters.

(4) A combination scheme may be amended by a subsequent scheme made by the joint committee concerned and approved by the Secretary of State after consultation with the constituent authorities.

(5) A combination scheme may be revoked by a resolution passed by the joint committee concerned and approved by the Secretary of State after consultation with the constituent authorities, and the Secretary of State may give all such directions as he deems necessary for the transfer of the joint superannuation fund and the liabilities thereof, and with respect to other consequential and incidental matters.

(6) A joint committee established by a combination scheme may sue and be sued in the name of their clerk.

Contributory employees.

**3.**—(1) On and after the appointed day all such persons as are mentioned in the next succeeding subsection shall, subject to the provisions of this section and to the provisions of Part III of this Act relating to officers appointed in a temporary capacity, be entitled to participate in the benefits of the appropriate superannuation fund maintained under this Part of this Act, and persons so entitled shall, unless they are such persons as are mentioned in the proviso to subsection (1) of section six of this Act, contribute to that fund in accordance with the provisions of that section.

In this Act, the expression “contributory employee” means a person who is for the time being entitled to participate in the benefits of such a superannuation fund, notwithstanding that he may be such a person as is mentioned in the said proviso.

(2) The persons referred to in the preceding subsection are—

(a) every whole-time officer of a local authority specified in Part I of the First Schedule to this Act who are not a local Act authority;

(b) every servant or part-time officer of such a local authority as aforesaid who belongs to a class or description which the authority have by a statutory resolution specified as a class or

description the members of, or persons falling within, which are to be contributory employees;

PART I.  
—cont.

- (c) every officer or servant of a local authority, not being either a local authority specified in Part I of the said First Schedule or a local Act authority, whom the authority have by a statutory resolution specified as a contributory employee;
- (d) every other person who on the appointed day was in the employment of a local authority not being a local Act authority and who immediately before that day held a post in virtue of which he was, or was being treated as being, subject to the Act of 1922, but so long only as he continues without any break of service in the employment of that authority, whether in the same post or in some other post.

(3) A person who becomes a contributory employee under a local authority shall continue to be a contributory employee so long as he continues without any break of service in the employment of that authority, whether in the same post or in some other post.

(4) The following persons shall not become contributory employees by virtue of the foregoing provisions of this section, that is to say, a person who—

- (a) is such a person as is mentioned in Part II of the First Schedule to this Act;
- (b) is under the age of eighteen years; or
- (c) has attained the age of fifty-five years and has not completed, and cannot before attaining the age of compulsory retirement applicable in his case complete, ten years of service.

4.—(1) The appropriate superannuation fund in relation to the contributory employees of an employing authority shall, where that authority are an administering authority, or are a constituent authority under a combination or amalgamation scheme for the time being in force, or were immediately before the appointed day a party to an admission agreement made with an admitting authority, be the fund maintained by the employing authority or, as the case may be, by the joint committee or by the authority who were the admitting authority.

Funds to which contributions are payable.

PART I.  
—*cont.*

(2) In any case not falling within the preceding subsection, the appropriate superannuation fund in relation to the contributory employees of an employing authority shall be the superannuation fund maintained by the council of the county or large burgh within which the area of the employing authority, or the greater part of the area of that authority, is situate, or, as the case may be, the superannuation fund maintained under the combination or amalgamation scheme to which the council of such county or large burgh are parties :

Provided that, if the council of the county or, as the case may be, of the large burgh are a local Act authority, or if the Secretary of State on an application made to him before the appointed day is satisfied, after consultation with the authorities appearing to him to be concerned, that it is expedient so to do, he may order that the contributory employees of any particular employing authority shall be entitled to participate in the benefits of the superannuation fund maintained by some other administering authority.

(3) If at any time the Secretary of State is satisfied that the number of contributory employees entitled to participate in the benefits of the fund maintained by an administering authority is and is likely to remain below fifty, he may order that those contributory employees shall be entitled to participate in the benefits of the superannuation fund maintained by such other administering authority as he may, after consultation with the authorities appearing to him to be concerned, determine, and the Secretary of State shall include in his order directions for the transfer of the superannuation fund of the first-mentioned authority and such other incidental and consequential directions as he may deem necessary.

Power to admit employees of statutory undertakers, and registration officers.

5.—(1) If application for the purpose is made to an administering authority by undertakers exercising any of their powers within the area of the authority under any Act or statutory order, the authority may, on such terms and conditions as they think fit and with the approval of the Secretary of State, admit any employee of the undertakers to participate in the benefits of the superannuation fund maintained by the authority, and, in that event, this Act shall have effect in relation to the undertakers and any employee so admitted as if the undertakers were a local authority and the employee were a



contributory employee, and the undertakers shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved by the Secretary of State.

PART I.  
—cont.

(2) An admission agreement made under paragraph (b) of subsection (3) of section five of the Act of 1922 and in force immediately before the appointed day shall, notwithstanding the repeal of that Act, continue in force as if made under the foregoing subsection, subject, however, to such modifications and adaptations as the parties concerned may, with the approval of the Secretary of State, determine to be necessary for bringing it into accordance with the provisions of this Part of this Act.

(3) In relation to any person who immediately before the appointed day was subject to the Act of 1922 by virtue of such an admission agreement as is mentioned in the last preceding subsection, this Act shall, on and after the appointed day, have effect as if he were a contributory employee.

(4) In the foregoing subsections of this section the expression "undertakers" includes the governing body of a central institution as defined in section thirty-four of the Education (Scotland) Act, 1908, and the managers of an approved school as defined in section one hundred and ten of the Children and Young Persons (Scotland) Act, 1937.

8 Edw. 7.  
c. 63.

1 Edw. 8. &  
1 Geo. 6.  
c. 37.

(5) Where a local authority, being a local authority as defined in the Maternity Services (Scotland) Act, 1937, have made arrangements under subsection (1) of section one of that Act with a voluntary association for the employment of certified midwives by that association, the provisions of subsection (1) of this section shall apply in relation to that association and to midwives employed as aforesaid as they apply in relation to statutory undertakers and to employees of those undertakers.

1 Edw. 8. &  
1 Geo. 6.  
c. 30.

(6) A registration officer shall, if the council of the county or large burgh within which the whole or the greater part of the registration area of such officer is situate by statutory resolution so determine, be entitled to participate in the benefits of the appropriate superannuation fund and in that event the provisions of this Act shall

PART I.  
—cont.

have effect in relation to such council and such registration officer as if he were a contributory employee of such council :

Provided that, where the area of any such registration officer is situate within the area of the councils of one or more counties or large burghs, the sums payable by an employing authority in respect of an officer's participation in a superannuation fund shall be paid by such councils in such proportions as they may agree or, failing agreement, as may be determined by the Secretary of State.

(7) No registration officer, who has attained the age of fifty-five years, shall become a contributory employee under this section unless he has completed ten years of service or it is possible for him to complete ten years of service before attaining the age of compulsory retirement applicable in his case.

(8) This Act shall not apply to any registrar of births, deaths and marriages holding office at the appointed day, if within one month after such appointed day he gives notice in writing to the council of the county or large burgh within which the whole or the greater part of his registration area is situate, that he so desires.

Contribu-  
tions.

6.—(1) Subject to the provisions of this Act, a contributory employee of an employing authority shall, at such intervals as the administering authority may determine, contribute to the appropriate superannuation fund—

(a) an amount equal to five per cent. of his remuneration under that employing authority, in the case of—

(i) an officer being a designated employee who, without a disqualifying break of service, is at any time a contributory employee ;

(ii) a servant ;

(b) an amount equal to six per cent. of such remuneration as aforesaid, in the case of an officer not being such an officer as aforesaid :

Provided that a contributory employee who has attained the age of sixty-five years, or who, immediately before becoming such an employee, was by virtue of subsection (3) of section fifteen of the Act of 1922 exempted

from liability to contribute under that section, shall not contribute under this subsection.

PART I.  
—cont.

(2) An employing authority shall contribute to the appropriate superannuation fund in each year a sum (in this Act referred to as “ the equivalent contribution ”) equal in amount to the sum which during the year has been contributed to the fund by the authority’s contributory employees, and any sums payable into the fund by the authority by virtue of subsection (1) of section seventeen of this Act, and any sums payable into the fund by the authority, or the share properly attributable to them of any sums payable into the fund, in pursuance of an actuary’s certificate given, or a scheme made, under section eighteen of this Act.

(3) An employing authority may deduct from the remuneration payable by them to a contributory employee the contributions payable by him to the appropriate superannuation fund, and, if and so far as deductions are not made from the remuneration of a contributory employee, the appropriate administering authority may recover any contributions payable by him in any court of competent jurisdiction, or may deduct any sum remaining due on account thereof from any payment by way of superannuation allowance.

(4) A contributory employee who receives any part of his remuneration otherwise than from the employing authority shall render to that authority within one month after the first day of each financial half-year a written statement of his receipts in respect of that part of his remuneration during the preceding financial half-year, together with a statutory declaration verifying the correctness of the statement.

(5) If in consequence of his incapacity to continue to discharge efficiently the duties of his post, a contributory employee is transferred to another post at a reduced remuneration, or otherwise suffers a reduction of remuneration, he shall be entitled to continue to contribute to the superannuation fund the like amount as if his remuneration had not been reduced.

7.—(1) When a contributory employee attains the age of sixty-five years, he shall cease to hold his employment :

Age of  
compulsory  
retirement.

PART I.  
—cont.

Provided that the employing authority may with his consent extend his service for one year or any less period and so from time to time as they deem expedient.

(2) Notwithstanding anything in the preceding subsection, a contributory employee who had attained the age of sixty-five years before the appointed day, or who attains that age on or within one month after the appointed day, shall not cease by virtue of that subsection to hold his employment until the expiration of that month, and the power of the employing authority under that subsection to extend the service of an employee shall apply also in the case of an employee to whom this subsection applies.

(3) An extension of service under this section shall not entitle an employee to reckon for purposes relating to superannuation any service rendered on or after the day on which he attained the age of sixty-five years or the appointed day, whichever may be the later.

*Superannuation allowances, return of contributions  
and gratuities.*

Eligibility  
for super-  
annuation  
allowance,  
and scale  
of allow-  
ances.

8.—(1) Subject to the provisions of this Act, a contributory employee of an employing authority shall be entitled, on ceasing to be employed by them, to receive an annual superannuation allowance if either—

- (a) he has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or
- (b) he has attained the age of sixty years and has completed forty years' service; or
- (c) he has attained the age of sixty-five years and has completed ten years' service.

(2) The superannuation allowance to be made to a contributory employee under this Part of this Act shall be on the following scale, that is to say :—

- (a) in respect of every completed year of contributing service, one sixtieth of his average remuneration ;

- (b) in respect of every year of non-contributing service, one one-hundred-and-twentieth of his average remuneration :

Provided that—

(i) in the case of any particular employee, the employing authority may, on his becoming entitled to a superannuation allowance, resolve that there shall be substituted for the said fraction of one one-hundred-and-twentieth any larger fraction not exceeding one sixtieth ;

(ii) an employee shall be entitled, if he pays a sum or sums calculated in such manner and payable at such time or times as may be prescribed, to receive in respect of any year of non-contributing service a prescribed fraction of his average remuneration larger than one one-hundred-and-twentieth but not exceeding one sixtieth.

(3) No superannuation allowance under this Part of this Act shall exceed two-thirds of the employee's average remuneration.

(4) Every superannuation allowance under this Part of this Act shall be paid out of the appropriate superannuation fund, but any extra charge resulting from any resolution passed by an employing authority under proviso (i) to paragraph (b) of subsection (2) of this section shall be repaid to the fund by that authority.

Payment of any such allowance shall be made at such intervals, not being longer than three months, as the appropriate administering authority may determine.

(5) For the purposes of this section, the average remuneration of a contributory employee means the annual average of the remuneration received by him in respect of service rendered during the five years immediately preceding the day on which he ceases to hold his employment or the day on which he attains the age of sixty-five years, whichever is the earlier :

Provided that—

- (a) the average remuneration of an employee who has attained the age of sixty-five years

PART I.  
 —cont.

before the appointed day shall be calculated by reference to the five years immediately preceding the appointed day; and

- (b) an employee who on a reduction of his remuneration contributed under subsection (5) of section six of this Act at his former rate, and an employee whose remuneration was reduced or suspended by reason of his absence from duty owing to ill-health or injury, shall be deemed to have received the remuneration which he would have received but for the reduction or suspension; and
- (c) if a contributory employee in the whole-time employment of a single local authority becomes a contributory employee in the part-time employment of each of two or more authorities, then, if his remuneration in his whole-time employment becomes material for the purpose of calculating the superannuation allowance payable to him on his ceasing to hold one of his part-time employments, that remuneration shall for the purposes of the calculation be treated as attributable to those part-time employments and shall be apportioned between them.

(6) For the purposes of subsection (1) of this section, an employee's service shall be calculated by aggregating all periods of service.

(7) For the purposes of subsection (2) of this section—

- (a) an employee's contributing service shall be calculated by aggregating all periods of such service;
- (b) his non-contributing service shall be calculated by deducting from his service, calculated in accordance with the last preceding subsection, all completed years of contributing service; and
- (c) if his non-contributing service as so calculated includes a fraction of a year, that fraction shall, if it amounts to or exceeds six months, be treated as a year, and in any other case be disregarded.

9.—(1) The Secretary of State 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 contributory employee who becomes entitled to a superannuation allowance under this Part of this Act on his ceasing to hold his employment otherwise than by reason of ill-health shall be allowed to surrender, as from the date on which he so ceases, in return for the benefits of the rules such part, not exceeding one-third, of the allowance as may be specified in the rules, and for enabling the appropriate administering authority to grant to the spouse of the employee a pension of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the allowance which is surrendered.

(2) Any such pension as aforesaid shall be payable in respect of the period, if any, for which the spouse survives the employee.

(3) Where an employee takes advantage of the provisions of this section, subsection (4) of the last preceding section shall apply in relation to the reduced allowance and in relation to the pension granted to his spouse as if each of them were a separate superannuation allowance.

10.—(1) A contributory employee of an employing authority who, before becoming entitled to a superannuation allowance under this Part of this Act, ceases to be employed by that authority for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of an offence of a fraudulent character or in consequence of misconduct or inefficiency, shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund, together with compound interest thereon, calculated to the date on which he ceased to hold his employment at the rate of three per cent. per annum with half-yearly rests.

(2) A contributory employee of an employing authority who, before becoming entitled to a superannuation allowance under this Part of this Act, ceases

PART I.  
—cont.  
Allocation of part of superannuation benefits to wife or husband.

Return of contributions in certain cases.

PART I.  
 —cont.

to be employed by them by reason of his voluntary resignation or his resignation or dismissal in consequence of inefficiency, shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund.

(3) If a contributory employee—

(a) dies before becoming entitled to a superannuation allowance under this Part of this Act; or

(b) having become entitled to such a superannuation allowance, dies before he has received by way thereof an amount equal to the aggregate amount of his contributions to the appropriate superannuation fund, together with compound interest thereon calculated to the date on which he ceased to hold his employment at the rate of three per cent. per annum with half-yearly rests;

his legal personal representatives shall be entitled to receive out of the fund, in the first-mentioned case, the aggregate amount of his contributions to the fund, together with compound interest calculated as aforesaid to the date of his death and, in the second-mentioned case, either the said aggregate amount with compound interest as aforesaid calculated to the date on which he ceased to hold his employment, or, if he has received any payment by way of superannuation allowance, the difference between the total amount which he has so received and the said aggregate amount with compound interest as aforesaid :

Provided that, where an employee so dying has become entitled to a superannuation allowance but has surrendered a part thereof in accordance with rules made under the last preceding section, he shall for the purposes of this subsection be deemed to have received by way of superannuation allowance the like amount as he would have received but for the surrender.

(4) Where a contributory employee of an employing authority ceases to be employed by them in consequence of an offence of a fraudulent character, or ceases to hold it in consequence of misconduct and is not entitled to a



superannuation allowance under this Part of this Act, the employing authority may, if they think fit, direct the return to him out of the appropriate superannuation fund of a sum equal to the whole or a part of the aggregate amount of his contributions to the fund, or, if he ceased to be employed in consequence of an offence of a fraudulent character, the payment out of that fund of an equivalent sum to his wife or family.

PART I.  
—cont.

(5) In this section references to the aggregate amount of an employee's contributions to a superannuation fund include references to any contributions paid by him to any superannuation fund under this Part of this Act, or under the Act of 1922, or under a local Act scheme, and any sum paid by him into a superannuation fund under a scheme in force by virtue of subsection (3) of section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or the corresponding provisions of any Act repealed by that Act, and any sum paid by him by way of additional contributory payment, but only in so far as any such contribution or sum has not been returned to him, and is attributable to service which might have been reckoned for the purposes of superannuation allowance in respect of the employment which he has ceased to hold or in which he died, as the case may be.

26 Geo. 5. &  
1 Edw. 8.  
c. 33.

(6) Notwithstanding anything in the foregoing provisions of this section, no payment shall be made thereunder to an employee of a local authority who leaves their employment in order to enter the employment of another local authority in such circumstances that a transfer value is payable in respect of him under the relevant provisions of Part III of this Act.

(7) An administering authority shall be under no obligation to make any payment under subsection (1) or subsection (2) of this section before the expiration of one year from the date on which the employee in question ceases to be employed or until a claim for payment has been made to them, whichever event first occurs.

11.—(1) On or after the appointed day a local authority may grant to any employee on his ceasing to be employed by them a gratuity, by way either of a

Gratuities.

**PART I.** lump sum or of periodical payments, not exceeding, or  
 —*cont.* not exceeding in the aggregate, an amount equal to twice  
 the amount of the annual emoluments of the employment :

Provided that this subsection shall not apply in the case of a contributory employee who is entitled to a superannuation allowance.

(2) If a contributory employee of an employing authority, who has not attained the age of compulsory retirement applicable in his case, ceases to be employed by them in consequence of his being permanently incapacitated by an injury sustained by him in the actual discharge of his duty and without his own default, and specifically attributable to the nature of his duty, the authority may grant to him, subject to such conditions as they think fit, such a gratuity by way either of a lump sum or of periodical payments as they consider reasonable having regard to all the circumstances of the case, including any statutory right to compensation or to a superannuation allowance under this Part of this Act :

Provided that, in the case of a gratuity granted under this subsection by way of periodical payments, an authority shall not in any year pay to the employee in respect of the gratuity any greater sum than would together with any statutory compensation, or superannuation allowance under this Part of this Act, receivable in that year, be equal to the amount of any superannuation allowance which might have been granted to him on his attaining the age of compulsory retirement applicable in his case if he had continued to be a contributory employee of the authority until he attained that age and had continued to be remunerated at the same rate as immediately before the date of his injury.

(3) A gratuity granted under this section shall not be paid out of the superannuation fund.

(4) References in subsection (1) of this section to a local authority and to an employee shall be deemed to include references to the council of a county or large burgh within whose area a registration officer is employed in the performance of duties under the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934, and to such registration officer.

*Reckoning of service.*PART I.  
—cont.

12.—(1) A contributory employee shall be entitled to reckon as contributing service, in relation to the employment in respect of which he is a contributory employee,—

Reckoning of contributing and non-contributing service, and service of persons indirectly employed.

- (a) service in respect of which he was required to contribute to the appropriate superannuation fund;
- (b) in the case of a person who became a contributory employee on the appointed day, any service which immediately before that day he was entitled to reckon as contributing service for the purposes of the Act of 1922 in relation to his said employment; and
- (c) any other service which, by virtue of any of the provisions of this Act, or of any regulations made thereunder, is to be reckoned as contributing service :

Provided that, subject to the provisions of this Act, a contributory employee shall not be entitled to reckon as contributing service any service in respect of which he has received a return of contributions under this Act or under the Act of 1922.

(2) A contributory employee shall be entitled to reckon as non-contributing service any service rendered by him to any local authority, or as a registration officer, not in either case being service which he is entitled to reckon as contributing service.

(3) In the case of a contributory employee who left the employment of a local authority in order to serve in His Majesty's forces or forces of the allied or associated powers during the late war, the period during which he so served shall be taken into account for the purposes of the last preceding subsection as if it had been a period of service within the meaning of this Act :

Provided that no such service after the thirty-first day of December, nineteen hundred and twenty, shall be taken into account.

(4) Where a contributory employee had, under subsection (2) of section eight of the Act of 1922, paid before the appointed day part, but not the whole, of a

PART I.  
—cont.

sum in lieu of transfer value, account shall, for the purposes of the foregoing provisions of this section, be taken in the prescribed manner of the service by reference to which that sum was ascertained.

(5) For the purpose of calculating the superannuation allowance of a contributory employee employed whole-time in a single employment who has formerly served as a part-time employee, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(6) When a person who has been for a continuous period of not less than three years in the employment of an officer of a local authority, and engaged wholly or mainly in the performance of duties relating to the functions of that authority, enters or has entered the employment of that or any other local authority and is a contributory employee, there shall be taken into account in reckoning his non-contributing service so much, if any, of that period as the first authority under whom he becomes a contributory employee may, within one year from the date on which he becomes such an employee, determine.

Reckoning of contributing service under two or more local authorities or in case of re-employment by the same authority.

**13.—**(1) Where a contributory employee or a local Act contributor under a local authority ceases to be employed by that authority, but within twelve months after so ceasing becomes a contributory employee under another local authority—

- (a) if the first-mentioned authority are not a local Act authority, he shall be entitled to reckon as contributing service all service which in relation to his employment under them he was entitled to reckon as such immediately before he ceased to be employed by them; and
- (b) in any other case, in computing his contributing service, account shall be taken in such manner as may be prescribed of his previous service:

Provided that an employee shall not be entitled to the benefit of this subsection unless he informs the employing authority within three months of entering upon his employment under them that he has previously served in the employment of another local authority, and pays to the appropriate administering authority an

amount equal to any sum which, on his ceasing to serve under that other authority, was paid to him by way of return of contributions, whether with or without interest, under this Part of this Act or the local Act scheme.

PART I.  
—cont.

(2) Where a contributory employee under a local authority ceases to be employed by them, but within twelve months after so ceasing again becomes such an employee under them, he shall, if he repays any sum which on his so ceasing was paid to him by way of return of contributions under this Part of this Act, whether with or without interest, be entitled to reckon as contributing service the service which he was entitled to reckon as such immediately before he ceased to be employed by them.

*Provisions as to special classes of employees.*

14. Where one of the holders of a joint appointment under a local authority ceases to hold his appointment and the appointment of the other is thereby determined, then that other, if he is a contributory employee and has either attained the age of fifty years or completed twenty years' service, shall be entitled to receive a superannuation allowance according to the scale laid down by this Part of this Act :

Holders of  
joint ap-  
pointments.

Provided that this section shall not apply in the case where a joint appointment of spouses is determined in consequence of the misconduct of one of them.

15. Notwithstanding anything in the definition of service contained in this Act or in the provisions of this Act relating to the reckoning of service, a contributory employee who, at any time before he became such an employee, was in service within the meaning of the Superannuation Scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937, or any Act amending the same (in this subsection referred to as the Teachers Acts) shall be entitled to reckon such service, if it is service in respect of which contributions were paid under the Teachers Acts, as contributing service, and in any other case as non-contributing service, but the amount receivable by him in any year in respect of superannuation allowance under this Part of this Act shall be reduced by a sum equivalent to the amount, if any, which is receivable by

Teachers.

PART I.  
 —cont.

him in that year by virtue of the Teachers Acts and the said Scheme, or which would have been so receivable by him in that year if any period which, in order to avoid duplicate pensions, has not been reckoned as service for the purpose of calculating his retiring allowance, had been so reckoned :

Provided that—

- (a) any period of such service in respect of which contributions have been repaid under the Teachers Acts and the said Scheme shall, unless such contributions have been subsequently refunded, be treated as a period of service in respect of which contributions were not paid ;
- (b) in computing the reduction to be made under this subsection, account shall be taken in the prescribed manner of any sum paid or payable under the Teachers Acts and the said Scheme which was or is in the nature of a capital payment, or which represents a return of contributions in respect of a period of service which has been reckoned as contributing service in calculating the superannuation allowance payable under this Part of this Act ; and
- (c) if a contributory employee has taken advantage of the provisions of section nine of this Act or of any corresponding provisions applicable in the case of teachers, the provisions of this subsection with respect to the reduction of allowances shall, in relation to him, have effect subject to such modifications as may be prescribed.

Female  
 nurses, mid-  
 wives and  
 health  
 visitors.

**16.**—(1) In the case of female nurses, midwives and health visitors, being contributory employees, the age of compulsory retirement shall be sixty years instead of sixty-five years and, accordingly, in section seven of this Act, sixty years shall be substituted for sixty-five years, and—

- (a) in the application of this Part of this Act to any such employee in paragraph (b) of subsection (1) of section eight, fifty-five years shall be substituted for sixty years and thirty years for

forty years, and, in paragraph (c) of the said subsection and throughout subsection (5) of the same section and in the definition of service contained in this Act, sixty years shall be substituted for sixty-five years; and

- (b) in the application of this Part of this Act to any female nurse or health visitor or midwife in paragraph (c) of subsection (4) of section three, fifty years shall be substituted for fifty-five years :

Provided that the foregoing provisions of this subsection shall not apply to any nurse, midwife or health visitor who is employed as such on the appointed day unless within three months thereafter she gives notice in writing to the employing authority that she desires those provisions to apply to her.

(2) If a person to whom the provisions of paragraph (a) of the preceding subsection apply becomes entitled to a superannuation allowance under this Part of this Act on attaining the age of sixty years, and has not then completed forty years' service, the employing authority may grant to her an additional annual compensatory allowance not exceeding the difference between the superannuation allowance to which she is entitled and that to which she would have been entitled if the provisions of the said paragraph had not applied to her and she had remained in the employment of the authority until she attained the age of sixty-five years receiving an annual remuneration equal to the annual average of the remuneration received by her in respect of service rendered during the five years immediately preceding the day on which she attains the age of sixty years.

An additional compensatory allowance granted under this subsection shall not be paid out of the superannuation fund.

(3) In this section the expression "health visitor" means a woman appointed by a local authority as a whole-time employee whose duties include the visiting of women and children in their homes for the purpose of giving advice as to the nurture, care and management of young children and as to the health of expectant and nursing mothers, or the visiting of the homes of persons suffering from tuberculosis or other disease for the purpose of giving advice as to the care and hygiene of

PART I.  
—cont.

PART I. such persons and as to the measures necessary to prevent  
—cont. the spread of infection.

*Management and valuation of funds.*

Manage-  
ment of  
superannua-  
tion fund,  
use of  
moneys and  
investment  
of surpluses.

17.—(1) If immediately before the appointed day a local authority were maintaining a superannuation fund or funds under the Act of 1922, they shall close that fund or those funds and transfer any balance standing to the credit thereof to the superannuation fund to be maintained by them under this Part of this Act, or if no such fund is to be maintained by them, to such fund as the Secretary of State may direct, and any outstanding or continuing liabilities of, or liabilities of any authority or individual to, the former fund or funds shall become liabilities of or to the latter fund.

(2) There shall be carried and credited in each year to every superannuation fund maintained under this Part of this Act—

- (a) the amounts contributed during the year by the contributory employees entitled to participate in the benefits of the fund;
- (b) the equivalent contributions payable into the fund by employing authorities;
- (c) any equal annual charge or other amount payable into the fund by any employing authority by virtue of the transfer and continuance of liabilities effected by the preceding subsection;
- (d) any amounts payable into the fund in pursuance of an actuary's certificate given or a scheme made under the next succeeding section;
- (e) all dividends and interest arising during the year out of the investment or use of the fund or any part thereof and any capital moneys resulting from the realisation of investments, or from the repayment of moneys used temporarily for other authorised purposes;
- (f) the amount of any transfer values, contributions towards the superannuation allowances of asylum employees, or additional contributory payments, received by the administering authority under this Act; and



- (g) any other sums which the administering authority may become liable to carry to the fund under this Act.

PART I.  
—*cont.*

(3) If any moneys forming part of a superannuation fund maintained under this Part of this Act are not for the time being required to meet payments to be made out of the fund under this Act, the administering authority shall invest the moneys in securities in which trustees are authorised to invest, or, in lieu of such investment, may use the moneys for any purpose for which they have a statutory borrowing power, or may lend the moneys to any other employing authority contributing to the fund for use for any purpose for which that authority have a statutory borrowing power, subject to the following conditions, that is to say :—

- (a) interest shall be paid to the fund on any moneys so used and for the time being not repaid, at such rate per cent. per annum as may be determined by the administering 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; and
- (b) the statutory borrowing power for the purpose of which the moneys are so used 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.

**18.**—(1) As soon as may be after the passing of this Act, a local authority who are to be an administering authority and are not maintaining a superannuation fund under the Act of 1922, shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the superannuation fund to be maintained by them under this Part of this Act during a period not exceeding forty years from the appointed day in order that the fund may be solvent, and as to the part, if any, of such amount which is attributable to any other employing authority whose employees are to be contributory employees entitled to participate in the benefits of the fund.

Actuary's  
certificates  
and  
periodical  
valuation of  
superannua-  
tion fund.

(2) As soon as may be after the appointed day, an administering authority who were maintaining a superannuation fund under the Act of 1922 shall obtain from

PART I.  
—cont.

an actuary a certificate as to the amount, if any, by which any sum payable annually into the superannuation fund maintained by them under this Part of this Act as a result of the transfer and continuance of liabilities effected by subsection (1) of the last preceding section should be increased on account of the burden to be imposed on that fund as from the appointed day by or under the provisions of this Act:

Provided that an administering authority need not take action under this subsection if their fund will under the next succeeding subsection be valued as at some date not later than the fifteenth day of May, nineteen hundred and forty, or if they satisfy the Secretary of State that such action is for any other reason unnecessary.

(3) Every administering authority shall—

(a) if they were maintaining a superannuation fund or funds under the Act of 1922—

(i) upon, or at any time before, the expiration of a period of five years from the end of the financial year comprising the date as at which that fund, or the earliest date as at which any of those funds, was last valued under the Act of 1922; or

(ii) if there has been no such valuation under the Act of 1922, upon, or at any time before, the expiration of a period of five years from the end of the financial year comprising the date on which that fund, or the earliest date on which any of those funds, was established;

(b) if they were not maintaining a superannuation fund under the Act of 1922, upon, or at any time before, the expiration of the financial year ending on the fifteenth day of May, nineteen hundred and forty-four; and

(c) in all cases, upon the expiration of any period of five years from the end of the financial year comprising the date as at which the fund was last valued under this Act;

obtain from an actuary within the prescribed period an actuarial valuation of, and a report on, the assets and liabilities of the fund in such form and containing such information as may be prescribed.

Every valuation under this subsection shall be a valuation as at the end of a financial year.

PART I.  
—cont.

(4) An administering authority may at any other time obtain a valuation and report under this section.

(5) An administering authority shall, forthwith upon receipt of any valuation or report under this section, send a copy thereof to the Secretary of State.

(6) Where by any valuation and report under this section a deficiency or a disposable surplus is disclosed, the administering authority shall within three months after receiving the valuation and report make a scheme for making good the deficiency or, as the case may require, for disposing of the surplus.

*General.*

19. A superannuation allowance or gratuity or a pension to a spouse granted under this Part of this Act shall be payable to, or in trust for, the person to whom it is granted; and every assignation of, or charge on, any such allowance, gratuity or pension shall be void, and no such allowance, gratuity or pension shall on the sequestration of a person entitled thereto or on the appointment of a judicial factor on his estate under section one hundred and sixty-three of the Bankruptcy (Scotland) Act, 1913, pass to the trustee or judicial factor, without prejudice, however, to the making of an Order under section one hundred and forty-eight of the said Act or under any similar enactment in England or Northern Ireland.

Allowance not assignable.

3 & 4 Geo. 5.  
c. 20.

20. A contributory employee who is dismissed or resigns, or otherwise ceases to hold his employment, in consequence of an offence of a fraudulent character or of grave misconduct shall forfeit all claim to any rights under this Part of this Act in respect of his previous service.

Forfeiture of rights in certain cases.

21.—(1) Where a local Act or statutory order in force in the area of a local authority contains provisions amending, supplementing, modifying or adapting the provisions of the Act of 1922 in its application to that authority, the authority may make a scheme for continuing in force and applying to this Act, with any necessary modifications and adaptations, such of those provisions of the local Act or statutory order as the

Adaptation to this Part of this Act of certain provisions of local Acts and schemes.

**PART I.** authority desire to preserve notwithstanding the repeal  
—*cont.* by this Act of the Act of 1922.

A scheme made by an authority under this subsection shall be submitted to the Secretary of State within six months from the passing of this Act.

16 & 17  
Geo. 5. c. 51.  
26 Geo. 5. &  
1 Edw. 8.  
c. 33.

(2) Where a scheme made under section twenty-four of the Act of 1922 (whether by a local authority or by a Joint Electricity Authority by virtue of section thirty-three of the Electricity (Supply) Act, 1926), or under subsection (3) of section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or under the corresponding provisions of any enactment repealed by the last-mentioned Act, contains provisions modifying or adapting the provisions of the Act of 1922 in its application to an authority, the scheme shall continue in force subject to such modifications and adaptations as the authority may, with the approval of the Secretary of State, determine to be necessary for making it applicable to this Act.

## PART II.

### SUPERANNUATION OF EMPLOYEES OF LOCAL ACT AUTHORITIES.

Modification  
and replace-  
ment of  
local Act  
superannua-  
tion  
schemes.

**22.**—(1) A local Act authority shall, not later than twelve months before the appointed day, make a scheme for modifying their local Act scheme so as to secure that on and after the appointed day—

- (a) every whole-time officer of the authority, and every registration officer whom they may by a statutory resolution specify as a contributory employee, shall, subject to the provisions of Part III of this Act relating to officers appointed in a temporary capacity, be entitled to participate in the benefits of their superannuation fund;
- (b) a person who becomes subject to their local Act scheme, after being a contributory employee or local Act contributor under another local authority, shall, in respect of the reckoning of previous service, enjoy, so far as is reasonably practicable, rights substantially similar to those which he would enjoy as a contributory employee of a local authority whose employment he had

entered after being a contributory employee of another local authority; and

PART II.  
—cont.

- (c) due provision is made for any consequential or incidental matters :

Provided that the following persons shall not be entitled to the benefit of this subsection, that is to say, a person who—

- (a) is such a person as is mentioned in Part II of the First Schedule to this Act ;
- (b) is under the age of eighteen years or, as the case may be, such other age as is, in accordance with the local Act scheme or the practice of the authority, the minimum age for entry into superannuable service ; or
- (c) has attained such an age that he cannot under the provisions (if any) of the local Act scheme or the practice of the authority, relating to qualifying periods of service and the age of compulsory retirement, become entitled to a superannuation allowance.

(2) A scheme made by an authority under subsection (1) of this section may provide that any provisions of their local Act scheme or any practice of the authority, relating to medical examination of employees or prospective employees, shall (unless the authority otherwise determine) continue to have effect in relation to such persons as are mentioned in paragraph (a) of the said subsection (1).

(3) A local Act authority may, by a statutory resolution, determine to substitute the provisions of Part I of this Act and a superannuation fund maintained thereunder for their local Act scheme, and, if they so determine, shall make a scheme for giving effect to their resolution, and shall include in the scheme such modifications and adaptations of this Act as may be required and such consequential and incidental provisions, including provisions for the transfer of their local Act superannuation fund and the liabilities thereof and for protecting adequately the rights and interests of the various parties interested in the local Act scheme, as they may think necessary.

## PART III.

## MISCELLANEOUS AND GENERAL PROVISIONS.

**Provisions as to asylum employees.**      **23.** The provisions of the Second Schedule to this Act shall have effect with respect to such asylum employees as are therein mentioned.

**Payment of transfer values.**      **24.—(1)** Where a contributory employee or a local Act contributor under a local authority ceases to be employed by them, but within twelve months after so ceasing becomes a contributory employee or a local Act contributor under another local authority, then, unless the superannuation fund concerned is the same in the case of both employments, a transfer value calculated in the prescribed manner shall be payable by the authority maintaining the fund relating to the former employment to the authority maintaining the fund relating to the latter employment.

(2) Such a transfer value as aforesaid shall also be payable, unless only one superannuation fund is concerned, where a contributory employee or a local Act contributor in the whole-time employment of a single local authority ceases to be so employed by them and becomes a contributory employee or local Act contributor in their part-time employment and a contributory employee or local Act contributor in the part-time employment of another local authority.

**Whole-time officers appointed in a temporary capacity.**      **25.—(1)** Where a whole-time officer of a local authority, being an authority specified in Part I of the First Schedule to this Act, has been, on or after or within two years before the appointed day, appointed to a post in their employment in a temporary capacity for a period of not more than two years, then, notwithstanding anything in the foregoing provisions of this Act, but subject to the following provisions of this section, he shall not, by virtue of being a whole-time officer, become a contributory employee or local Act contributor under that authority unless the authority at any time otherwise resolve :

Provided that nothing in this subsection shall have effect in relation to any employee of an authority who has been in their employment for a period (whether continuous or not) of two years or has been at any time subject to the Act of 1922 or a contributory employee or a local Act contributor.

(2) Where a whole-time officer of a local authority who, by virtue of the preceding subsection, has not become a contributory employee or local Act contributor has been in the employment of that authority or of any other authority specified in Part I of the First Schedule to this Act for a period (whether continuous or not) of two years, then, on the expiration of that period, if he would, but for the provisions of the preceding subsection, be a contributory employee or local Act contributor under the authority in whose employment he is, he shall, by virtue of this subsection, thereupon become a contributory employee or local Act contributor, as the case may be, under the last-mentioned authority.

PART III.  
—cont.

(3) If a whole-time officer of a local authority who, by virtue of subsection (1) of this section, has not become a contributory employee or local Act contributor ceases to be employed by them and within twelve months after so ceasing becomes a whole-time officer of another local authority, being an authority specified in Part I of the First Schedule to this Act, then, if at that time or later he becomes, by virtue of the last preceding subsection or otherwise, a contributory employee or local Act contributor under that other local authority, a transfer value calculated in the prescribed manner shall, unless the superannuation fund concerned is the same in the case of both employments, be payable by the authority maintaining the fund relating to the former employment to the authority maintaining the fund relating to the latter employment.

26.—(1) If a person entitled to a superannuation allowance under Part I of this Act, other than an allowance payable to him in respect of service rendered without a disqualifying break of service as a designated employee and a contributory employee, proposes to accept further employment with any local authority, he shall inform that authority that he is so entitled and, if he enters their employment, shall forthwith give notice in writing that he is so employed to the authority from whom he receives the allowance.

Reduction  
of allowance  
during re-  
employ-  
ment and  
adjustment  
of rights  
thereafter.

(2) In any such case as aforesaid, the superannuation allowance shall, so long as the employee holds his new employment, be reduced in such manner as may be prescribed, and, if in that employment he is a contributory employee or a local Act contributor, then, on

PART III.  
—cont.

his ceasing to hold that employment, he shall be entitled, notwithstanding anything in the definition of service contained in this Act or in the provisions of this Act relating to the reckoning of service or, as the case may be, notwithstanding any corresponding definition in, or provisions of, the local Act scheme, to such rights in respect of superannuation benefits as may be prescribed.

Amendment  
of 26 Geo. 5.  
& 1 Edw. 8.  
c. 33.

**27.**—(1) Subsection (3) of section twenty-eight of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which relates to the modification of existing superannuation schemes), shall have effect as if—

- (a) for the words “ after giving persons affected “ by the proposed scheme or their representa- “ tives an opportunity of objecting ” there were substituted the words “ after satisfying himself “ that persons affected by the proposed scheme “ or their representatives have had an oppor- “ tunity of objecting ” ;
- (b) after the words “ confirm the scheme ” there were inserted the words “ either with or without modifications ” ; and
- (c) at the end of the subsection there were inserted the following paragraph :—

“ A scheme confirmed under the provisions of this subsection may be revoked or amended by a subsequent scheme submitted and confirmed in like manner as the original scheme.”

(2) For the purposes of the said subsection (3), this Act shall be deemed to be such a public general Act as is therein referred to.

Repeal and  
construc-  
tion of  
references.  
12 & 13  
Geo. 5. c. 59.

**28.**—(1) As from the appointed day the Local Government and other Officers' Superannuation Act, 1922, shall, in so far as it applies to Scotland, be repealed.

19 & 20  
Geo. 5. c. 25.

(2) References in the Local Government and Civil Service (Superannuation) Rules, 1936, and the Unemployment Assistance Board (Superannuation) Rules, 1935, to persons who are, or to persons who were, subject to the Local Government and other Officers' Superannuation Act, 1922, or to that Act as modified by section seven of the Local Government (Scotland) Act, 1929, shall be construed—

- (a) in the case of references to persons who are so subject, as references to persons who are contributory employees under Part I of this Act ; and



- (b) in the case of references to persons who were so subject, as including references to persons who were contributory employees under Part I of this Act :

PART III.  
—cont.

Provided that nothing in this subsection shall be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict.  
c. 63.

29.—(1) Where a Joint Electricity Authority have before the appointed day adopted the provisions of the Act of 1922 by virtue of section thirty-three of the Electricity (Supply) Act, 1926, this Act shall have effect in relation to the Authority as if the Authority were a local authority required to maintain a superannuation fund under Part I of this Act, and in relation to any employee of the Authority (including an employee who had become subject as an officer or servant to the Act of 1922) as if the Authority were a local authority not being either a local authority specified in Part I of the First Schedule to this Act or a local Act authority.

Provisions  
as to Joint  
Electricity  
Authorities.  
16 & 17  
Geo. 5. c. 51.

(2) As from the appointed day there shall be substituted for the said section thirty-three, so far as it extends to Scotland, the following section:—

“ 33. A Joint Electricity Authority whose district is situate wholly or partly in Scotland, may (without prejudice to the provisions contained in subsection (2) of section eight of the Electricity (Supply) Act, 1919) adopt the provisions of Part I of the Local Government Superannuation (Scotland) Act, 1937, and, if they do so, that Act shall have effect in relation to the Authority as if they were a local authority required to maintain a superannuation fund under Part I of that Act, and, in relation to any employee of the Authority, as if the Authority were a local authority within the meaning of that Act not being either a local authority specified in Part I of the First Schedule thereto or a local Act authority within the meaning of that Act.”

(3) If, at the date when a Joint Electricity Authority adopt the provisions of Part I of this Act, they have in force a superannuation scheme made under subsection (2) of section eight of the Electricity (Supply) Act, 1919, they shall forthwith make a scheme making such modifications

9 & 10  
Geo. 5.  
c. 100.

**PART III.**  
 —cont.

and adaptations of this Act in its application to them and to their employees, and containing such consequential and incidental provisions, including provisions for the transfer of their existing superannuation fund and the liabilities thereof, and for protecting adequately the rights and interests of persons interested in the original scheme, as they think necessary.

Determina-  
 tion of  
 questions,  
 and appeals  
 to the  
 Secretary of  
 State.

**30.** Any question concerning the rights or liabilities of an employee of a local authority or of a person claiming to be treated as such an employee under any of the provisions of Part I or this Part of this Act, or any regulations made under this Act, shall be decided in the first instance by the authority concerned, and if the employee is dissatisfied with any such decision, or with the authority's failure to come to a decision, shall be determined by the Secretary of State, whose determination shall be final :

Provided that the Secretary of State may at any stage of the proceedings on the reference to him, and shall, if so directed by the Court of Session, state in the form of a special case for the opinion of the Court of Session any question of law arising in those proceedings.

Schemes,  
 rules and  
 regulations.

**31.**—(1) A scheme made under this Act shall be of no effect unless it has been approved by the Secretary of State and the Secretary of State may approve any such scheme either with or without modifications. Before approving any such scheme, the Secretary of State shall consult with such organisations as are, in his opinion, representative of the interests concerned.

(2) Where any such scheme is so approved, this Act and any other Act affected by the scheme shall have effect subject to the provisions of the scheme.

(3) The Secretary of State may extend the time within which any scheme under this Act may be or is to be made or submitted.

(4) If a local authority or other body required by this Act to make a scheme fail to make and submit to the Secretary of State a scheme satisfactory to him within six months from the time when the requirement takes effect, or within such further period as the Secretary of State may allow, the Secretary of State may himself make a scheme, and a scheme so made by him shall

have effect as if it were a scheme made by the authority or other body concerned and approved by him.

PART III.  
—cont.

(5) Subject to the provisions of this Act, a scheme made under this Act may be amended by a subsequent scheme :

Provided that, if the original scheme was made by the Secretary of State, it may be amended either by a scheme made by him or by a scheme made by the authority or other body concerned and approved by him.

(6) The Secretary of State may make regulations for prescribing anything which under this Act is to be prescribed, and with respect to such administrative action to be taken by local authorities as is mentioned in the Third Schedule to this Act.

(7) Any scheme approved, and any regulation, rule or scheme made, by the Secretary of State under this Act shall be laid forthwith 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 before the expiration of that period praying that the scheme, regulation or rule 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 scheme, regulation or rule :

Provided that, in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses are adjourned for more than four days.

**32.** Nothing in this Act shall affect the operation of paragraph 7 of the Second Schedule to the Rating (Scotland) Act, 1926, or of the said paragraph 7 as applied by section seven of the Local Government (Scotland) Act, 1929, or of any corresponding provisions in any other Act, whether public, general or local, or in any statutory order or scheme.

Saving for certain provisions relating to compensation for loss of office.  
16 & 17  
Geo. 5. c. 47.

**33.**—(1) The provisions of sections thirteen and twenty-four of this Act, with respect to contributory employees who cease to hold their employment under a local authority but become contributory employees under another local authority, or again become such employees under the same authority, shall also have effect in the case of a designated employee who ceased before the

Transitional provisions.

PART III.  
—cont.

appointed day to be subject to the Act of 1922 but, on or after the appointed day and within twelve months after so ceasing, becomes a contributory employee.

(2) In the case of any such designated employee as aforesaid references in any of the said provisions to contributions returned under Part I of this Act, and to service which may be reckoned as contributing service under that Part, shall be construed as including references to contributions returned under the Act of 1922 and service which might be reckoned as contributing service under that Act.

(3) If in calculating the amount of a superannuation allowance to be granted to a contributory employee, being also a designated employee, it is necessary to take account of his remuneration in respect of any period of service rendered before the appointed day, his remuneration in respect of that period shall not be taken to be less than the amount of the remuneration by reference to which he contributed in respect of that period to a superannuation fund maintained under the Act of 1922.

Interpreta-  
tion.

**34.**—(1) In this Act, unless the context otherwise requires—

“ Act ” includes a local Act;

12 & 13  
Geo. 5. c. 59.

“ Act of 1922 ” means the Local Government and other Officers’ Superannuation Act, 1922;

“ actuary ” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

“ additional contributory payment ” means a payment or repayment made either under this Act, or under the Act of 1922 or under a local Act scheme, as a condition of being entitled to reckon any service, either as service generally or as service of a particular character or a payment made for the purposes of proviso (ii) to paragraph (b) of subsection (2) of section eight of this Act;

“ administering authority ” has the meaning assigned to it by section one of this Act;

“ admission agreement ” means an agreement made under subsection (3) of section five of the Act of 1922;

- “admitting authority” means the local authority who under an admission agreement have admitted employees of another employing authority to participate in the benefits of the superannuation fund maintained by the first-mentioned authority;
- “amalgamation scheme” means a scheme made under subsection (3) of section one of this Act;
- “appointed day” means the sixteenth day of May, nineteen hundred and thirty-nine;
- “asylum employee” means such a person as is mentioned in paragraph 2 of the Second Schedule to this Act;
- “combination scheme” means a scheme of combination under subsections (1) and (2) of section five of the Act of 1922 or under section two of this Act;
- “contributing service” in relation to any person means service which he is entitled to reckon as contributing service in accordance with the provisions of section twelve of this Act;
- “contributory employee” has the meaning assigned to it by section three of this Act;
- “designated employee” means a person who before the appointed day had been, or had been treated by a local authority as being, an officer or servant to whom the Act of 1922 applied;
- “disqualifying break of service” in relation to any person means a continuous period of twelve months or longer, during no part of which he was a contributory employee or a local Act contributor, or subject to the Act of 1922;
- “employee” means an employee whether permanent or temporary, but does not include a person whose employment is of a casual nature;
- “employment” includes office;
- “employing authority” has the meaning assigned to it by section one of this Act;
- “equivalent contribution” has the meaning assigned to it by section six of this Act;

PART III.  
—cont.

“ joint county council ” means a joint county council formed in pursuance of section ten of the Local Government (Scotland) Act, 1929;

“ large burgh ” has the meaning assigned to it by the Local Government (Scotland) Act, 1929;

“ local Act ” includes a provisional order confirmed by Parliament;

“ local Act authority ” has the meaning assigned to it by section one of this Act;

“ local Act contributor ” means a person in the employment of a local Act authority who on or after the appointed day is entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme;

“ local Act scheme ” has the meaning assigned to it by section one of this Act;

“ local authority ” means any county council, town council, or district council, or any other authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, and includes a joint committee established by a combination or amalgamation scheme, and any joint board or joint committee which is appointed under any enactment, order or scheme, and of which all the constituent authorities are such local authorities as aforesaid;

“ non-contributing service ” in relation to any person means service which he is entitled to reckon as non-contributing service in accordance with the provisions of section twelve of this Act;

“ officer ” means an employee as to whom either of the following conditions is satisfied, that is to say:—

(a) that his duties are wholly or mainly administrative, professional or clerical; or

(b) that his remuneration is at a rate greater than two hundred and fifty pounds per annum and that he is not an employed contributor within the meaning of the National Health Insurance Act, 1936;

“ part-time officer ” means an officer other than a whole-time officer;

54 & 55 Vict.  
c. 34.

26 Geo. 5. &  
1 Edw. 8.  
c. 32.

- “prescribed” means prescribed by regulations made by the Secretary of State;
- “registration officer” means registrar or assistant registrar of births, deaths and marriages, or any officer employed in the performance of duties under the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934;
- “remuneration” means all salary, wages, fees, poundage and other payments paid or made to an employee as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime, or any allowance paid to him to cover cost of office accommodation or clerks’ assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment;
- “servant” means an employee who is not an officer;
- “service” means service rendered to any local authority after attaining the age of eighteen years and before attaining the age of sixty-five years, and includes, in the case of a contributory employee who first became subject to provision for superannuation on the appointed day and had then attained the age of sixty-five years, service rendered after attaining that age and before the appointed day, but does not include service in any employment if the person in question has already become entitled in respect of that service in that employment to a superannuation allowance under this or any other Act;
- “small burgh” has the meaning assigned to it by the Local Government (Scotland) Act, 1929;
- “statutory order” means an order, rule, or regulation made under an enactment;
- “statutory resolution” means, in relation to a local authority, a resolution passed in the manner in which an ordinary resolution of the authority may be passed, except that twenty-eight days’ notice of the meeting at which the resolution is

PART III.  
—cont.

PART III.  
—cont.

passed, and of the terms of the resolution and of the fact that it is to be proposed at that meeting, must have been given in the manner in which notice for convening ordinary meetings of the authority may be given;

“whole-time officer” means, in relation to any local authority, an officer who devotes substantially the whole of his time to their employment, and includes an officer who is employed by them for a part only of his time but devotes substantially the whole of the rest of his time to employment by one or more other local authorities.

(2) Where an employee holds under a local authority two or more separate employments of such a nature that he can cease to hold one without ceasing to hold the other or others, the provisions of this Act shall, unless the context otherwise requires, apply as respects him in relation to each of those separate employments as if the other or others were an employment or employments held by him under another authority.

Saving for certain county and town clerks.

**35.**—(1) This Act shall not apply to any county or town clerk who shall be fifty-five years of age or more at the appointed day if he gives notice to the council not later than the appointed day that he so desires.

(2) This Act shall not apply to the town clerk of any royal burgh if he gives notice to the council, in the case of a town clerk holding office at the appointed day, not later than the appointed day, or in the case of a town clerk appointed to that office after the appointed day, within one month after the date of such appointment, that he so desires.

Reciprocal arrangements between Scotland and England.

**36.**—(1) If the Secretary of State and the Minister of Health are satisfied that the provisions of any Act for the time being in force in England with respect to the superannuation of employees of local authorities are substantially similar to the provisions of this Act, they may make regulations with respect to the rights and liabilities of a person who leaves the employment of a local authority within the meaning of the English Act and enters the employment of a local authority within the meaning of this Act, or leaves the employment of a local authority within the meaning of this Act and enters



the employment of a local authority within the meaning of the English Act, and with respect to the rights and liabilities of the local authorities concerned.

**PART III.**  
—*cont.*

(2) The provisions of subsection (7) of section thirty-one of this Act shall apply in relation to regulations made under this section as they apply in relation to regulations made by the Secretary of State.

**37.**—(1) This Act may be cited as the Local Government Superannuation (Scotland) Act, 1937.

Short title  
and extent.

(2) Section thirty-six of this Act shall extend to England but, save as aforesaid, this Act shall extend to Scotland only.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Sections 1, 3,  
22, 25, 29.

#### PART I.

##### LOCAL AUTHORITIES WHOSE WHOLE-TIME OFFICERS ARE TO BE COMPULSORILY SUPERANNUABLE.

A county council, joint county council, town council or district council.

A joint board or joint committee appointed under any enactment, order, or scheme, all the constituent authorities of which are such councils as aforesaid.

A joint committee established by a combination or amalgamation scheme.

A committee appointed for the purposes of the Public Libraries (Scotland) Acts, 1887 to 1920.

Any other local authority as respects whom the Act of 1922 was in operation immediately before the appointed day.

#### PART II.

##### EMPLOYEES NOT BECOMING CONTRIBUTORY EMPLOYEES.

1. A person who is an established officer or servant within the meaning of the Asylum Officers' Superannuation Act, 1909, as extended by any subsequent enactment.

9 Edw. 7.  
c. 48.

1st Sch.  
—cont.  
15 & 16  
Geo. 5. c. 49.

2. A person who is a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925, whether or not the provisions of that Act have effect in relation to him.

3. A person who is in service within the meaning of the Superannuation Scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937, or any Act amending the same.

Sections 23,  
34.

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## SECOND SCHEDULE.

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### PROVISIONS AS TO ASYLUM EMPLOYEES.

1. In this Schedule the expression "the Act of 1909" means the Asylum Officers' Superannuation Act, 1909, as extended by any subsequent enactment.

2.—(1) Where an asylum employee, being an established officer or servant within the meaning of the Asylum Officers' Superannuation Act, 1909, ceases to be employed as such or so ceased before the appointed day, but on or after the appointed day and within twelve months after so ceasing becomes a contributory employee or a local Act contributor under the same or another local authority—

- (a) account shall be taken in the prescribed manner of his previous service as an officer or servant employed in a permanent capacity within the meaning of the Act of 1909 and of any other previous service with any local authority ;
- (b) if he becomes entitled to receive a superannuation allowance under Part I of this Act or under the local Act scheme, the body by which he was employed as an asylum employee shall, out of the fund out of which his remuneration was paid, contribute annually to the superannuation fund maintained by the appropriate administering authority or the local Act authority, as the case may be, a sum calculated in such manner as may be prescribed by way of contribution towards the allowance, and that body shall have the like right of contribution, if any, under the proviso to section twelve of the Act of 1909 as if that sum constituted a payment by way of superannuation allowance awarded by that body to the employee ; and

2ND SCH.  
—cont.

(c) if he becomes entitled to a return of contributions under Part I of this Act or under the local Act scheme, he shall be entitled to receive from the bodies concerned the aggregate amount of his contributions under the said Act of 1909.

(2) If an employee mentioned in the preceding sub-paragraph has received a return of contributions under the Act of 1909, then, unless he repays those contributions, the preceding sub-paragraph shall not apply in relation to him and, notwithstanding anything in the definition of service contained in this Act, he shall not be entitled to reckon for the purposes of Part I of this Act any service rendered by him as an officer or servant employed in a permanent capacity within the meaning of the Act of 1909.

3.—(1) The following provisions of this paragraph apply in relation to—

- (a) a contributory employee or local Act contributor under a local authority who ceases to be employed as such by them; or
- (b) a designated employee who had ceased before the appointed day to be subject to the Act of 1922;

but on or after the appointed day, and within twelve months after so ceasing, becomes an established officer or servant within the meaning of the Act of 1909 as an asylum employee.

(2) If a person mentioned in the preceding sub-paragraph repays any sum paid to him by way of return of contributions, whether with or without interest, under Part I of this Act or under the local Act scheme or under the Act of 1922—

- (a) account shall be taken for the purposes of the Act of 1909 in the prescribed manner of his previous service with any local authority;
- (b) the administering authority appropriate in relation to the authority whose employment he ceased to hold, or the local Act authority, as the case may be, shall pay out of their superannuation fund to the body under which he becomes an asylum employee a transfer value ascertained in the prescribed manner; and
- (c) if he becomes entitled to a return of contributions under the Act of 1909, there shall be included in the aggregate amount of his contributions under that Act so much of the said transfer value as represents contributions or additional contributory payments paid or made by him under Part I of this Act or under the local Act scheme or under the Act of 1922.

2ND SCH.  
 —cont.

4. Where the fund out of which the remuneration of an asylum employee was or is paid by the body under which he was or becomes such an employee is not the fund out of which superannuation allowances are paid to such employees, the foregoing provisions of this Schedule shall have effect subject to such modifications as may be prescribed.

Section 31(6).

### THIRD SCHEDULE.

#### ADMINISTRATIVE ACTION OF LOCAL AUTHORITIES AS RESPECTS WHICH REGULATIONS MAY BE MADE.

1. For determining which of their employees will on the appointed day become contributory employees or local Act contributors, for making returns for the purposes of subsection (1) of section one of this Act, and for notifying to their existing employees and to employees subsequently appointed or promoted whether they become contributory employees or local Act contributors.

2. For ascertaining which of their employees are officers and which are servants, and what rate of contribution is applicable in the case of any particular employee.

3. For ascertaining and recording for the purposes of this Act the service which any person who on the appointed day is, or who at any subsequent date becomes, a contributory employee or a local Act contributor is entitled to reckon and the class of service into which it falls.

4. For securing early decisions upon any questions which may fall to be determined affecting the rights or liabilities of any employee.

5. For regulating the relations and financial arrangements between an administering authority and any other local authority interested in the superannuation fund maintained by the administering authority.

6. For the exchange of information in advance of the appointed day, and thereafter from time to time, between local authorities with regard to the matters aforesaid.

7. For transmitting to any other local authority, whose employment a contributory employee, or a local Act contributor enters, particulars as to his past service and rates of remuneration

the contributions paid by him and any sum paid by way of return of contributions. 3RD SCH. —cont.

8. Generally, for the purpose of carrying into effect the provisions of this Act.

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## CHAPTER 70.

An Act to assist farmers to increase the fertility of their land; to provide for securing farmers against any substantial fall in the price of oats and barley, and to raise the limit of the quantity of wheat in respect of which deficiency payments under the Wheat Act, 1932, may be made at the full rate; to make further grants for land drainage; to promote the eradication of diseases of animals and poultry, and with that object to establish a national service of veterinary inspectors; and for purposes connected with the matters aforesaid. [30th July 1937.]

**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.

#### LIME AND BASIC SLAG.

1.—(1) The Ministers may, in accordance with a scheme (hereinafter referred to as the "Land Fertility Scheme") made by them with the approval of the Treasury, make contributions out of moneys provided by Parliament towards the cost incurred by any occupier of agricultural land in the United Kingdom in acquiring and transporting any quantity, not being less than two tons, of lime or basic slag for the purpose of adding it to that land in order to improve the fertility of the soil:

Exchequer contributions towards purchases of lime and basic slag.

**PART I.**  
*—cont.*

Provided that no such contribution shall exceed an amount calculated in accordance with the provisions of the scheme to represent as nearly as may be—

(a) in the case of lime, one half;

(b) in the case of basic slag, one quarter;

of the cost so incurred by the occupier.

(2) The Land Fertility Scheme may contain such provisions as the Ministers and the Treasury consider expedient for the purpose of promoting economy and efficiency in the acquisition, transport and use of the lime and basic slag in respect of which contributions are payable under this section and in the administration of the scheme.

(3) Contributions shall not be made under this section towards any cost incurred by an occupier of agricultural land after the prescribed date, which subject as hereinafter provided shall be the thirty-first day of July, nineteen hundred and forty :

Provided that the prescribed date may be postponed for not more than two successive periods of one year each by orders made by the Ministers with the consent of the Treasury and confirmed by a resolution of each House of Parliament.

**Land  
Fertility  
Committee.**

2.—(1) The Ministers shall appoint a Committee to be called the Land Fertility Committee consisting of a chairman and not more than four other members, and it shall be the duty of the Committee to exercise such functions in the administration of the Land Fertility Scheme as may be assigned to them by the scheme and to advise the Ministers upon any matters relating to the scheme.

(2) The Ministers may appoint a secretary to the Committee and the Committee may appoint such other officers and such servants and may employ such agents as the Ministers may with the approval of the Treasury determine; and the Ministers may, out of moneys provided by Parliament, pay such expenses of the Committee (including remuneration and allowances, to the members, officers, servants and agents of the Committee) as the Ministers may with the approval of the Treasury determine.

3.—(1) Without prejudice to the generality of the foregoing provisions of this Part of this Act as to the contents of the Land Fertility Scheme, the scheme may—

PART I.  
—cont.  
Supplementary provisions as to contents of the Land Fertility Scheme.

- (a) prohibit the payment of contributions in respect of lime or basic slag purchased from any person other than a supplier of lime or basic slag approved by such authority and in accordance with such procedure as may be provided by the scheme;
- (b) prescribe the conditions subject to which persons may become or cease to be approved suppliers, including conditions as to the prices to be charged for the lime and basic slag purchased from them, and conditions as to the furnishing of information and the production of accounts, books and other documents;
- (c) make provision permitting any quantity of lime which an occupier of agricultural land has himself produced or rendered suitable for the purpose of adding it to his land in order to improve the fertility of the soil to be deemed to have been acquired by him, and for enabling the cost which is to be taken for the purposes of the scheme to have been incurred by him in acquiring it to be computed by reference to standard scales or otherwise in such manner as may be provided by the scheme;
- (d) make provision for enabling the cost which is to be taken for the purposes of the scheme to have been incurred by any occupier of agricultural land in transporting any quantity of lime or basic slag to be computed by reference to standard scales or otherwise in such manner as may be provided by the scheme;
- (e) make provision for enabling associations of farmers, allotment holders, or smallholders, or other similar associations, which purchase lime or basic slag in bulk for redistribution to their members, to be treated in such cases as may be provided by the scheme as if they were the occupiers of agricultural land;
- (f) prohibit the payment of contributions in respect of lime or basic slag produced outside the United Kingdom;

PART I.  
—cont.

- (g) define the kinds or descriptions of lime and basic slag in respect of which contributions may be paid;
- (h) provide for the making of arrangements for promoting research, investigation and instruction as to the use of lime and of basic slag as a means of promoting the fertility of the soil, and for the financing of such arrangements by means of sums to be collected from approved suppliers who are producers of lime or basic slag and from persons receiving contributions under this Part of this Act, respectively, not exceeding twopence for every ton of lime or basic slag in respect of which such a contribution is paid;
- (i) make different provisions in relation to different kinds, descriptions and quantities of lime and of basic slag.

(2) The Land Fertility Scheme and any subsequent scheme amending that scheme shall be laid before Parliament as soon as may be after it has been approved by the Treasury, and if either House of Parliament, within the next twenty-eight days on which that House has sat after the scheme is laid before it, resolves that the scheme be annulled, the scheme shall thereupon cease to have effect, but without prejudice to anything previously done thereunder, or to the making of any new scheme.

Power of recovery in the event of excessive price.

4. If the price charged to, and received from, an occupier of agricultural land by an approved supplier for lime or basic slag in respect of which a contribution is payable under the Land Fertility Scheme exceeds the price permitted by the conditions subject to which the supplier was approved in accordance with the provisions of the scheme, the amount of the excess shall be recoverable by the occupier from the supplier summarily as a civil debt.

Exclusion of contributions in assessing tenant right.  
13 & 14  
Geo. 5. c. 9.

5. In assessing the amount of any compensation payable to a tenant of agricultural land, whether under the Agricultural Holdings Act, 1923, or the Agricultural Holdings (Scotland) Acts, 1923 and 1931, or under custom or agreement, by reason of the improvement of the land by the addition thereto of lime or basic slag in respect of which a contribution has been made under this Part of this Act, the contribution shall be taken into



account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced accordingly.

PART I.  
—cont.

## PART II.

### OATS, BARLEY AND WHEAT.

6.—(1) If, in the case of the year nineteen hundred and thirty-seven or any of the following four years, the United Kingdom price per hundredweight of home-grown oats harvested in that year falls short of eight shillings by fivepence or more, then, subject to the following provisions of this Part of this Act, the appropriate Minister may, out of moneys provided by Parliament, make to the person who, at the beginning of the fourth day of June in that year, was the occupier of any farm in the United Kingdom comprising land then under oats or land then under barley, a payment (hereafter in this Act referred to as a “subsidy payment”) at the rate of an amount equal to six times the difference between the said price and eight shillings, or at the rate of one pound, (whichever rate is the less) for each acre of that land which at the beginning of the said day was under oats or under barley, as the case may be :

Subsidy payments in respect of land under oats or barley.

Provided that the appropriate Minister shall not be authorised to make any subsidy payment in relation to any farm by reason of any land which at any particular time was comprised in that farm having been then under oats or under barley, if the total area of the land then comprised in that farm which was then under oats or under barley, as the case may be, was less than one acre, and where the said total area was not an exact number of acres, the odd fraction of an acre shall be disregarded.

(2) If the qualifying acreage of land under oats or under barley in the year nineteen hundred and thirty-eight or any of the following three years exceeds the standard acreage, the rate at which any subsidy payment may be made in respect of any land by reason of its having been under oats or under barley, as the case may be, in that year shall be a rate bearing to the appropriate rate determined by the preceding subsection the same proportion as the standard acreage bears to the qualifying acreage of land under oats or under barley, as the case

**PART II.**  
—*cont.*

may be, in that year; and if the rate determined by the preceding provisions of this subsection is not an exact multiple of a penny, the odd fraction of a penny shall be disregarded.

In this subsection the expression “the standard acreage”, in relation to oats or in relation to barley, means such acreage as the Ministers may by order declare to be the number of acres arrived at by multiplying by eleven-tenths the qualifying acreage of land under oats or under barley, as the case may be, in the year nineteen hundred and thirty-seven.

(3) Any reference in this Act to the United Kingdom price per hundredweight of home-grown oats harvested in any year shall be construed as a reference to such price as the Ministers may by order declare to be the United Kingdom price per hundredweight of home-grown oats for the period of seven months beginning with the first day of September in that year, as ascertained in accordance with the provisions of the First Schedule to this Act.

(4) Any reference in this Act to the qualifying acreage of land under oats or under barley in any year shall be construed as a reference to the total number of acres of land under oats or under barley, as the case may be, in respect of which it has become lawful to make subsidy payments by reference to the United Kingdom price per hundredweight of home-grown oats harvested in that year, or in respect of which it would become or would have become lawful so to make such payments if the said price proved or had proved to fall short of eight shillings by fivepence or more, and in relation to England, Scotland or Northern Ireland shall be construed as a reference to the said total number of acres of land in England, in Scotland or in Northern Ireland, as the case may be.

Subsidy  
payments  
and wheat  
deficiency  
payments  
to be  
alternative.

7.—(1) Where, in the case of any farm which at the beginning of the fourth day of June in any year comprised any land under oats or land under barley, there was at any time during the first eight months of that year comprised in that farm any land under wheat, the appropriate Minister shall not be authorised to make any subsidy payments in respect of any of the said land by reason of its having been under oats or under barley, as the case may be, in that year, unless the person who at the

beginning of the said day was the occupier of that farm has, within such period in that year as may be prescribed by regulations made by the Ministers, elected, by notice given to the appropriate Minister in such manner as may be so prescribed, to avail himself of this Part of this Act in respect of that farm for that year.

PART II.  
—*cont.*

(2) If, in respect of any farm, any person elects in accordance with this section to avail himself of this Part of this Act for any year, no deficiency payments shall be payable under the Wheat Act, 1932, in respect of any wheat harvested in that year and grown on land which at any time during the first eight months of that year was comprised in that farm.

22 & 23  
Geo. 5. c. 24.

The power conferred on the Wheat Commission by section five of the said Act to make byelaws for giving effect to the provisions of that Act, shall include a power to make byelaws for giving effect to the provisions of this subsection.

(3) With respect to the year nineteen hundred and thirty-seven and each of the following four years, the appropriate Minister shall, as soon as may be after the end of the period in that year prescribed by regulations under this section, cause to be prepared, and to be sent to the Wheat Commission, a list specifying, in relation to England, Scotland or Northern Ireland, as the case may be, the farms in respect of which persons have elected in accordance with this section to avail themselves of this Part of this Act for that year, and the persons respectively who have so elected.

8.—(1) Where at the beginning of the fourth day of June in any year a crop of oats or barley is growing intermixed with any other crop, the land on which the mixed crop is growing may, in such cases as may be determined in accordance with regulations made by the Ministers, be treated for the purposes of this Part of this Act as land which was then under oats or under barley, as the case may be, but such regulations may provide for the acreage of land on which mixed crops are growing being treated as reduced for the said purposes.

Provisions  
as to mixed  
crops and  
negligent  
cultivation.

(2) If it appears to the appropriate Minister that the crop of oats or barley obtained from any land in any year is unduly small or has been prejudicially affected either

**PART II.**  
—*cont.*

because of the unsuitability of that land for growing oats or barley, as the case may be, or by negligence in connection with the preparation of the land for the crop or with the sowing, tending or harvesting of the crop, he may by order direct—

- (a) that, for the purposes of this Part of this Act, the acreage of the said land under oats or under barley, as the case may be, at the beginning of the fourth day of June in that year shall be disregarded; or
- (b) that, for the purposes aforesaid, the said acreage of that land shall be deemed to be reduced to such extent as may be specified in the order.

Provisions  
as to  
applications  
for subsidy  
payments,  
extent of  
farms, &c.

**9.**—(1) Subject to the provisions of the next following subsection, the appropriate Minister shall not be authorised to make any subsidy payment in respect of any land by reason of its having been under oats or under barley in any year, unless an application for the payment has, in such manner, and within such period in that year, as the Ministers may by regulations prescribe, been made to the appropriate Minister by the person who, at the beginning of the fourth day of June in that year, was the occupier of the farm then comprising that land.

(2) In relation to any land the appropriate Minister may, in any case which appears to him to be exceptional, and if he considers it desirable in the circumstances of the case so to do, extend any period within which, under the preceding provisions of this Part of this Act, any application or election in respect of that land must be made.

(3) For the purposes of this Part of this Act, land farmed as a single unit shall be taken to be a separate farm; and if, in connection with the administration of this Part of this Act, any question arises as to whether or not any land was comprised in any particular farm at any particular time, that question shall be decided by the appropriate Minister, and his decision shall be final and conclusive for all the purposes of this Part of this Act.

Perform-  
ance of  
administra-  
tive func-  
tions by

**10.**—(1) The Wheat Commission may perform on behalf of the appropriate Minister any such functions in connection with the administration of this Part of this Act as he may, with the approval of the Treasury, entrust

to the Commission; but the Commission shall not be authorised by virtue of this subsection to pay any subsidy payment, or to exercise any of the powers of the Ministers or the appropriate Minister to make any order, regulations or rules.

PART II.  
—*cont.*  
Wheat Com-  
mission.

(2) The appropriate Minister may, in accordance with directions of the Treasury, pay from time to time to the Wheat Commission, out of moneys provided by Parliament, such sums as he may, with the approval of the Treasury, determine to be required for defraying the expenses properly incurred by the Commission in the performance of functions entrusted to them under this section.

(3) The reference in subsection (6) of section ten of the Wheat Act, 1932, to the administrative expenses of the Wheat Commission shall be construed as a reference to those expenses less the amount of any sums paid to the Commission under this section; but, save as aforesaid, any reference in that Act to moneys received by the Commission or to expenditure incurred by, or the administrative expenses of, the Commission, shall be construed as including a reference to sums paid to, or, as the case may be, to expenses incurred by, the Commission by virtue of this Part of this Act.

11.—(1) Any reference in the preceding provisions of this Part of this Act to the person who, at the beginning of the fourth day of June in any particular year was the occupier of a farm, shall be construed as including a reference to any person who, if any subsidy payment that might lawfully be made by reason of land comprised at that time in that farm having been under oats or under barley in that year were a debt which had at the beginning of the said day accrued due to the person who was then the occupier of the farm, would for the time being be entitled to claim that subsidy payment otherwise than by virtue of an assignment.

Persons to  
and by  
whom  
payments,  
elections  
and appli-  
cations may  
be made.

(2) Where in any year there has occurred or occurs, at any time before the fourth day of June, a change in the occupation of a farm which, at the time of the change, comprised or comprises land under wheat, land under oats or land under barley, and the outgoing occupier is, by virtue of any custom or agreement,

**PART II.**  
**—cont.**

entitled to harvest any of the wheat, oats or barley, the appropriate Minister, upon application made to him by or on behalf of the outgoing occupier, may give directions for all or any of the following purposes, that is to say :—

- (a) for determining the person or persons by whom any election for that year which may be made in respect of the farm under section seven of this Act, or any application under section nine of this Act for any subsidy payment which may be made for that year in respect of the farm, must be made in order to be effective ;
- (b) for requiring any such election to be approved by the appropriate Minister in order that it may be effective ;
- (c) for securing, in a case where the outgoing occupier has the right to harvest the oats or barley or any part thereof, that the outgoing occupier will receive the whole or part of any such subsidy payment according as the appropriate Minister may determine ;

and if and so far as, by virtue of any such directions as aforesaid, anything which under section six, section seven or section nine of this Act would otherwise fall to be done to or by the person who at the beginning of the fourth day of June was the occupier of a farm falls to be done to or by some other person, that section shall have effect as if any reference therein to the person who at the beginning of the said day was the occupier of the farm were, or as the case may be, included, a reference to that other person, and subsection (1) of this section shall be construed accordingly.

Laying of  
rules and  
regulations  
before  
Parliament.  
56 & 57 Vict.  
c. 66.

**12.** Any regulations or rules made by virtue of this Part of this Act shall, as soon as may be after they are made, be laid before Parliament, but shall be deemed not to be statutory rules to which section one of the Rules Publication Act, 1893, applies.

If either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation or rule is laid before it resolves that the regulation or rule be annulled, it shall forthwith be void but without prejudice to anything previously

done thereunder or to the making of a new regulation or rule.

PART II.  
—*cont.*

**13.**—(1) Subsection (4) of section two of the Wheat Act, 1932, (which subsection provides for determining in each cereal year the quantity of home-grown millable wheat in respect of which deficiency payments may be made at the full rate) shall have effect as if, in paragraph (a) of the proviso to that subsection, for the words “twenty-seven million hundredweights,” in each place where those words occur, there were substituted the words “thirty-six million hundredweights.”

Amend-  
ments of  
22 & 23  
Geo. 5. c. 24.

(2) The maximum quantity of home-grown millable wheat which the Flour Millers' Corporation may be required to buy by orders made under subsection (3) of section one of the Wheat Act, 1932, in any cereal year within the meaning of that Act shall be four million hundredweights, and accordingly—

- (a) the said subsection shall have effect as if, in the proviso thereto, for the words “twelve-and-a-half per cent. of the anticipated supply for that year” there were substituted the words “four million hundredweights of wheat”; and
- (b) subsection (4) of section two of the said Act shall have effect as if, in paragraph (a) of the proviso to that subsection, the words “except for the purposes of the proviso to subsection (3) of section one of this Act” were omitted.

(3) Section eight of the Wheat Act, 1932, (which provides for the reduction of quota payments where the amount of those payments would otherwise be likely to prove excessive by reason of certain specified matters) shall have effect as if, in that section, after the words “last preceding cereal year” there were inserted the words “or by reason of any registered growers having elected to avail themselves of Part II of the Agriculture Act, 1937.”

**14.** The preceding provisions of this Part of this Act shall, in the application thereof to Northern Ireland, have effect as if for any reference in those provisions to the fourth day of June there were substituted a reference to the first day of June.

Applica-  
tion of  
Part II to  
Northern  
Ireland.

## PART III.

## LAND DRAINAGE.

Exchequer grants for defraying land drainage expenses in England and Wales.

**15.**—(1) The Minister may, out of moneys provided by Parliament, make towards expenditure incurred by drainage authorities to which this section applies in the exercise of their functions in carrying out drainage schemes grants of such amounts and subject to such conditions as may be approved by the Treasury.

20 & 21  
Geo. 5. c. 44.

(2) The drainage authorities to which this section applies are all drainage authorities as defined by section eighty-one of the Land Drainage Act, 1930, except catchment boards, and except the council of any county borough which has not established an agricultural committee constituted in accordance with a scheme approved by the Minister.

(3) Grants shall not be made under this section towards any expenditure incurred by an authority after the prescribed date which, subject as hereinafter provided, shall be the thirty-first day of July, nineteen hundred and forty :

Provided that the prescribed date may be postponed for not more than two successive periods of one year each by orders made by the Minister with the consent of the Treasury and confirmed by a resolution of each House of Parliament.

(4) This section shall not extend to Scotland.

Exchequer grants towards drainage expenditure in Scotland.

**16.** Without prejudice to any other power exercisable by the Department of Agriculture for Scotland, that Department may, out of moneys provided by Parliament, make grants of such amounts and subject to such conditions as the Treasury may from time to time approve to owners or occupiers of agricultural land in Scotland in respect of expenditure on the drainage thereof.

Saving as to special areas.  
25 & 26  
Geo. 5. c. 1.

**17.** Notwithstanding anything in subsection (5) of section one of the Special Areas (Development and Improvement) Act, 1934, the power of the Minister and of the Department of Agriculture for Scotland to make specific grants under this Part of this Act shall not prevent the provision to local authorities of financial assistance under that Act towards the cost of drainage works.



## PART IV.

## PROVISIONS AS TO DISEASES OF ANIMALS.

**18.**—(1) The Cattle Pleuro-Pneumonia Account for Great Britain shall be known as the Diseases of Animals Account, and references in any Act or document shall be construed accordingly.

Change of  
name of  
Cattle  
Pleuro-  
Pneumonia  
Account.

(2) This section shall come into operation on the passing of this Act.

**19.**—(1) As from the commencement of this Part of this Act, the functions of veterinary inspectors in Great Britain under the Diseases of Animals Acts, 1894 to 1935, and any enactments relating to milk or to dairies, and the functions of veterinary inspectors in England and veterinary officers in Scotland under any arrangements made by virtue of section nine of the Milk Act, 1934, shall, in accordance with directions given by the Minister, be discharged by veterinary inspectors appointed for the purpose by him under section five of the Board of Agriculture Act, 1889, and the provisions of any enactment relating to such functions shall have effect accordingly.

Veterinary  
inspectors.

24 & 25  
Geo. 5. c. 51.

52 & 53 Viet.  
c. 30.

(2) There shall be transferred and attached to the Ministry of Agriculture and Fisheries such veterinary inspectors or veterinary officers on the staff of any other Government Department as are engaged in connection with the execution of such Acts, enactments or arrangements as aforesaid.

(3) For the purpose of enabling local authorities to discharge their functions in relation to public health, arrangements shall be made by the Minister with the approval of the Treasury for placing the services of veterinary inspectors at the disposal of such authorities, subject to payment by them of any fee chargeable under this section, and the arrangements shall make provision as to the procedure by which such services are to be applied for by local authorities and generally as to the manner in which veterinary inspectors and the officers of local authorities are to co-operate in the execution of their functions under the arrangements.

(4) The Minister may charge, in respect of services rendered under any arrangements made in pursuance of

**PART IV.** the last foregoing subsection, such fees as may be deter-  
 —*cont.* mined by him with the approval of the Treasury; and  
 any sums received by the Minister on account of such  
 fees shall be paid into the Exchequer.

Special  
 payments  
 in connec-  
 tion with  
 the eradica-  
 tion of  
 bovine  
 tuberculosis.

**20.**—(1) During the period beginning at the com-  
 mencement of this Part of this Act and ending with the  
 thirty-first day of January, nineteen hundred and forty-  
 one, the Minister may, in accordance with a scheme  
 made by him and approved by the Treasury, pay to the  
 owner of any herd of cattle in Great Britain such sums as  
 the Minister thinks fit to expend for the purpose of  
 securing so far as practicable that the herd will be free  
 from tuberculosis.

(2) Not later than the end of the period mentioned in  
 the preceding subsection, the Minister may, after consult-  
 ation with the board administering any milk marketing  
 scheme which is for the time being in force, make an  
 order for securing that if that board are satisfied, with  
 respect to any quantity of milk produced after the end of  
 that period in the area to which the scheme applies, that  
 it has been produced by a registered producer in such  
 circumstances as the Minister may specify in the order  
 with a view to effecting the purpose mentioned in the  
 preceding subsection, the board shall pay to that registered  
 producer, in respect of each gallon comprised in that  
 quantity of milk, such sum not exceeding one penny as  
 may be specified in the order.

In this subsection the expression “milk marketing  
 scheme” means a scheme under the Agricultural Market-  
 21 & 22 Geo. 5. c. 42. ing Act, 1931, for regulating the marketing of milk, and  
 the expression “registered producer” has the same  
 meaning as in the said Act.

(3) Any scheme made under this section, and any  
 subsequent scheme amending a scheme so made, shall be  
 laid before Parliament as soon as may be after it has  
 been approved by the Treasury, and if either House of  
 Parliament, within the next twenty-eight days on which  
 that House has sat after the scheme is laid before it,  
 resolves that the scheme be annulled, the scheme shall  
 thereupon cease to have effect, but without prejudice to  
 anything previously done thereunder or to the making  
 of a new scheme.

(4) Section nine of the Milk Act, 1934, is hereby repealed; but any arrangements made under subsection (1) of that section which were operative immediately before the commencement of this Part of this Act shall continue to have effect as if they had been sanctioned by a scheme duly made and approved under this section, subject, however, in the case of arrangements made by the Secretary of State for Scotland, to the modification that the powers and duties of the Department of Agriculture for Scotland, of any veterinary officer and of any other officer of that Department shall be exercised and performed respectively by the Minister, a veterinary inspector and an officer of the Minister.

PART IV.  
—cont.

21. The Minister may, with the approval of the Treasury, expend such sums as he thinks fit with the object of eradicating as far as practicable diseases of animals in Great Britain :

General power of Minister to expend money for the eradication of diseases of animals.

Provided that the Minister shall not after the thirty-first day of January, nineteen hundred and forty-one, have power under this section to make any payment which until that date he is empowered to make only by virtue of the last foregoing section.

22.—(1) The powers of the Minister under the Diseases of Animals Acts, 1894 to 1935, as to slaughter shall be extended so as to include power to cause to be slaughtered any animal which—

Extension of powers of Minister as to slaughter.

- (a) is affected or suspected of being affected with any disease to which this section applies; or
- (b) has been exposed to the infection of any such disease.

(2) This section applies to such diseases of animals as may from time to time be directed by order of the Minister.

(3) The Minister shall, under the powers conferred on him by the last foregoing section, pay for any animal slaughtered under the extended powers conferred by this section compensation of such amount as may be determined in accordance with scales prescribed by order of the Minister made with the approval of the Treasury.

(4) Every order made by the Minister under this section prescribing scales for the payment of compensation shall be laid before Parliament as soon as may be

**PART IV.**  
—*cont.*

after it is made and if either House of Parliament within the next twenty-eight days on which that House has sat after any such order is laid before it resolves that the order be annulled, it shall forthwith be void, but without prejudice to anything previously done thereunder or to the making of a new order.

**Eradication  
areas and  
attested  
areas.**  
57 & 58 Vict.  
c. 57.

**23.** The powers of the Minister under section twenty-two of the Diseases of Animals Act, 1894, shall include power to make orders—

- (a) declaring any area as respects which he is satisfied that a substantial majority of the cattle therein are free from any particular disease to be an eradication area for purposes connected with the control of that disease;
- (b) declaring any area as respects which he is satisfied that any particular disease of cattle is for practical purposes non-existent therein to be an attested area for purposes connected with the control of that disease; and
- (c) prohibiting or regulating the movement of cattle into, out of or within any area which is for the time being an eradication area or an attested area.

**Eradication  
of diseases  
of poultry.**

**24.—**(1) With a view to promoting the breeding and distribution of stocks of poultry free from disease, the Minister may, with the approval of the Treasury, make arrangements whereby persons carrying on, at any premises in Great Britain recognised by him for the purposes of this section, the business of breeding and distributing stocks of poultry, may be afforded facilities for having such poultry, whether alive or dead, inspected, tested and examined free of charge, with the object of determining whether the birds are free from disease, or from what cause they have died.

(2) Any expenses incurred by the Minister under this section shall be defrayed by him out of moneys provided by Parliament.

**Agricultural  
Marketing  
Boards to**

**25.—**(1) It shall be the duty of every board administering a scheme under the Agricultural Marketing Acts, 1931 to 1933, to give at any time to the Minister such information as he may reasonably require for the purpose

of his functions under this Part of this Act, or under the Diseases of Animals Acts, 1894 to 1935.

(2) Nothing in section seventeen of the Agricultural Marketing Act, 1931, as amended by subsection (2) of section twenty-four of the Agricultural Marketing Act, 1933, shall apply to any disclosure of information made by a board in compliance with a requisition of the Minister under this section.

**26.**—(1) Where a veterinary inspector who, immediately before the commencement of this Part of this Act, was a pensionable officer of a local authority becomes at the commencement of this Part of this Act a civil servant, then, if the Local Government and Civil Service (Superannuation) Rules, 1936, (hereafter in this section referred to as “the Rules of 1936”) do not already apply to that local authority, those rules shall nevertheless so apply in relation to that inspector as if the Treasury, upon the application of the local authority, had directed that the rules should apply to them.

(2) Where a veterinary inspector who, at the commencement of this Part of this Act becomes a civil servant, was, immediately before so becoming a non-pensionable whole-time officer of a local authority, then, if by any general Act passed during the same session of Parliament as this Act or during the next succeeding session of Parliament, whole-time officers in the service of that authority on a specified future date will (subject to any special exceptions) on that date necessarily become pensionable under that general Act or pensionable, by virtue of that Act, under a local superannuation Act or scheme, that inspector, if on the said date he is still a civil servant, shall, subject to the following provisions of this section, be entitled to the benefits of the preceding subsection as if, immediately before the commencement of this Part of this Act, he had been a pensionable officer of the local authority.

(3) For the purpose of the application of the Rules of 1936 to any such inspector as is mentioned in the last preceding subsection—

(a) his pensionable local authority service shall be calculated as it would have been calculated if the said general Act had been passed before this

PART IV.  
—*cont.*  
give information to the Minister.  
23 & 24  
Geo. 5. c. 31.

Super-  
annuation  
rights of  
veterinary  
inspectors.

PART IV.  
—*cont.*

Act and if the future date specified therein had been the day immediately prior to the commencement of this Part of this Act;

- (b) if under the Act or scheme to which he would have become subject on the said future date the local authority may by resolution increase the fraction of pensionable emoluments by reference to which an officer's superannuation allowance from them, or any part of that allowance, is to be calculated, they shall as soon as may be after that date take into consideration the case of the inspector in question and by resolution determine whether and if so, to what extent, that fraction is, within the limits permitted by the relevant Act or scheme, to be increased; and
- (c) if no resolution granting such an increase is passed by the local authority within six months after the said date, the fraction by reference to which the inspector's superannuation allowance from them is to be calculated shall be the fraction specified in the relevant Act or scheme.

(4) A local authority in whose service a veterinary inspector was immediately before he became a civil servant shall, in the case of an inspector to whom subsection (1) of this section applies, within three months after the commencement of this Part of this Act or, in the case of an inspector to whom subsection (2) of this section applies, within six months after the said specified future date, give to the Minister full information as to that inspector's previous service, the amount of his emoluments which will be pensionable emoluments for the purposes of the Rules of 1936 and the amount of the superannuation allowance which he may become entitled to receive from the local authority.

(5) If it appears to the Treasury that any difficulty arises in applying the Rules of 1936 so as to give effect to the principles laid down in this section, the Treasury may, notwithstanding anything in section nine of the Superannuation Act, 1935, modify those Rules so far as they deem it necessary so to do for the purpose of removing that difficulty.

(6) In this section—

(a) the expression “veterinary inspector” includes a person who, immediately before the commencement of this Part of this Act, was a veterinary officer in Scotland;

(b) the expression “pensionable officer of a local authority” means an officer of a local authority who is a pensionable officer or servant of the authority within the meaning of section nine of the Superannuation Act, 1935; and

(c) the expression “civil servant” has the meaning assigned to it by section twelve of the Superannuation Act, 1887.

PART IV.  
—cont.

50 & 51 Vict.  
c. 67.

27.—(1) Save as otherwise expressly provided in this Part of this Act, any expenditure incurred by the Minister which is authorised by this Part of this Act shall be defrayed by him out of the money standing to the credit of the Diseases of Animals Account.

Expenses.

(2) Any expenses which may, after the commencement of this Part of this Act, be incurred by the Minister in respect of compensation payable by him for animals slaughtered under section seven of the Diseases of Animals Act, 1894 (which relates to cattle plague) shall be defrayed out of the money standing to the credit of the Diseases of Animals Account and not out of moneys provided by Parliament.

(3) All officers and servants employed by the Minister for the purpose of the execution of this Part of this Act or any provisions of the Diseases of Animals Acts, 1894 to 1935, shall be, and, in the case of officers and servants appointed before the commencement of this Part of this Act, shall be deemed to have been, appointed under section five of the Board of Agriculture Act, 1889, and, notwithstanding anything in that section or in the said Diseases of Animals Acts, the remuneration and allowances payable to any such officers and servants and to any inspectors, valuers, or other persons appointed for the purpose aforesaid shall be defrayed as may be directed by the Treasury either out of the money standing to the

PART IV. credit of the Diseases of Animals Account, or out of  
—*cont.* moneys provided by Parliament.

19 & 20  
Geo. 5. c. 17. (4) Sub-paragraph (1) of paragraph 1 of the Third Schedule to the Local Government Act, 1929 (which requires the payment to the credit of the Diseases of Animals Account, out of moneys provided by Parliament, of any sum by which the money standing to the credit of that account is insufficient to defray the costs and expenses of the Diseases of Animals Acts, 1894 to 1927) shall have effect as if the reference in that sub-paragraph to the costs and expenses of those Acts included a reference to the expenditure which by this section is made payable out of the Diseases of Animals Account.

Minor and  
consequen-  
tial amend-  
ments.

28.—(1) The amendments specified in the Second Schedule to this Act, being minor amendments, shall be made in the public general Acts mentioned in the said Schedule.

(2) If it appears to the Minister of Health in the case of a local Act in force in England, or to the Secretary of State in the case of a local Act in force in Scotland, that any provisions of that Act relating to veterinary inspectors, or to the inspection or testing of cattle, are inconsistent with the provisions of this Part of this Act, the Minister or the Secretary of State, as the case may be, on the application of any local authority appearing to him to be concerned, may by order make such consequential alterations, whether by amendment or by repeal, in those provisions of the local Act as he considers necessary for the purpose of bringing them into conformity with the provisions of this Part of this Act.

In this subsection the expression “local Act” includes a provisional order confirmed by Parliament.

(3) An order made under this section shall be laid before Parliament as soon as may be after it has been made and, if either House of Parliament within the next twenty-eight days on which that House has sat after the order is laid before it resolves that the order be annulled, it shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of a new order.



## PART V.

## SUPPLEMENTARY.

29.—(1) For the purpose of obtaining information **Power to obtain information.**  
required for the purposes of this Act—

- (a) the appropriate Minister, and such authority, if any, as may be prescribed by the Land Fertility Scheme, may authorise in writing any person to inspect any agricultural land in respect of which a contribution under Part I of this Act has been applied for or made, or to require an approved supplier, or any person who has ceased to be an approved supplier, to furnish such information and to produce such accounts, books or other documents as he may, by virtue of the conditions subject to which he became or ceased to be an approved supplier, be lawfully required to furnish or produce;
- (b) the appropriate Minister may authorise in writing any person to inspect any agricultural land in respect of which a subsidy payment under Part II of this Act has been applied for or paid;
- (c) the Minister may authorise in writing any veterinary inspector or other officer of the Ministry of Agriculture and Fisheries to inspect animals or poultry;

and any person so authorised may, for the purposes of any inspection to be carried out by him, at all reasonable times, upon production of his authority on demand, enter on any land or premises and apply such tests and take such samples as he considers necessary.

(2) Notwithstanding anything in the Agricultural Returns Act, 1925, any returns made under that Act may be used by the Minister of Agriculture and Fisheries and by the Department of Agriculture for Scotland for the purposes of this Act, and the annual agricultural statistics collected by the Ministry of Agriculture for Northern Ireland may be used for the purposes of this Act, and any such returns or statistics may be published or disclosed to any committee or commission exercising functions conferred on them by or under this Act for the purpose of enabling them to exercise such functions, or to any court before which any proceedings under or in connection with this Act are taken. **15 & 16 Geo. 5. c. 39.**

PART V.  
—*cont.*  
Penalties.

**30.**—(1) Any person who—

- (a) knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any contribution, subsidy or other sum payable under this Act; or
- (b) having obtained a contribution under Part I of this Act in respect of any lime or basic slag, wilfully disposes of or uses it, or allows it to be used, for any purpose other than that of adding it to agricultural land in his occupation in the United Kingdom in order to improve the fertility of the soil; or
- (c) with intent to deceive, uses, or lends to or allows to be used by any other person, any certificate, receipt or other document issued for the purposes of the Land Fertility Scheme, or, with the like intent, makes or has in his possession any document so closely resembling such a certificate, receipt or other document as to be calculated to deceive; or
- (d) being lawfully required in accordance with the provisions of the Land Fertility Scheme to furnish any information or to produce any accounts, books or other documents, knowingly furnishes false information or produces any false accounts, books or other documents,

shall, unless in the case of an indictable offence he is indicted for the offence, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.

(2) Any person who obstructs or impedes any person duly authorised under this Act to make any inspection in the exercise of any functions which he is authorised by or under this Act to perform, or who, when duly required, fails or refuses to furnish any information or to produce any accounts, books or other documents in his possession or power which he may, by virtue of the conditions subject to which he became or ceased to be an approved supplier be lawfully required to furnish or produce, shall be liable on summary conviction in the case of a first offence to a fine not exceeding twenty

pounds and, in the case of a second or subsequent offence punishable under this subsection, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding one month, or to both such imprisonment and fine.

PART V.  
—*cont.*

**31.** Any arrangements and any scheme or order made under this Act, not being an order postponing a prescribed date, may be varied or revoked by subsequent arrangements or a subsequent scheme or order, as the case may be, made in the like manner and subject to the like provisions, if any, with respect to laying before Parliament.

Power to  
revoke and  
vary orders,  
&c.

**32.** 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.

“Acre” means statute acre, and acreage shall be construed accordingly;

“Agricultural land” means any land used as arable meadow or pasture ground, or for the purpose of poultry farming, market gardens, nursery grounds, orchards, or allotments, including allotment gardens within the meaning of the Allotments Act, 1922;

12 & 13  
Geo. 5. c. 51.

“Animals” means cattle, sheep and goats and all other ruminating animals and swine and horses, asses and mules, and includes also in the case of any particular section of Part IV of this Act any other four-footed animal to which the Minister may by order declare that section to be applicable;

“Approved supplier” means a supplier of lime or basic slag approved for the purposes of the Land Fertility Scheme;

“Home-grown” means grown in the United Kingdom;

“Lime” means such forms of calcium oxide, calcium hydroxide or calcium carbonate as may be specified in the Land Fertility Scheme;

“Local authority” means the common council of the City of London, the council of a metropolitan borough or the council of a county, county borough or county district;

PART V.  
—*cont.*  
25 & 26  
Geo. 5. c. 31.

“ Poultry ” has the same meaning as in the Diseases of Animals Act, 1935 ;

“ The appropriate Minister ” means, in relation to England or functions exercisable with respect thereto and in relation to Northern Ireland or functions exercisable with respect thereto, the Minister ; and, in relation to Scotland or functions exercisable with respect thereto, any reference in this Act to the appropriate Minister shall be construed as a reference to the Department of Agriculture for Scotland ;

“ The Minister ” means the Minister of Agriculture and Fisheries ;

“ The Ministers ” means the Minister and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland ;

“ Year ” means a period of twelve months beginning on the first day of January.

Application  
to Scotland.

**33.** In the application of this Act to Scotland—

(a) the expression “ local authority ” means a county council, or the town council of a large burgh within the meaning of the Local Government (Scotland) Act, 1929 ;

(b) for any reference to the Allotments Act, 1922, there shall be substituted a reference to the Allotments (Scotland) Act, 1922 ;

(c) any provision of this Act with regard to the recovery of an amount summarily as a civil debt shall have effect as if the word “ summarily ” were omitted therefrom ;

(d) subsection (2) of section eleven of this Act shall not apply, and in lieu thereof the following provision shall have effect :—

“ (2) Where in any year there has occurred or occurs, at any time before the fourth day of June, a change in the occupation of a farm which, at the time of the change, comprised or comprises land under oats or land under barley, and the outgoing occupier is, by virtue of any custom or agreement, entitled to harvest the oats or barley, or to

19 & 20  
Geo. 5. c. 25.

12 & 13  
Geo. 5. c. 52.

receive payment therefor, the provisions of Part II of this Act shall, in relation to the said farm, have effect as if for any reference to the person who at the beginning of the fourth day of June in the said year was the occupier of the farm, there were substituted a reference to the outgoing occupier."

PART V.  
—cont.

**34.**—(1) This Act may be cited as the Agriculture Act, 1937. Short title, extent and commencement.

(2) Parts III and IV of this Act shall not extend to Northern Ireland.

(3) Save as otherwise expressly provided therein, Part IV of this Act shall come into operation on such date as the Minister may by order direct.

(4) As from the commencement of Part IV of this Act, the enactments specified in the Third Schedule to this Act shall, except in so far as they extend to Northern Ireland, be repealed to the extent mentioned in the third column of that Schedule.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Section 6 (3).

#### PROVISIONS FOR THE ASCERTAINMENT OF THE UNITED KINGDOM PRICE OF HOME-GROWN OATS.

1. In relation to each of the three countries the appropriate Minister shall, as soon as may be after the expiration of the period of seven months beginning on the first day of September in any relevant year, cause to be computed, in accordance with rules made by the Ministers, the average of the prices per hundredweight at which home-grown oats were sold in that country during the said period.

2. In relation to each of the three countries the appropriate Minister shall then cause to be ascertained the qualifying acreage of land under oats in that year.

1ST SCH.  
—*cont.*

3. The Ministers shall then cause the United Kingdom price per hundredweight of home-grown oats for the said period of seven months to be computed as follows:—

(a) the average price computed in relation to each of the three countries under paragraph 1 of this Schedule shall be multiplied by the number of acres ascertained under paragraph 2 of this Schedule in relation to that country, and the resulting products shall be added together;

(b) the resulting total shall be divided by the sum of the three numbers ascertained under the said paragraph 2.

If the amount arrived at under the preceding provisions of this paragraph is not an exact multiple of a penny, the odd fraction of a penny shall be disregarded.

4. In this Schedule the expression “the three countries” means England, Scotland and Northern Ireland, and the expression “relevant year” means the year nineteen hundred and thirty-seven or any of the following four years.

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## SECOND SCHEDULE.

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Section 28  
(1).

### MINOR AMENDMENTS.

#### AMENDMENTS OF THE DISEASES OF ANIMALS ACT, 1894.

##### *Section seventeen.*

In section seventeen for the words “the execution of the sections of” there shall be substituted the words “their powers under”.

##### *Section eighteen.*

In paragraph (b) of subsection (1) the words “on account of pleuro-pneumonia, foot-and-mouth disease or swine-fever” shall be omitted.

##### *Section fifty-nine.*

In subsection (1) there shall be substituted for the definitions of “inspector of the Board of Agriculture,” “inspector of a local

authority," " inspector " and " veterinary inspector " the following definitions :—

2ND SCH.  
—cont.

" The expression ' inspector ' means a person appointed to be an inspector for the purposes of this Act by the Minister of Agriculture and Fisheries or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector :

The expression ' veterinary inspector ' means a veterinary inspector appointed by the Minister of Agriculture and Fisheries : "

*Section sixty-three.*

In subsection (1) for the words " inspector of the Board of Agriculture " there shall be substituted the words " inspector or veterinary inspector of the Ministry of Agriculture and Fisheries," and after the words " powers of an inspector " there shall be inserted the words " or veterinary inspector, as the case may be".

Subsection (2) shall be omitted.

AMENDMENTS OF THE MILK AND DAIRIES (CONSOLIDATION) ACT,  
1915.

*Section nineteen.*

In subsection (1) for the definition of " veterinary inspector " there shall be substituted the following definition :—

" The expression ' veterinary inspector ' means a veterinary inspector appointed by the Minister of Agriculture and Fisheries."

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THIRD SCHEDULE.

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Section 34  
(4).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	In section seven, in subsection (3), the words " out of money provided by Parliament " ; in section seven- teen the words " on account of pleuro-pneumonia, foot-and-mouth disease, or swine-fever " ; in section eighteen,

3RD SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 57—cont.	The Diseases of Animals Act, 1894 —cont.	in paragraph (b) of subsection (1), the words “on account of pleuro-pneumonia, foot-and-mouth disease or swine fever”; section nineteen; in section twenty, in subsection (1) the words “or of a local authority,” and the words “or the local authority, as the case may be”; in subsection (2), the words “or of a local authority,” the words “or to the local authority, as the case maybe,” the words “or the local authority,” and the words from “and any money,” to the end of the subsection; in subsection (3) the words “or a local authority,” and the words “or the local authority, as the case may be”; in subsection (4), the words “or of a local authority,” the words “or the local authority, as the case may be,” and the words from “but, as regards,” to the end of the subsection; in subsection (5), the words “or of a local authority”; subsection (6); and in subsection (7), the words “or a local authority, as the case may be,” the word “respective,” and the words “or the local authority, as the case may be”; in section twenty-two, in paragraphs (xiv) and (xvi), the words “or of a local authority”; in section thirty-four, in subsection (2), the words “including compensation for animals slaughtered”; subsection (2) of section thirty-five; and subsection (2) of section sixty-three.



3RD SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Geo. 5. c. 46.	The Milk and Dairies (Scotland) Act, 1914.	In section three, subsections (1) to (6).
5 & 6 Geo. 5. c. 66.	The Milk and Dairies (Consolidation) Act, 1915.	In section ten, in subsection (1), the words from the beginning of the subsection to "the Diseases of Animals Act, 1894, and," and subsection (2).
15 & 16 Geo. 5. c. 63.	The Diseases of Animals Act, 1925.	Section one.
17 & 18 Geo. 5. c. 13.	The Diseases of Animals Act, 1927.	Section three; and in section four the words "or by a local authority".





# 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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[1 EDW. 8. & 1 GEO. 6.]

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ROYAL ASSENT, 18TH FEBRUARY, 1937.

- No. 1.** A Measure to establish a system of quarterly payments of income payable by Queen Anne's Bounty to incumbents of benefices, and to provide for the transfer to the Ecclesiastical Commissioners of funds held by Queen Anne's Bounty for the benefit of ecclesiastical corporations, and for purposes connected therewith. (*Queen Anne's Bounty (Powers).*)

ROYAL ASSENT, 6TH MAY, 1937.

- No. 2.** A Measure to enable the House of Laity to co-opt certain persons to be members of that House. (*House of Laity (Co-opted Members).*)

ROYAL ASSENT, 1ST JULY, 1937.

- No. 3.** A Measure to establish a Constitution and Statutes for the Cathedral Church of Saint Saviour, Southwark, and for purposes connected therewith. (*Southwark Cathedral.*)



# 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 1937.

1 EDW. 8. & 1 Geo. 6.

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## No. 1.

A MEASURE passed by the National Assembly  
of the Church of England.

To establish a system of quarterly payments of  
income payable by Queen Anne's Bounty to  
incumbents of benefices, and to provide for the  
transfer to the Ecclesiastical Commissioners of  
funds held by Queen Anne's Bounty for the  
benefit of ecclesiastical corporations, and for  
purposes connected therewith.

[18th February 1937.]

### DEFINITIONS.

#### 1. In this Measure—

- (i) the expression "beneficiary" means and includes the incumbent and other the person or persons for the time being entitled to receive the emoluments of a benefice;
- (ii) the expression "benefice" has the meaning assigned to it by the Tithe Act, 1936; and
- (iii) the expression "ecclesiastical corporation" has the meaning assigned to it by the Episcopal and Capitular Estates Act, 1851.

Interpreta-  
tion.

26 Geo. 5. &  
1 Edw. 8.  
c. 43.  
14 & 15 Vict.  
c. 104.

## QUARTERLY PAYMENTS TO INCUMBENTS.

Measure to affect net income payable by Queen Anne's Bounty.

2.—(1) Where any net income is payable by Queen Anne's Bounty to a beneficiary this Measure shall apply to such net income and to the benefice in respect of which the same is payable, and Queen Anne's Bounty shall put into operation in respect of such net income the system of quarterly payments established by this Measure.

(2) For the purposes of this Measure net income shall, in respect of every benefice to which this Measure applies, mean the yearly total, estimated in accordance with the provisions of this Measure, of any dividends, interest or other periodical payments in the nature of income derived from all or any of the sources specified in Part I of the Schedule hereto, less the deductions specified in Part II of the said Schedule to which such income or any part thereof is liable: Provided that this Measure shall not apply to moneys in respect of arrears of tithe rent-charge paid or payable to Queen Anne's Bounty by the Tithe Redemption Commission, or to moneys standing to the credit of a benefice in the Tithe Revenue Account of Queen Anne's Bounty by virtue of the Tithe (Administration of Trusts) Measure, 1928, or to moneys, stocks or securities held by Queen Anne's Bounty on discretionary trusts or on special trusts other than trusts solely for the augmentation of the benefice.

Quarterly payments to be made in respect of net income.

3.—(1) Subject to the provisions of this Measure, net income shall be paid in four equal quarterly payments on the first days of January, April, July and October in every year, but so that the first quarterly payment shall be made on the first day of July, one thousand nine hundred and thirty-seven.

(2) For the purposes of this Measure, the net income of a benefice shall be the net income accruing for the period commencing on the first day of April in any year and ending on the thirty-first day of March in the following year (hereinafter called "the current year").

Inauguration of system of quarterly payments.

4. In order to inaugurate the system of quarterly payments established by this Measure Queen Anne's Bounty shall forthwith, in the case of every benefice to which this Measure applies, pay to the beneficiary such part of the net income (estimated so far as circumstances

permit in accordance with the method prescribed by this Measure) as shall have accrued up to and including the thirty-first day of March, one thousand nine hundred and thirty-seven, including income so accrued and payable on or before the first day of April, one thousand nine hundred and thirty-seven.

5.—(1) Immediately upon the coming into operation of this Measure Queen Anne's Bounty shall estimate, in the manner prescribed by this Measure, the net income of every benefice to which this Measure applies and shall in the case of every such benefice, and not less than twenty-one clear days before the first day of July, one thousand nine hundred and thirty-seven, notify the beneficiary of the amount of such estimate and of the quarterly payments based thereon.

Ascertain-  
ment and  
annual  
review of  
quarterly  
payments.

(2) Every such estimate shall be reviewed by Queen Anne's Bounty annually on or before the first day of April in respect of the year then next ensuing, and shall be revised so far as may be necessary; and notification of any alteration in the estimate and of the consequential alterations in the quarterly payments to be made for that year shall be given as provided in the foregoing subsection.

6.—(1) In addition to the yearly revisions prescribed by this Measure, Queen Anne's Bounty may revise generally, and at any period in the year as circumstances may require, any estimate made by Queen Anne's Bounty under this Measure, and may adjust any over-payment or under-payment by making such deductions from or additions to any quarterly payment to the beneficiary who has received the over-payment or under-payment as Queen Anne's Bounty may think necessary.

Revision  
and adjust-  
ment of  
quarterly  
payments.

(2) In any case where by reason of the avoidance of a benefice or for any other reason such over-payments or under-payments cannot be fully adjusted under the foregoing provisions of this section, the balance due to Queen Anne's Bounty or to the beneficiary, as the case may be, shall be recoverable as a debt from the beneficiary or his estate, or from Queen Anne's Bounty, as the case may be.

(3) In any case where such a balance as aforesaid is due to Queen Anne's Bounty, and any moneys are payable by Queen Anne's Bounty to the beneficiary

from whom the balance is due, Queen Anne's Bounty may, to such extent as may be required, retain such moneys and apply the same in satisfaction of the said balance.

Deductions in respect of cost of system of quarterly payments.

7. In order to meet the cost incurred by Queen Anne's Bounty in paying income in advance of receipt resulting from the application of the system of quarterly payments pursuant to this Measure, Queen Anne's Bounty shall have power, in the case of every benefice the net annual value of which, computed in accordance with the method adopted by Queen Anne's Bounty for ascertaining the eligibility of a benefice for a grant out of the surplus revenue of Queen Anne's Bounty, exceeds three hundred and fifty pounds, to deduct from each quarterly payment a sum not exceeding one-half of one per cent. of the amount of such quarterly payment.

Deduction of expenses incurred under the Tithe Act, 1936, section five.

8. Queen Anne's Bounty shall be entitled to deduct from the money or stock appropriated to a benefice or ecclesiastical corporation under the provisions of the Third Schedule to the Tithe Act, 1936, all expenses and charges incurred by them in connection with the preparation and transmission of the particulars required under section five of the Tithe Act, 1936, including surveyors' charges, in respect of such benefice or ecclesiastical corporation.

Determination of questions.

9. Without prejudice to any other remedy a beneficiary shall be entitled to require that any question which may arise in connection with the application of this Measure to his benefice shall be determined by the Appeal Committee appointed under section six of the Tithe (Administration of Trusts) Measure, 1928.

#### TRANSFER TO THE ECCLESIASTICAL COMMISSIONERS OF ECCLESIASTICAL CORPORATION FUNDS.

Transfer to Ecclesiastical Commissioners by Queen Anne's Bounty of moneys, stocks or

10.—(1) It shall be lawful for Queen Anne's Bounty at any time after the passing of this Measure at the request of the Ecclesiastical Commissioners (hereinafter called the Commissioners) to transfer to them the whole or any part of any moneys, stocks or securities for the time being held by Queen Anne's Bounty on behalf of any ecclesiastical corporation pursuant to the Tithe Acts,



1925 and 1936, including the whole or any part of any moneys estimated by Queen Anne's Bounty to be apportionable to such corporation out of the amount or amounts issued to Queen Anne's Bounty under paragraph (g) of subsection (4) of section twenty-five of the Tithe Act, 1936, and of any interest thereon received or allowed by Queen Anne's Bounty.

securities received on behalf of ecclesiastical corporations in compensation for tithe rent-charge.

(2) Any moneys, stocks or securities so transferred shall be held by the Commissioners for the benefit of the ecclesiastical corporation for which the moneys, stocks or securities would have been held by Queen Anne's Bounty if the same had not been so transferred to the Commissioners, and in relation thereto the Commissioners shall have the same powers of investment or re-investment as they have in respect of any fund the income of which is carried to their Common Fund.

Powers of Commissioners in relation thereto.

11. At the request of the ecclesiastical corporation concerned the Commissioners shall have power out of any moneys, stocks or securities transferred to them by Queen Anne's Bounty for such ecclesiastical corporation under section ten, subsection (1) of this Measure or out of the income therefrom to make to any person or persons entitled on the second day of October, one thousand nine hundred and thirty-six, to receive the emoluments of, or to receive emoluments as a member or members of, an ecclesiastical corporation payment of such amounts as to the Commissioners shall seem fit in respect of any decrease occasioned by the Tithe Act, 1936, in his or their receipts in respect of those emoluments, so long as such person or persons remain entitled to receive those emoluments.

Power to compensate existing life interests.

12. The Commissioners shall have in respect of the moneys, stocks or securities transferred to them the power of adjustment conferred on Queen Anne's Bounty under paragraph seven of the Eighth Schedule to the Tithe Act, 1936, in respect of ecclesiastical corporations.

Power of adjustment.

#### GENERAL.

13. This Measure shall come into operation on the first day of April, one thousand nine hundred and thirty-seven.

Commencement.

viii No. 1. *Queen Anne's Bounty (Powers) Measure, 1937.* 1 EDW. 8. &  
1 GEO. 6.

Extent. 14. This Measure shall extend to the whole of the Provinces of Canterbury and York (except the Channel Islands and the Isle of Man).

Short title. 15. This measure may be cited as the Queen Anne's Bounty (Powers) Measure, 1937.

Section 2.

## SCHEDULE.

### PART I.

#### SOURCES OF INCOME.

1. Moneys or securities now or hereafter appropriated by Queen Anne's Bounty or held by them in trust solely for the augmentation of the benefice.

2. Annual sums payable by Queen Anne's Bounty and charged in favour of the benefice upon the revenues of another benefice or any part thereof.

3. Property of any other kind vested in Queen Anne's Bounty in trust for the benefice, including corn rents, rent-charges and money payments in lieu of tithe not extinguished by the Tithe Act, 1936, and Tithe Redemption Annuities arising under the Tithe Act, 1918.

### PART II.

#### DEDUCTIONS.

1. Instalments of principal moneys and interest payable to Queen Anne's Bounty under any mortgage or charge made under—

- 17 Geo. 3.  
c. 53.
- (a) the Clergy Residences Repair Act, 1776, and the Acts extending or amending the same;
- (b) the Ecclesiastical Dilapidations Measures, 1923 to 1929;
- 55 & 56 Vict.  
c. 57.
- (c) the Private Street Works Act, 1892;
- (d) the Agricultural Holdings Acts or any of them.

2. Deductions which, under the Ecclesiastical Dilapidations Measure, 1923, the Clergy Pensions Measure, 1926, the Clergy Pensions (Older Incumbents) Measure, 1930, the Tithe Acts, 1925 and 1936, and any amendment thereof respectively, or under any other Statute or Measure or any Order of His Majesty in Council, are authorised or required to be made from moneys payable by Queen Anne's Bounty.

3. Moneys advanced to or paid on behalf of a beneficiary by Queen Anne's Bounty.

## No. 2.

A MEASURE passed by the National Assembly  
of the Church of England.

To enable the House of Laity to co-opt certain  
persons to be members of that House.

[6th May 1937.]

1. The House of Laity shall have power to co-opt Power to  
persons of either sex (in this Measure referred to as co-opt.  
"co-opted members") who are actual lay communicant  
members of the Church of England of twenty-one years  
of age or upwards to be members of the House of Laity :

Provided that—

- (a) the co-opted members shall not at any one  
time exceed ten in number ; and
- (b) no person shall be qualified to become a  
co-opted member unless every member of the  
Standing Committee of the House of Laity  
shall have first consented to his co-optation,  
either verbally at a meeting of the Standing  
Committee or in writing.

2. Except in regard to their appointment the Rights of  
co-opted members shall have the same rights and be co-opted  
subject to the same rules and regulations as members of members.  
the House of Laity elected in accordance with the Rules  
for the Representation of the Laity :

Provided that no co-opted member shall by reason  
only of his membership of the House of Laity be a  
member of any parochial church council or of any  
ruri-decanal or diocesan conference.

3. Co-opted members shall continue to be members Duration  
of the House of Laity until the next election of that of member-  
House. ship.

4. The House of Laity may by Standing Order Power to  
make rules for regulating the procedure on and incident make rules  
to the appointment of the co-opted members and other- by Standing  
wise for carrying this Measure into effect. Order.

5. This Measure may be cited as the House of Laity Short title.  
(Co-opted Members) Measure, 1937.

## No. 3.

A MEASURE passed by the National Assembly  
of the Church of England.

To establish a Constitution and Statutes for the  
Cathedral Church of Saint Saviour, Southwark,  
and for purposes connected therewith.

[1st July 1937.]

Title of  
Southwark  
Cathedral.

1. The Cathedral Church of Saint Saviour, Southwark, shall henceforth be known as the Cathedral and Collegiate Church of Saint Saviour and Saint Mary Overie, Southwark, and is referred to in this Measure as "the Cathedral Church."

Constitu-  
tion and  
statutes of  
Southwark  
Cathedral.

2.—(1) The scheme containing the constitution and the statutes for the Cathedral Church set out in the First Schedule to this Measure shall, subject to the provisions as to appeals contained in the Second Schedule to this Measure, be confirmed.

21 & 22  
Geo.5.No.7.

(2) Such constitution and statutes shall be subject to amendment in like manner as if the scheme had been confirmed by Order in Council under the Cathedrals Measure, 1931.

(3) Nothing in such constitution or statutes shall be deemed to affect the rights, privileges and duties of the Corporation of Wardens and of the Rectory Trustees therein mentioned, which pertain to them under law or under any statute or instrument lawfully made.

Transfer  
of trust  
funds or  
properties.

3.—(1) Subject to the provisions of this section and with no other authority than this Measure :—

(i) the Trustees of the Southwark Cathedral Trust shall transfer to the Chapter of the Cathedral Church the several funds mentioned in the Third Schedule, and any balances of cash which, on the day when this Measure comes into operation, stand to the account of the said Trustees ;

(ii) the Trustees of the Ellis Bequest constituted by the will dated the twenty-third day of July, one thousand nine hundred and twenty-five, and

proved the tenth day of May, one thousand nine hundred and twenty-eight, of the late Miss Alice Prowde Ellis shall be empowered to transfer to the Chapter of the Cathedral Church all funds or properties under their jurisdiction the income of which is applicable to any purpose in connection with the Cathedral Church or for the benefit of any corporation sole or aggregate or of any person or body in the Cathedral Church.

(2) Upon the transfer of any of the funds or properties referred to in this section the funds and properties so transferred and the income arising therefrom shall be administered for the purposes of the Cathedral Church by the bodies in that behalf empowered by the statutes; Provided that the income shall be applied only for such purposes and in such manner as is authorised by the instrument governing the trust.

(3) Upon the transfer of the funds mentioned in the Third Schedule to this Measure, the Trustees shall take all steps required by law for the winding-up and dissolution of the Southwark Cathedral Trust, and any debts or liabilities incurred by the Trustees in respect of the management of the funds and still remaining undischarged at the date of transfer (including the lawful costs of the winding-up and dissolution of the Trust) shall be discharged out of the funds so transferred or the income accruing therefrom in such manner as the Cathedral Council shall decide.

4.—(1) Subject to the further provisions of this section and with no conveyance or act in the law other than this Measure, the Chapter House shall be transferred to and vested in the Chapter of the Cathedral Church.

Transfer  
of the  
Chapter  
House.

For the purposes of this Measure “the Chapter House” means the Church of St. Thomas in Southwark together with—

- (i) the adjoining land which with that church was conveyed to the Ecclesiastical Commissioners in pursuance of section seven of the Saint Thomas Southwark and Saint Saviour Southwark Act, 1898, by virtue of the deed of conveyance described in Part I of the Fourth Schedule hereto;

61 & 62 Vict.  
c. cxvi.

- (ii) the land adjoining the said church and held by the Ecclesiastical Commissioners for the purposes of the Chapter House which was conveyed to the Ecclesiastical Commissioners by virtue of the deed of conveyance described in Part II of the said Schedule.

47 & 48 Vict.  
c. 72.

(2) The Chapter House shall not be subject to any of the provisions contained in the Saint Thomas Southwark and Saint Saviour Southwark Act, 1898; nor shall any of the provisions contained in the Disused Burial Grounds Act, 1884, in so far as they impose any condition or restriction upon the erection of any building in or upon a closed or disused burial ground, apply to the Chapter House.

Powers  
exercisable  
in respect  
of the  
Chapter  
House.  
26 Geo. 5. &  
1 Edw. 8.  
No. 4.

5.—(1) Subject to the provisions of this Measure, there shall be exercisable in respect of the Chapter House all or any of the powers exercisable under section two of the Cathedrals (Houses of Residence) Measure, 1936, in respect of a house of residence to which that Measure applies; Provided that in respect of the Chapter House—

- (i) the power of appropriation shall be exercisable by the Administrative Chapter with the consent of the Bishop;
- (ii) the powers other than the power of appropriation shall be exercisable by the Cathedral Council with the consents of—
- (a) the Bishop;
- (b) the Ecclesiastical Commissioners;

but so that such consents shall not be required to the creation of a tenancy which does not exceed a tenancy from year to year; and so that, in any case where the exercise of any power would affect the plan or elevation of the Chapter House, the Ecclesiastical Commissioners shall consult the Ancient Monuments Board for England constituted under the Ancient Monuments Acts, 1913 and 1931, and, before giving their consent, shall take into consideration any recommendations made by the Ancient Monuments Board and shall impose such restrictive or other conditions as they may think fit.

(2) Subsection (2) of section four of the Cathedrals (Houses of Residence) Measure, 1936, which relates to the testification of the consent of the Ecclesiastical Commissioners and to evidence of other consents required by that Measure, shall apply to the exercise under this Measure of a power of sale or a power of granting leases and tenancies.

(3) The Cathedral Council shall have power to defray from the cathedral revenues the whole or any part of the costs, charges and expenses of and incidental to the exercise or proposed exercise of any of the powers conferred by this section.

6.—(1) Notice of the finding of any human remains which may be found in the Chapter House either in consequence of the exercise of any power conferred by section five of this Measure or otherwise shall be given to the Secretary of State, and such remains shall be removed and reinterred or otherwise dealt with subject to and in conformity with such directions and restrictions as he may think fit to give or impose.

Removal of human remains and ecclesiastical fittings.

(2) Before the exercise of any power conferred upon the Cathedral Council by section five of this Measure all ecclesiastical fittings and furniture in the Chapter House shall be dealt with as the Cathedral Council with the consent of the Bishop shall direct.

7.—(1) All capital moneys arising from any disposition of the Chapter House made under this Measure shall be paid to the Chapter of the Cathedral Church.

Payment of capital moneys, &c., and application thereof.

(2) The income arising from the investment of such capital moneys and any other income arising from any disposition of the Chapter House made under this Measure shall be paid into and shall form part of the cathedral revenues.

(3) The receipt of the person duly authorised for the purpose by the Administrative Chapter shall be a sufficient discharge to the person making any payment referred to in this section.

8. This Measure, other than the provisions contained in the Second Schedule thereto, shall not come into operation until the time for appealing allowed by that Schedule has expired, nor, if within that time an appeal is brought, until the appeal has been disposed of or

Commencement.

withdrawn, and if an appeal is allowed this Measure shall thereupon cease to have effect.

Short title.       **9.** This Measure may be cited as the Southwark Cathedral Measure, 1937.

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## SCHEDULES.

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### THE FIRST SCHEDULE (referred to in section 2).

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#### THE CATHEDRAL AND COLLEGIATE CHURCH OF SAINT SAVIOUR AND SAINT MARY OVERIE, SOUTHWARK.

##### PREAMBLE.

The Church of Saint Saviour, Southwark, originally the Collegiate Church of the Priory of Saint Mary Overie, thereafter served as the church of a parish established, by a Statute of Henry VIII in the year 1541, out of two previously existing parishes. The property of the Wardens of those two parishes was vested in a body of six Wardens, who were to be elected by the parishioners of the new parish.

The rectory, church, burying-ground and certain other property in the parish were granted by James I in 1611 to certain persons, and by those persons conveyed in 1614 to a body of Trustees on trust for the employment of two preaching Chaplains and other purposes. The Saint Saviour's, Southwark, Chaplaincy Act, 1868, reduced the number of these Chaplains to one, who was required to maintain a curate.

The St. Saviour's, Southwark (Church Rate Abolition) Act, 1883, vested the right of perpetual presentation to the office of Chaplain in the Bishop of the diocese in which the parish church was or might be situated and enacted that the holder of the said office should be styled Rector. It confirmed the Wardens in their capacity as a body corporate and in their rights, but regulated the method of electing the Wardens, including the Warden of the Great Account, and made provision for the election of a further Warden, to be called the Rector's Warden, and his inclusion in the body corporate. It added the Rector to the then existing Trustees, and made new provisions for election of the elected Trustees; and it vested in the Trustees



(commonly called "the Rectory Trustees"), in addition to the property of which at that time they stood possessed, the sum of seven thousand pounds paid by the Bishop of Rochester for the right of presentation to the office of Chaplain (thenceforward styled Rector) and certain other property detailed in the First Schedule to the Act; but it provided that, with one exception, the income derived from these sources and from any other property which from time to time might be vested in the said Trustees should be paid over to the Wardens and by them expended upon the stipends of the Rector, the Schoolmaster and the Usher of the Grammar School of Saint Saviour in Southwark, and towards defraying the expenses of the repair and maintenance of the Church and other expenses in connection therewith as the Wardens should think proper.

These arrangements were, in part, materially changed by the Borough of Southwark (St. Saviour) Scheme, 1901, made in pursuance of the London Government Act, 1899. This Scheme provided (*inter alia*) for two Churchwardens, one of whom was to be the Rector's Warden, to whom was transferred any power, duty, property or liability of the Court of Wardens connected with the affairs of the Church; and it made the Rectory Trustees not merely trustees but also the administrators (but subject to the conditions contained in the Act of 1883 in respect of the objects to which it was applicable) of the income of the property vested in them. In other respects the rights of the Court of Wardens were fully maintained. The election of the five members of the Court of Wardens (other than the Rector's Warden) was thenceforward to be entrusted to the Council of the Metropolitan Borough of Southwark, and that of the Rectory Trustees to the inhabitants of the ecclesiastical district for the time being attached to the Church of Saint Saviour.

Meanwhile changes had taken place within the Church itself. In 1896 the Vestry resolved that the Lady Chapel (being now that portion of the Cathedral Church which is mentioned in Statute I as being available for parochial purposes) sufficiently provided for the needs of the parish and approved a proposal to apply for a faculty for fitting up that Chapel as a parish church and to use the remainder of the Church as a collegiate church, subject to the Warden of the Great Account and the Rector's Warden being members of the Chapter. In pursuance of this resolution, the Bishop of Rochester, in 1897, entered into an agreement under seal with the Rector whereby the Lady Chapel was thenceforth to be deemed the parish church and the Rector renounced all his rights to the use of the remainder of the Church, save in respect of solemnisations of baptism and marriage, the receipt of fees therefor, the joint use of the vestry and the bells, and access to the Parish Church. In the same year a faculty was given for effecting the necessary alterations, and the Bishop promulgated Statutes for the Collegiate Church. The Saint Thomas Southwark

and Saint Saviour Southwark Act, 1898, which united the two parishes, designates the Church of Saint Saviour as a Collegiate Church.

The bishopric of Southwark was founded by an Order in Council made on the 20th day of March, 1905, in pursuance of the Bishoprics of Southwark and Birmingham Act, 1904, the Second Schedule to which declared the Church of Saint Saviour, Southwark, to be the Cathedral Church of the diocese of Southwark.

By an Order in Council made on the 29th day of April, 1915, the benefices of Saint Saviour and of Saint Peter, in Southwark, were united. The Rectory of Saint Peter's has since that time been the residence of the Incumbents; and save for baptisms, marriages and occasional special Services, Saint Peter's Church has been used as though it were the Parish Church of the united benefices; and it is with that Church that the Parochial Church Council has chiefly concerned itself.

In 1922 the Bishop of Southwark promulgated new Statutes in amendment of those of 1897. These bodies of Statutes, though not binding in law, have generally been followed. In accordance with these Statutes, the Bishop was Dean and a Bishop Suffragan Sub-Dean, and the number of Canons was limited to six, with Dignities (apart from that of Sub-Dean) of Precentor, Chancellor and Missioner. The Chapter was constituted so as to include the Dean, the Sub-Dean, the Canons, the Warden of the Great Account, the Rector's Warden, the Treasurer and the Assistant Treasurer. While the clerical members of this Chapter controlled all matters relating to the ministering of the Word and Sacraments and the conduct of Divine Worship, the Chapter as a whole had, among other powers, that of appointing, dismissing, and regulating the duties of, all persons (save the Canons and others appointed by the Bishop) employed in the Cathedral Church and of fixing and altering their remuneration.

The following Constitution and Statutes have been framed by the Cathedral Commissioners for England with the object of bringing the governance of the Cathedral Church of Saint Saviour, Southwark, into accord, so far as is attainable, with the provisions of the Cathedral Measures, 1931 and 1934, while at the same time preserving so much of the ordinances under which, since its establishment as a Cathedral Church, it has been ruled as is compatible with that end. Accordingly, the Constitution provides for residentiary canonries, which have heretofore existed in the Cathedral Church and may, unless and until sufficient endowments are available, be held by persons holding some other preferment.

#### THE CONSTITUTION.

1.—(1) There shall be a Chapter of the Cathedral and Collegiate Church of Saint Saviour and Saint Mary Overie,

Southwark (hereinafter called "the Chapter"), consisting of the Provost, the Bishops Suffragan and the Assistant Bishop or Bishops (if any), the Canons Residentiary, the Archdeacons and the Honorary Canons; and the persons holding these offices shall be and are hereby constituted a body corporate under the name of the Cathedral Chapter of the Cathedral and Collegiate Church of Saint Saviour and Saint Mary Overie, Southwark, with perpetual succession and a common seal and with power to hold land (including rights of patronage) without any licence in mortmain, being land which, having regard to section 12 of the Cathedrals Measure, 1931, the Dean and Chapter of a Cathedral Church is entitled to continue to hold.

(2) Subject to the provisions of the Statutes of the Cathedral Church for the time being in force, the Chapter shall possess and enjoy all rights and powers commonly enjoyed by Cathedral Chapters in England and, with the endowments thereof, shall, subject as aforesaid, be subject to the same laws by which Cathedral Chapters and the endowments thereof are in England commonly governed or regulated.

(3) The matters which are declared by the Statutes to be within the jurisdiction of the Chapter shall be transacted by the Chapter, and all other matters shall be transacted by the authorities to whose jurisdiction they are assigned, or whose jurisdiction is preserved, by the Statutes.

(4) Of the matters so declared to be within the jurisdiction of the Chapter, those which by the Statutes are declared to be within the jurisdiction of the General Chapter shall be transacted by the Chapter in General Chapter assembled, and the Chapter when so assembled shall be known as "the General Chapter." When acting in respect of other matters declared to be within its jurisdiction the Chapter shall act by a body consisting of the Provost and the Canons Residentiary, which body shall be known as "the Administrative Chapter."

2. The Bishop shall be the Visitor of the Cathedral Church and shall have power to do all such things as belong as of right to the office of Visitor.

3.—(1) The Incumbent shall by virtue of his office be the Provost.

(2) The Provost, after collation and institution by the Bishop, shall be installed by the Chapter according to by-laws made by the Administrative Chapter, and at his installation shall take such oaths as are prescribed by law and by the said by-laws.

(3) The Provost shall be Chairman of the General Chapter and of the Administrative Chapter.

4.—(1) The number of Canons Residentiary shall not exceed six.

(2) The residentiary canonries shall be filled by appointments by the Bishop.

(3) No person shall be appointed to a residentiary canonry unless he has been at least six years in Priest's Orders and is not only learned but also distinguished by some title or proof of learning.

(4) Every person appointed to a residentiary canonry shall, after collation and institution by the Bishop, be installed by the Provost, in the stall assigned to him, according to by-laws made by the Administrative Chapter, and at his installation shall take such oaths as are prescribed by law and by the said by-laws.

(5) A Canon Residentiary shall, on leaving the diocese, vacate his office and his dignity in the Cathedral Church, unless the Bishop requests him in writing to continue in office.

5.—(1) There shall be not more than twenty-four Honorary Canons. They shall be appointed by the Bishop from among persons in Priest's Orders.

(2) Every person appointed to an honorary canonry shall, after collation and institution by the Bishop, be installed by the Provost, in the stall assigned to him, according to by-laws made by the Administrative Chapter.

(3) An Honorary Canon shall, on leaving the diocese, vacate his office and his place in the Cathedral Church, unless the Bishop requests him in writing to continue in office, but so that an Honorary Canon who has been appointed in connection with some office held or function performed by him shall, so long as he holds such office or performs such function, continue in his honorary canonry.

(4) If any Honorary Canon is appointed to be a Bishop Suffragan, an Assistant Bishop or an Archdeacon, he shall thereupon vacate his honorary canonry.

6.—(1) There shall be a Cathedral Council (hereinafter called "the Council"), consisting of—

(i) the Bishop, who shall be Chairman;

(ii) the Provost;

(iii) the Bishops Suffragan and the Assistant Bishop or Bishops;

(iv) the Archdeacons, other than any Archdeacon who is a Bishop Suffragan or an Assistant Bishop;

(v) representatives of the Chapter, namely—

(a) the Canons Residentiary, other than any Canon Residentiary who is a Bishop Suffragan, an Assistant Bishop or an Archdeacon;

(b) so many Honorary Canons, elected by the Honorary Canons, as will, at the time of such election, bring the total number of representatives of the Chapter up to eight;

- (vi) two representatives of the Parochial Church Council, elected by the Parochial Church Council;
- (vii) the following laymen—
  - (a) the Warden of the Great Account;
  - (b) the Rector's Warden;
  - (c) one representative of the Rectory Trustees, elected by the Rectory Trustees;
  - (d) one layman nominated by the Bishop;
  - (e) one layman elected by the General Chapter;
  - (f) one layman elected by the Administrative Chapter;
  - (g) two laymen elected by the Diocesan Conference;
  - (h) so many other laymen, being communicant members of the Church of England, co-opted from time to time by the lay members of the Council, as will, at the time of co-option, bring the total number of lay members to a number equal to the total number, exclusive of the Chairman, of clerical members;

Provided that no person shall be nominated, elected or co-opted under any of the foregoing provisions of this section who is, by virtue of his office, a member of the Council.

(2) Subject to the provisions of this section, the elected, nominated and co-opted members of the Council shall hold office for three years from the date of their election, nomination or co-option, and shall then, if qualified, be eligible for re-election, renomination or re-co-option; Provided that—

- (i) any such member shall remain in office until his successor has been elected, nominated or co-opted;
  - (ii) the two laymen first elected by the Diocesan Conference after the coming into operation of this Constitution shall remain in office only until the next ensuing general election of members of the Diocesan Conference, whereupon there shall be a new election of two laymen;
  - (iii) any layman co-opted under category (h) in paragraph (vii) of sub-section (1) of this section shall remain in office only until the next ensuing general election of members of the Diocesan Conference.
- (3) A member of the Council who—
- (i) ceases to hold the office in virtue of which he became a member of the Council;
  - (ii) being a member elected under category (b) in paragraph (v) or under paragraph (vi) of sub-section (1) of this section, ceases to be a member of the Chapter or of the Parochial Church Council, and in the latter case is not forthwith re-elected to be a member of the Parochial Church Council;

- (iii) being a co-opted member under category (h) in paragraph (vii) of sub-section (1) of this section, receives a notification in writing from the Bishop that the total number of lay members of the Council is in excess of the total number of clerical members exclusive of the Chairman,

shall thereupon vacate his membership of the Council. Any casual vacancy occurring otherwise than under paragraph (iii) of this sub-section during the term of office of an elected, nominated or co-opted member shall be filled during the remainder of such term of office by a person elected, nominated or co-opted by the body or the authority which elected, nominated or co-opted the member whose office is vacant; Provided that, if at the time when such vacancy occurs amongst the representatives mentioned in paragraph (v) of sub-section (1) of this section the total number of representatives of the Chapter exceeds eight, the casual vacancy shall not be filled.

(4) The proceedings of the Council shall not be invalid only because of any vacancy therein or of any failure of any electing, nominating or co-opting body or authority to elect, nominate or co-opt one or more representatives.

### THE STATUTES.

#### Statute I.—THE CATHEDRAL CHURCH AND THE PARISH CHURCH.

Of the Church of Saint Saviour, Southwark, which, in accordance with the Second Schedule to the Bishoprics of Southwark and Birmingham Act, 1904, became the Cathedral Church of the Diocese of Southwark, the Retro-choir now commonly known as the Lady Chapel is hereby declared to be available for parochial purposes and shall be deemed to be the Parish Church of Saint Saviour, Southwark. The expressions "Parish Church" and "Cathedral Church," wherever used in the Constitution and the Statutes (save where the context otherwise requires), shall be construed to mean respectively that part of the said Church which is declared to be parochial and the whole Church. Services held under the direction of the Bishop or the Administrative Chapter in any part of the Cathedral Church are hereinafter referred to as "Services in the Cathedral Church," and Services held under the direction of the Provost in his capacity of Incumbent in any part of the Cathedral Church are referred to as "parochial Services."

#### Statute II.—THE BISHOP.

1. The Bishop shall have the pre-eminent place and dignity in the Cathedral Church, and all persons holding office or

ministering therein shall pay him due reverence and render him loyal and ready service.

2. The Bishop shall have the right :—

(i) on giving not less than four weeks' notice to the Provost (unless the Provost agrees, for any occasion, to accept a shorter notice)—

(a) to use the Cathedral Church or any part thereof for Synods, Visitations, Institutions and other episcopal functions, for Ordinations and Confirmations, for diocesan or special Services, and for the purposes of the Consistory Court;

(b) to celebrate the Holy Communion in the Cathedral Church on Christmas Day, Easter Day, Ascension Day, Whitsunday, on four other Sundays in the year in addition to the days on which Ordinations are held, and on the day appointed for the Corporate Communion of those ministering and serving in the Cathedral Church;

(c) to preach at one of the Services in the Cathedral Church on Christmas Day, Easter Day, Ascension Day and Whitsunday, to preach or appoint the preacher at the Evening Service on the days on which Ordinations are held, and, with the consent of the Provost, who shall first consult with the Canon in Residence, to preach or appoint the preacher on any other Sunday, not being Sundays (other than Ordination Sundays) in Advent or Lent;

(ii) at any Service which he holds under paragraph (i) (a) of this section, to determine the ordering thereof, to preach or appoint the preacher and to decide the object of the collection;

(iii) to consult the General and the Administrative Chapters upon any matter touching the welfare of the Cathedral Church or the diocese; to make, through the Provost, to either Chapter such representations as he may wish; to receive notices and agenda of all meetings of both Chapters at the time when such meetings are summoned and copies of the minutes of such meetings; and to be present at a meeting of either Chapter during such time as is necessary to enable him to consult with the members concerning any matter which he desires to lay before them.

3. Subject to the provisions of the Statutes, the right of the Bishop as Ordinary in the Parish Church shall be that which he possesses in any other parish church.

4. No person other than a Clerk in Holy Orders of the Church of England or of a Church in communion therewith shall, except with the consent of the Bishop, as well as that of the Administrative Chapter, be allowed to preach in the Cathedral Church.

5. The Bishop shall have the right to confer upon a Provost, a Canon Residentiary or an Honorary Canon vacating his office, the title, as the case may be, of Provost Emeritus or of Canon Emeritus.

6. The Bishop, as Visitor, may hold a Visitation at any time when he thinks fit and shall hold a Visitation whenever requested so to do by the Provost or the Administrative Chapter.

7. At a Visitation all members of the Chapter and the Council, the lay officers and all persons employed in the service of the Cathedral Church shall appear before the Bishop, shall answer his enquiries, and may, if they desire, prefer complaints, which he shall note and consider. And when the Bishop has delivered such admonition as he thinks expedient, all but the Provost and the members of the Chapter and of the Council shall withdraw and the Visitation shall go forward.

8. If any dispute arises regarding the interpretation of the Constitution or the Statutes or the making of any by-law, the matter shall be referred to the Visitor, whose decision thereon shall be final.

#### Statute III.—THE GENERAL CHAPTER.

1. The jurisdiction of the General Chapter shall extend to the matters mentioned in this Statute, and to no others, that is to say :—

- (i) the election in manner hereinafter appearing of a Bishop in the event of a vacancy in the See of Southwark ;
- (ii) the election, if such an election falls to be made, of a Proctor to represent the Chapter in Convocation ;
- (iii) the election of Assessors under the Clergy Discipline Act, 1892 ;
- (iv) the election of the Commissioner mentioned in paragraph 2 of Part I of the First Schedule to the Benefices (Ecclesiastical Duties) Measure, 1926 ;
- (v) the election of the member or members of the Council mentioned in category (v) (b) in sub-section (1) of section 6 of the Constitution ;



- (vi) the giving of advice to the Bishop on any matter affecting the Cathedral Church or the diocese on which he seeks its advice;
- (vii) the right of being consulted by the Provost or the Administrative Chapter on any matter affecting the Cathedral Church which the Provost or the Administrative Chapter considers of sufficient importance to render such consultation desirable;
- (viii) the making of standing orders for the regulation of procedure at meetings of the General Chapter;
- (ix) any other matters to which the jurisdiction of the General Chapter is expressly extended by the Constitution or the Statutes.

2. In the event of a vacancy in the See of Southwark the General Chapter shall be summoned by the Provost to meet, and, on receiving from His Majesty a licence under the Great Seal with a letter missive as provided by the Statute of the twenty-fifth year of the Reign of Henry the Eighth, shall proceed to the election of a Bishop in the manner laid down by the said Statute.

3. For the purposes of the Clergy Discipline Act, 1892, the members of the Cathedral Church shall be all the members of the General Chapter.

4.—(1) The statutory annual meeting of the General Chapter shall be held on the day appointed by the Bishop for the Corporate Communion referred to in Statute XVI.

(2) Special meetings of the General Chapter may be summoned by the Provost at any time and shall be summoned by him on the requisition of at least twelve members of the General Chapter.

5.—(1) The quorum for the transaction of business at a meeting of the General Chapter shall be fifteen of its members.

(2) Decisions shall be made by a majority of those present and voting.

(3) In the event of an equality of votes the Provost shall have a second or a casting vote.

(4) In the absence of the Provost the Vice-Provost shall preside over the General Chapter, but shall not have a second or a casting vote.

(5) In other respects the arrangements and procedure at meetings of the General Chapter shall be governed by standing orders, not being inconsistent with the Constitution or the Statutes.

## Statute IV.—THE ADMINISTRATIVE CHAPTER.

1. The jurisdiction of the Administrative Chapter shall extend—

- (i) to all matters assigned to it by the Constitution and the Statutes;
- (ii) in particular and without prejudice to the generality of this section, to the matters mentioned in this Statute;
- (iii) subject to the rights and responsibilities of the Provost, the Corporation of Wardens and the Rectory Trustees, to all matters relating to the Cathedral Church not otherwise assigned by the Constitution or the Statutes.

2. The Administrative Chapter shall have the regulation and superintendence of the Services in the Cathedral Church, other than Services held by the Bishop and parochial Services. It shall in each year make provision that on every day on which Matins or Evensong is sung in the Cathedral Church either the Provost or the Canon in Residence or an Honorary Canon shall be present at each of such services.

3. Any presentations or nominations to benefices in the patronage of the Chapter shall be made by the Chapter in its corporate capacity acting by the Administrative Chapter.

4.—(1) Save as provided by sub-section (4) of this section, the jurisdiction of the Consistory Court of the Diocese over the Cathedral Church, the churchyard thereof and the Chapter House in respect of the granting of faculties is hereby abolished.

(2) All such powers heretofore exercised by the Consistory Court of the diocese in respect of the fabric, fittings, ornaments, furniture and monuments of the Cathedral Church, and alterations of and additions to the same, and matters connected therewith, and in respect of the churchyard, as are commonly exercisable by the Cathedral Chapter in Cathedral Churches which are not parish churches shall be exercised by the Administrative Chapter, subject to the approval of the Bishop and the Provost, to the rights and responsibilities of the Corporation of Wardens and the Rectory Trustees and to the further provisions of this section; and all such powers in respect of the fabric, fittings, ornaments, furniture and monuments of the Chapter House shall be exercised by the Cathedral Council with the consent of the Bishop.

(3) Any application for the erection of any memorial in the Cathedral Church or the churchyard thereof or for any alteration or addition to the fabric, fittings, ornaments, furniture or monuments thereof shall be made by or through the Provost, who shall bring it before the Administrative Chapter. The Administrative Chapter, shall if it approves, direct the Provost to submit it with

its observations and his own views to the Bishop and, if the proposal is such as to involve expenditure of any of the Cathedral revenues, to the Council also. The Bishop, unless he rejects the application, may take such advice on the matter as he thinks fit. If, after considering such advice, the Bishop approves the application either with or without modification and the Council has raised no objection thereto on financial grounds, the Administrative Chapter may, subject to the rights and responsibilities of the Corporation of Wardens and the Rectory Trustees, by resolution authorise that effect shall be given to the application, with such modification, if any, as may be specified, without the necessity for a faculty in that behalf.

(4) The provisions of this section shall not extend to any application made for a faculty for the erection of any memorial in the Parish Church or for any alteration in or addition to the fabric, fittings, ornaments, furniture and monuments thereof, and in the matters aforesaid the jurisdiction of the Consistory Court shall continue; Provided that no such application shall be made save with the consent of the Bishop and the Administrative Chapter.

5. It shall be lawful for the Administrative Chapter to make by-laws regulating the use of the Chapter House.

6. The Common Seal shall be in the custody of the Administrative Chapter. It shall not be affixed to any document except on a resolution of the Administrative Chapter or, in the case of a document relating to a matter within the jurisdiction of the General Chapter or the Council, on a resolution of the General Chapter or the Council requesting the Administrative Chapter to cause the Seal to be affixed to the document. A memorandum of each Seal so affixed shall be recorded in the Seal-Book.

7. The Administrative Chapter shall meet not fewer than eight times in each year.

8.—(1) The quorum for the transaction of business at a meeting of the Administrative Chapter shall be four of its members.

(2) Subject to paragraph (x) of section 1 of Statute V, decisions shall be by a majority of those present and voting.

(3) In the event of an equality of votes, the Provost shall have a second or a casting vote.

(4) In the absence of the Provost the Vice-Provost shall preside, but shall not have a second or a casting vote.

(5) In other respects the arrangements and procedure at meetings of the Administrative Chapter shall be governed by standing orders, made by the Administrative Chapter, not being inconsistent with the Constitution or the Statutes.

## Statute V.—THE PROVOST.

1. Subject to the Statutes and to the established rights and responsibilities of the Corporation of Wardens and the Rectory Trustees, the Provost in the Cathedral Church shall :—

- (i) have the place of dignity and precedence next after the Bishop and such as are ordinarily accorded to a Dean in a Cathedral Church ;
- (ii) have the chief authority in the Cathedral Church and receive from the Canons Residentiary and the Honorary Canons a promise of due respect for his authority, and from the other Ministers and the officers and servants of the Cathedral Church a promise of due obedience in accordance with such form as may be prescribed in by-laws made by the Administrative Chapter ;
- (iii) exercise general superintendence over the Ministers, officers and servants of the Cathedral Church ;
- (iv) be responsible, subject to the rights and responsibilities of the Council, for the proper use of the fabric of the Cathedral Church and the fittings, ornaments, furniture and monuments thereof ;
- (v) be responsible for the due performance of the Services and for the good order of the Cathedral Church ;
- (vi) have the right, subject to the rights of the Bishop, to preach or appoint the preacher at one of the Services in the Cathedral Church on Christmas Day, Easter Day, Ascension Day and Whitsunday ;
- (vii) have the right, subject to the rights of the Bishop, to celebrate the Holy Communion at one of the Services in the Cathedral Church on Christmas Day, Easter Day, Ascension Day and Whitsunday, and on such other Sundays as may be designated by by-laws made by the Administrative Chapter ; and the duty, save as is otherwise provided in the Statutes, of celebrating or appointing the celebrant at any celebration of the Holy Communion in the Cathedral Church ;
- (viii) be responsible, during such periods of the year as are not included in the period of residence of any of the Canons Residentiary, for the due performance of the duties prescribed in section 1 of Statute VI for a Canon in Residence ;
- (ix) be responsible for providing that Matins be daily said in the Cathedral Church throughout the year ;

(x) determine, in consultation with the Administrative Chapter, the ordering of all Services in the Cathedral Church (except those which are held by the Bishop); Provided that—

(a) no change in the accustomed manner of ordering such Services shall be made save by the vote of a majority of the Administrative Chapter, of which majority the Provost must be one;

(b) in the event of any dispute arising about the ordering of such Services, the Provost or the Administrative Chapter may appeal to the Visitor whose decision shall be final;

(xi) be responsible for the religious instruction and spiritual care of the Chanters and Choristers;

(xii) in the event of any emergency arising, make such orders as may appear to him appropriate; Provided that any such order shall be reported by him as soon as possible to the Administrative Chapter and shall require ratification by that Chapter.

2. During the absence or incapacity of the Provost any notice or communication required to be sent to or by him shall be sent to or by the Vice-Provost.

3. Subject to the Statutes and to the established rights and responsibilities of the Corporation of Wardens and the Rectory Trustees, the Provost in the Parish Church shall have the usual rights of an Incumbent; Provided that it shall be his duty to take care that Services held in the Parish Church do not interfere with those held in the Cathedral Church, and that, in the event of any dispute arising in regard to the holding of such Services, the matter may be referred by the Provost or by the Administrative Chapter to the Visitor, whose decision shall be final.

4. Subject to the proviso in the last preceding section, the Provost, as Incumbent of the Parish, or any Minister officiating on his behalf or as his curate, shall have the following rights :—

(i) To perform and solemnise in any part of the Cathedral Church the Services or offices of baptism, marriage and burial and to give notices and publish banns of marriage. All Services or offices so performed and solemnised, all notices so given and all banns of marriage so published shall be deemed to have been performed, solemnised, given or published in the Parish Church. Baptisms, marriages and burials so solemnised and performed shall be registered in the register of the Parish Church. All fees, dues and emoluments payable in respect of any such Services and offices, notices and publication of banns of marriage shall belong and be paid to the respective

persons who would have been entitled thereto if the Services and offices had been performed or solemnised or the notices had been given or the banns of marriage had been published in the Parish Church.

- (ii) In accordance with by-laws made by the Administrative Chapter and approved by the Visitor, to hold other Services in the Cathedral Church.

#### Statute VI.—THE CANONS RESIDENTIARY.

1.—(1) Each Canon Residentiary shall keep residence for such period, being not less than one month, in each year, as may from time to time be determined by the Administrative Chapter, and shall be known during such period as “the Canon in Residence.”

(2) On all Sundays during his period of residence the Canon in Residence shall, subject to the rights of the Bishop, the Provost, the Bishops Suffragan, the Assistant Bishop or Bishops and the Archdeacons, preach or appoint the preacher at all Services in the Cathedral Church at which it is appointed by by-laws made by the Administrative Chapter that there shall be a sermon, and shall celebrate or appoint the celebrant at one celebration of the Holy Communion. He shall also be present at Evensong on not less than twelve week-days in each month of his residence, not being week-days when, in accordance with section 2 of Statute VIII, an Honorary Canon is required to be present.

(3) The Canon in Residence shall, during his period of residence, in the absence of the Provost, be responsible for the due performance and ordering of the Services in the Cathedral Church, and, in accordance with by-laws made by the Administrative Chapter, shall have power to give orders and instructions to the officiating clergy and to the officers and servants of the Cathedral Church in respect of such Services.

2. It shall be the duty of the Canons Residentiary to attend all Services declared by the Bishop to be, as far as they are concerned, diocesan or special Services, unless excused by him, to afford to the Bishop, at his call, advice and counsel in the Chapter upon matters pertaining to the Cathedral Church and to the diocese, and generally to endeavour to strengthen the whole corporate life and work of the Cathedral Church, and to labour together in the brotherhood of the Chapter to extend its influence and to support its activities as the Mother Church of the diocese. They shall foster by all means in their power the spirit of fellowship in the Chapter and in the Council, and loyally support the Provost in promoting the usefulness of the Cathedral Church to the diocese.

3.—(1) The Bishop shall assign a Dignity to each Canon Residentiary. The Dignities shall be those of Vice-Provost, Precentor, Chancellor, Missioner, Treasurer and Librarian.

(2) The Vice-Provost shall have precedence before the other Canons Residentiary and shall, during the absence of the Provost, subject to the rights and powers of the Canon in Residence, exercise and perform the rights and duties assigned in the Constitution and the Statutes to the Provost in the Cathedral Church; Provided that he shall not have a second or a casting vote at any meeting of the General Chapter or the Administrative Chapter, nor have the right assigned to the Provost in proviso (a) to paragraph (x) of section 1 of Statute V in respect of a change in the accustomed ordering of the Services, nor have any of the rights and duties which the Provost exercises and performs in his capacity as Incumbent.

(3) The Precentor shall, either himself or through the Succentor, perform the duties assigned to him in Statute XI and, subject to the general control of the Administrative Chapter, shall have a care for the music performed in the Cathedral Church.

(4) The Chancellor shall perform such duties in connection with education in the diocese as the Bishop may assign to him.

(5) The Missioner shall perform such duties pertaining to the office of a Missioner in the diocese as the Bishop may assign to him.

(6) Subject to the provisions of Statute XIX, the Treasurer shall, either himself or through the Sacrist, be responsible for the ornaments, vessels, frontals, vestments and hangings in the Cathedral Church and for their good repair. He shall see what repairs are required in the furniture, and report the same, or, so far as authorised by by-laws made by the Administrative Chapter, have the repairs executed. He shall also be responsible for an inventory of the treasures, vessels, ornaments, furniture and chattels of and in the Cathedral Church (other than those referred to in Statute XIX), which inventory shall be made under the orders of the Administrative Chapter.

(7) The Librarian shall be responsible for the safe custody and care of the minutes of meetings of the General and Administrative Chapters, of the archives of the Cathedral Church and of all books belonging to the Chapter except music-books.

4. Each Canon Residentiary shall also undertake such duties in the diocese as the Bishop may assign to him.

#### Statute VII.—THE BISHOPS SUFFRAGAN, THE ASSISTANT BISHOPS AND THE ARCHDEACONS.

1. Each Bishop Suffragan, Assistant Bishop and Archdeacon, if he is not a Canon Residentiary, shall have the right

of celebrating the Holy Communion in the Cathedral Church, by arrangement with the Provost, once on each of two Sundays in every year, and shall also, by like arrangement, have the right of preaching once on each of two Sundays in every year; Provided that any person who is both a Bishop Suffragan or an Assistant Bishop and an Archdeacon shall not exercise this right in the capacity of holding more than one of the said offices.

2. The Bishop shall assign, with the approval of the Administrative Chapter, to each Bishop Suffragan and to each Assistant Bishop a seat in the Cathedral Church, to be occupied by him in virtue of his episcopal office. Any such person, so soon as may be after his admission to office, shall be placed in the said seat by the Bishop or by his Commissary appointed for this purpose, according to by-laws made by the Administrative Chapter.

3. The Administrative Chapter shall assign to each Archdeacon, not being a Bishop Suffragan or an Assistant Bishop, a stall in the Cathedral Church. Any such person, so soon as may be after his institution by the Bishop, shall be installed therein by the Provost according to by-laws made by the Administrative Chapter.

4. If a Bishop Suffragan, an Assistant Bishop or an Archdeacon is appointed to be a Canon Residentiary, he shall thereupon be installed as a Canon Residentiary, and shall, when acting as a Canon Residentiary, occupy such stall, proper to a Canon Residentiary, as may be assigned to him.

#### Statute VIII.—THE HONORARY CANONS.

1. It shall be the duty of the Honorary Canons to co-operate in every undertaking of the Chapter and the Council, to extend the work and influence of the Cathedral Church, to support its activities throughout the diocese, and in the Chapter to afford to the Bishop, at his call, counsel and advice upon matters pertaining both to the Cathedral Church and to the diocese. They shall attend the meetings of the General Chapter and such diocesan Services as the Bishop may require them to attend.

2. Each Honorary Canon shall be present in his stall at Evensong in the Cathedral Church on nine week-days in each year, in accordance with arrangements provided in by-laws made by the Administrative Chapter, and in the absence of the Provost and the Canon in Residence shall perform the duties prescribed in sub-section (3) of section 1 of Statute VI for a Canon in Residence.

#### Statute IX.—THE COUNCIL.

1. Subject to the Constitution and the Statutes and to the rights and responsibilities of the Provost, the Corporation of



Wardens and the Rectory Trustees, the jurisdiction of the Council shall extend to the matters mentioned in this Statute and to no others, that is to say :—

- (i) the maintenance and care of the fabric of the Cathedral Church and its precincts together with the Chapter House, and of the fittings, ornaments, furniture and monuments thereof, and the insurance, lighting, heating and cleaning of the same ;
- (ii) the administration of the property of the Chapter and, in manner hereinafter appearing, of the Cathedral revenues ;
- (iii) the concurrence or objection on financial grounds as mentioned in sub-section (3) of section 4 of Statute IV, in sub-sections (1) and (2) of section 2 of Statute XI, in section 4 of Statute XIII, and in section 1 of Statute XV ;
- (iv) to the extent set forth in the Statutes, the appointment of officers and servants of the Cathedral Church, the determination of their terms of service and the direction of their duties ;
- (v) the determination, to the extent mentioned in the Statutes, of the terms in respect of tenure, remuneration and duties upon which officers and servants of the Cathedral Church are to be appointed ;
- (vi) the exercise and performance of the rights and duties conferred and imposed upon a Consenting Body by the Cathedral Measures, 1931 and 1934 ;
- (vii) the making of by-laws in accordance with Statute XXI ;
- (viii) the making of standing orders for the regulation of procedure at meetings of the Council ;
- (ix) any other matters to which the jurisdiction of the Council is expressly extended by the Constitution or the Statutes.

2. The Council shall give effect to any application authorised in accordance with sub-section (3) of section 4 of Statute IV.

3. The Council shall appoint a Finance Committee with powers to meet the current expenses of the Cathedral Church. It shall consist of not more than eight nor fewer than six members, among whom shall be the Provost and, if he is a member of the Council, the Comptroller.

4. No appeal for funds for any purpose connected with the Cathedral Church shall be made without the approval of the Council.

5.—(1) The Council shall hold two Stated Meetings in each year.

(2) Special meetings of the Council shall also be summoned, by the Bishop or the Provost as the case may be, upon not less than a fortnight's notice to all the members thereof—

- (i) whenever the Bishop or, during a vacancy in the See of Southwark, the Provost desires a special meeting;
- (ii) within three weeks of the receipt by the Bishop or, during a vacancy in the See of Southwark, by the Provost of a resolution in writing from the Administrative Chapter or of a written request from not fewer than ten members of the Council that a special meeting be summoned.

6.—(1) The quorum for the transaction of business at a meeting of the Council shall be twelve of its members.

(2) Decisions shall be by a majority of those present and voting.

(3) In the event of an equality of votes the Bishop, or the Provost if presiding in the absence of the Bishop, shall have a second or a casting vote.

(4) In the absence of the Bishop the Provost shall preside over the Council; and in the absence of both the Bishop and the Provost, the Council shall elect one of its members to preside; but the person so elected shall not have a second or a casting vote.

(5) In other respects the arrangements and procedure at meetings of the Council shall be governed by standing orders, not being inconsistent with the Constitution and the Statutes.

#### Statute X.—THE PRIEST VICARS.

1. There shall be not more than four nor fewer than two Priest Vicars, appointed under written agreements from among persons in Holy Orders. The appointments shall be made by the Administrative Chapter on the nomination of the Provost after consultation with the Precentor. Each Priest Vicar shall, within such time after his appointment as may be prescribed in by-laws made by the Administrative Chapter, obtain, if he does not already hold, the Bishop's Licence.

2. The remuneration to be paid to each Priest Vicar shall be determined by the Administrative Chapter with the concurrence of the Council.

3. Each Priest Vicar shall make a promise of due obedience to the Provost and to the Canons Residentiary, in accordance with by-laws made by the Administrative Chapter.

4. The duties of the Priest Vicars shall be to assist the Provost and the Canons Residentiary in the Services of the Cathedral Church and generally to perform such duties as may

be assigned to them by the Administrative Chapter. On every day on which Matins or Evensong is sung in the Cathedral Church, one Priest Vicar shall be present to sing each Office, except when other provision has been approved by the Administrative Chapter.

5. One of the Priest Vicars shall hold the office of Succentor, and another the office of Sacrist, or, if the Administrative Chapter so determines, both these offices may be held by the same Priest Vicar.

6. The Succentor shall not, save with the approval of the Administrative Chapter, hold any preferment other than his offices of Priest Vicar and Succentor.

7. It shall be the duty of the Succentor, in the absence of the Precentor or if the Precentor so directs, to be responsible, in co-operation with the Organist, for the discipline of the members of the Choir and to arrange the selection of the music for the Services in the Cathedral Church; and, when acting for the Precentor, the Succentor shall have all the powers of the Precentor under the Statutes. The Succentor shall also be responsible for the preparation of the lists of Services to be published from time to time, as the Administrative Chapter may prescribe. The Succentor shall have precedence over the other Priest Vicars.

8. It shall be the duty of the Sacrist, under the direction of the Provost, to prepare and have in readiness for use the vessels, vestments, and ornaments required for the due performance of the Services in the Cathedral Church and to assist the Treasurer in the performance of his duties. The Sacrist shall have precedence after the Succentor.

9. Nothing in this Statute shall prevent a Priest Vicar being appointed, if the Administrative Chapter consents, and acting as a curate, assisting the Incumbent in the performance of his parochial duties.

#### Statute XI.—THE MUSIC IN THE CATHEDRAL CHURCH.

1.—(1) There shall be an Organist.

(2) The Organist shall be appointed by the Council on the nomination of the Provost acting in consultation with the Precentor upon such terms in respect of tenure, remuneration and duties as the Council may determine; Provided that his annual salary shall be not less than £400 gross.

(3) Subject to the general control of the Administrative Chapter, the Organist shall perform his duties under the direction, not being inconsistent with the terms on which he is appointed, of the Precentor. In the event of any dispute regarding the selection of the music to be performed, the discipline of the members

of the Choir or other matters with which the Precentor and the Organist are concerned, the matter may be referred by the Precentor or by the Organist to the Administrative Chapter, whose decision shall be final.

2.—(1) There shall be so many Lay Clerks, Chanters and Choristers as the Administrative Chapter, save in so far as any objection is raised by the Council on financial grounds, may determine.

(2) The Lay Clerks, Chanters and Choristers shall be appointed by the Administrative Chapter on the nomination of the Provost after consultation with the Precentor and the Organist and with the financial concurrence of the Council, upon such terms in respect of tenure, remuneration and duties as the Administrative Chapter may determine; Provided that the Provost may, after similar consultation, appoint persons to serve as probationary Lay Clerks, Chanters and Choristers in the Choir of the Cathedral Church; but such persons shall not continue to serve in the Choir unless their appointment is confirmed at the next ensuing meeting of the Administrative Chapter.

(3) The Lay Clerks, Chanters and Choristers shall perform their duties under the direction of the Precentor and the Organist in accordance with by-laws framed from time to time by the Administrative Chapter, not being inconsistent with the terms on which they are appointed.

3. The Organist, Lay Clerks, Chanters and Choristers shall, upon appointment, be admitted to their offices in accordance with by-laws made by the Administrative Chapter and shall make a promise of due obedience to the Provost and the Canons Residentiary, in accordance with the said by-laws.

#### Statute XII.—THE CHAPTER CLERK.

1. There shall be a Chapter Clerk.

2. The Chapter Clerk shall be appointed by the Council on such terms in respect of tenure, remuneration and duties as the Council may determine. His duties shall include attendance, when required, at all meetings of the General Chapter, the Administrative Chapter and the Council.

3. The Chapter Clerk shall perform his duties under the direction, not being inconsistent with the terms upon which he is appointed, of the Administrative Chapter.

#### Statute XIII.—THE SURVEYOR OF THE FABRIC.

1. There shall be a Surveyor of the Fabric.

2. The Surveyor of the Fabric, being a duly qualified Architect, shall be appointed by the Council on such terms in respect of

tenure, remuneration and duties as the Council may determine. His duties shall include the periodical making of a report to the Council upon the structural condition of the fabric of the Cathedral Church.

3. The Surveyor of the Fabric shall perform his duties under the direction, not being inconsistent with the terms upon which he is appointed, of the Council.

4. Nothing herein contained shall be construed as preventing the Council, or the Administrative Chapter with the financial concurrence of the Council, from employing one or more persons, other than the Surveyor of the Fabric, in any work connected with the fabric of the Cathedral Church, its fittings, ornaments, furniture or monuments.

#### Statute XIV.—THE COMPTROLLER.

1. There shall be a Comptroller.

2. The Comptroller shall be appointed by the Council on such terms in respect of tenure and duties as the Council may determine, and may be one of the members of the Council. If he is not such a member, he may receive such remuneration as the Council may determine.

3. The Comptroller shall advise the Council regarding the administration of the property of the Chapter, shall carry out its orders in respect of the same, shall keep the accounts of the Cathedral revenues and shall, under the orders of the Council and subject to the Statutes, disburse the same.

#### Statute XV.—THE VERGERS AND OTHER SERVANTS OF THE CATHEDRAL CHURCH.

1. There shall be so many Vergers, Ringers, Sextons and other servants, appointed by the Administrative Chapter on such terms in respect of tenure, remuneration and duties, as that Chapter, with the financial concurrence of the Council, may determine.

2. The Vergers, Ringers and Sextons and any other servants in the Cathedral Church shall perform their duties under the direction, not being inconsistent with any terms upon which they are appointed, of the Administrative Chapter.

#### Statute XVI.—THE CORPORATE COMMUNION.

There shall in every year be a Corporate Celebration of the Holy Communion upon the Feast of the Presentation of Christ in the Temple, commonly called the Purification of Saint Mary

the Virgin, or upon such other day as the Bishop after consultation with the Provost may appoint. At the said Celebration the Bishop, or, in his absence, the Provost, shall be the Celebrant. All members of the Chapter and of the Council, and all Ministers, officers and servants of the Cathedral Church shall attend the said Celebration, unless expressly exempted by the Bishop or prevented by sickness or other sufficient reason.

**Statute XVII.—THE ORDER OF PRECEDENCE AND MANNER OF ATTENDANCE IN THE CATHEDRAL CHURCH.**

1.—(1) The Order of precedence in the Cathedral Church shall be as follows :—

- (i) the Bishop, or any Bishop Suffragan or Assistant Bishop when representing the Bishop, with those in attendance upon him ;
- (ii) the Provost ;
- (iii) any Bishop Suffragan and any Assistant Bishop, whether he is a Canon Residentiary or not, when not representing the Bishop nor in attendance upon him ;
- (iv) the Vice-Provost ;
- (v) the other Canons Residentiary in order of seniority by appointment ;
- (vi) the Archdeacons, if not Canons Residentiary nor in attendance upon the Bishop or his representative ;
- (vii) the Honorary Canons in order of seniority by appointment ;
- (viii) the Priest Vicars in the order prescribed in the Statutes or by by-laws made by the Administrative Chapter ;
- (ix) the Warden of the Great Account ;
- (x) the Rector's Warden ;
- (xi) the other lay members of the Council in the order prescribed by by-laws made by the Council ;
- (xii) the Organist, the Chapter Clerk, the Surveyor of the Fabric and the Comptroller in order of seniority by appointment ;
- (xiii) the members of the Choir.

The like order shall be observed in meetings of the General and the Administrative Chapters and of the Council among those who are members thereof.

(2) The Administrative Chapter shall assign stalls in the Choir of the Cathedral Church to the Warden of the Great Account and to the Rector's Warden.

2. Each of the persons referred to in the last preceding section, when occupying the stall or seat in the Cathedral Church allotted to him in virtue of his office, shall be duly vested or habited.

3. The precedence to be observed by any person, other than persons referred to in section 1 of this Statute, who, upon the invitation of the Bishop, of the Provost or of a Canon Residentiary takes part in any Service in the Cathedral Church, shall be such as may be prescribed by by-laws made by the Administrative Chapter.

#### Statute XVIII.—THE PAROCHIAL CHURCH COUNCIL.

1. The Parochial Church Council may make to the Bishop, as Chairman of the Council, either through the Provost or through its representatives upon the Council, representations with regard to any matter touching the welfare of the Cathedral Church, in so far as it affects the Parish and those who are entered upon the Electoral Roll of the Parish.

2. Subject to the Constitution and the Statutes, the Parochial Church Council shall in other respects have, in relation to the Parish Church, the powers, duties and liabilities ordinarily conferred and imposed upon Parochial Church Councils.

#### Statute XIX.—THE CHURCHWARDENS.

The Churchwardens of the Parish shall, subject to the provisions of the Parochial Church Councils (Powers) Measure, 1921, continue to hold the furniture and ornaments specified in a list to be certified by the Bishop as a list of the property of the said Churchwardens. They shall also, subject to the Constitution and the Statutes, have, in relation to the Parish Church, the powers, duties and liabilities ordinarily conferred and imposed upon Churchwardens.

#### Statute XX.—THE CATHEDRAL REVENUES.

1.—(1) The Cathedral revenues shall comprise all moneys accruing to the Chapter from any source whatsoever, exclusive of any stipend attaching to the incumbency, the offerings customarily retained by the Incumbent, the alms given at any parochial celebrations of the Holy Communion, the collections made at and the fees payable in respect of parochial Services and any Service or office performed and solemnised in any part of the Cathedral Church in pursuance of paragraph (i) of section 4 of Statute V.

(2) It shall be lawful for the Rectory Trustees from time to time, if they think fit, to pay into the Cathedral revenues in

discharge of all or any of the liabilities imposed upon them by sub-section (5) of section 1 of the Borough of Southwark (Saint Saviour) Scheme, 1901, all or any of the income arising from property vested in the said Trustees.

2. Subject to the Constitution and the Statutes and to the rights of the Incumbent, the Corporation of Wardens and the Rectory Trustees, the Council shall administer all property belonging to the Chapter and the income accruing therefrom.

3. The Cathedral revenues shall be expended solely upon the purposes of the Cathedral Church including its fabric, fittings, ornaments, furniture and monuments, and the insurance thereof, the maintenance of Services in the Cathedral Church, and such charitable objects as the Council may determine; Provided that, in the event of the Rectory Trustees paying into the Cathedral revenues all or any of the income arising from property vested in the said Trustees, such income shall be applied to the purposes mentioned in sub-section (2) of section 7 of the Saint Saviour's Southwark (Church Rate Abolition) Act, 1883, except in so far as the payments to the Schoolmaster and the Usher of St. Saviour's Grammar School are or may be affected by any Scheme lawfully made.

4. All moneys received from collections taken at any of the Services held in the Cathedral Church (other than collections taken at any diocesan or special Service held by the Bishop, at any parochial Service or at any episcopal function) shall be allocated and distributed to such purposes as the Council, after consultation with the Administrative Chapter, may from time to time determine. The collections taken at those Services at which, in accordance with paragraph (ii) of section 2 of Statute II, the object of the collection is determined by the Bishop, shall be distributed by the Council in accordance with the decisions of the Bishop.

5. Subject as aforesaid, the Cathedral revenues may be expended upon—

- (i) defraying the expenses connected with the meetings of the General Chapter, the Administrative Chapter, the Council, and any committees thereof;
- (ii) charitable purposes, as determined by the Council after consultation with the Administrative Chapter;
- (iii) making such provision as may be practicable for pensions for officers and servants of the Cathedral Church and, subject to any conditions laid down in any Measure or Statute, and to the condition that any Provost or Canon Residentiary who receives from Cathedral revenues any pension or superannuation allowance, or contribution thereto, shall vacate his office (including,



in the case of the Provost, his incumbency) upon attaining the age of seventy-five years, providing pensions or superannuation allowances, or contributions thereto, for the Provost and the Canons Residentiary.

6. In accordance with section 22 of the Cathedrals Measure, 1931, audited accounts of all property, revenues and funds to which that section refers shall be annually prepared by the Comptroller and transmitted to the Ecclesiastical Commissioners, and shall be annually published by the Administrative Chapter.

#### Statute XXI.—BY-LAWS.

The Administrative Chapter and the Council may, subject to the Statutes, make by-laws regulating any matter within their jurisdiction as defined by the Statutes, not being inconsistent therewith; Provided that any dispute as to the making of a by-law or as to the body competent to make it shall be determined by the Visitor.

#### PROVISIONS APPLICABLE TO THE CONSTITUTION AND THE STATUTES.

1. After the cesser of the powers of the Cathedral Commissioners, no repeal or amendment of, nor any addition to, the Constitution or the Statutes shall be made except in accordance with the provisions of the Cathedral Measures, 1931 and 1934.

2. In the Constitution and in the Statutes—

- “ Archdeacon ” means Archdeacon in the Diocese of Southwark ;
- “ Assistant Bishop ” means Assistant Bishop appointed by the Bishop of Southwark ;
- “ Bishop ” and “ Diocese ” means respectively Bishop of Southwark and Diocese of Southwark ; and “ diocesan ” shall be construed accordingly ;
- “ Bishop Suffragan ” means Bishop Suffragan in the Diocese of Southwark ;
- “ Corporation of Wardens ” means Corporation of the Wardens of Saint Saviour, Southwark ;
- “ Incumbent ” means Incumbent of the Parish Church of Saint Saviour and Saint Peter, Southwark ;
- “ Parish ” means, except where the context otherwise requires, ecclesiastical parish of Saint Saviour and Saint Peter, Southwark ; and “ parochial ” shall be construed accordingly ;
- “ Rectory Trustees ” means Trustees of the Rectory of Saint Saviour, Southwark.

3. Wherever in the Constitution and the Statutes mention is made of the holder of any office, dignity or preferment whatsoever, there shall be understood thereby the holder of such office, dignity or preferment for the time being.

4. Nothing in the Constitution or the Statutes shall be deemed to affect the rights, privileges and duties of the Corporation of Wardens and of the Rectory Trustees therein mentioned, which pertain to them under law or under any Statute or Instrument lawfully made.

5. Nothing in the Constitution or the Statutes shall affect any right of patronage or other right or interest of His Majesty.

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## THE SECOND SCHEDULE

(referred to in section 2).

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### RIGHT OF APPEAL.

For the purpose of conferring the like right of appeal against the scheme as is conferred by section six of the Cathedrals Measure, 1931, the following provisions shall have effect :—

- (1) Within one month after the passing of this Measure notice of the prospective confirmation of the scheme shall be published in the *London Gazette* and communicated to such persons and bodies as are in the opinion of the Cathedral Commissioners for England affected by the scheme;
  - (2) During a period of three months after the publication of the said notice in the *London Gazette* a person or body whose interests appear to the Privy Council to be affected by the scheme may appeal to His Majesty in Council against the scheme or any part thereof;
  - (3) If any appeal is so made, His Majesty in Council may order and direct that the appeal shall be heard by a Committee of the Privy Council, and such Committee shall make a report to His Majesty in Council thereon, and may propose to His Majesty in Council either to allow the appeal or to dismiss the appeal;
  - (4) Any rules of procedure and practice made by the Privy Council under section six of the Cathedrals Measure, 1931, shall apply to appeals under this Schedule.
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**THE THIRD SCHEDULE**  
(referred to in section 3).

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**STOCKS FORMING THE SOUTHWARK CATHEDRAL  
TRUST.**

£	s.	d.	-	ENDOWMENT FUND.
5,124	6	6	-	3½% War Stock, 1952.
822	2	2	-	3½% Conversion Loan.
2,400	0	0	-	4% Funding Loan.
6,345	14	11	-	3½% India Stock.
1,374	17	6	-	3% India Stock.
525	6	1	-	4% Canada Stock, 1940/60.
6,986	10	10	-	3% London County Stock.
1,053	7	6	-	4% Union of South Africa, 1943/63.
237	1	7	-	4% New South Wales, 1942/62.
1,100	0	0	-	4% Western Australia Stock.
566	10	4	-	3% Metropolitan Water Board Stock.
461	0	0	-	4% London Midland and Scottish Railway Preference Stock.
449	0	4	-	4% London Midland and Scottish Railway Debentures.
243	0	0	-	3% Burma Railway Company Debentures.
125	0	0	-	4% Australia 1943/48 Registered Stock.

**CATHEDRAL FABRIC AND REPAIRS  
FUND.**

4,994	4	6	-	5% Corporation of London Stock, 1945/65.
328	12	9	-	3½% Conversion Stock.

**LADY CHAPEL FABRIC AND REPAIRS  
FUND.**

1,841	9	1	-	5% Corporation of London Stock, 1945/65.
349	7	8	-	Commonwealth of Australia 3½% Re- gistered Stock, 1954/59.

**CHOIR ENDOWMENT FUND.**

4,798	6	6	-	3% London County Stock.
295	10	10	-	3½% War Stock, 1952.

**RESERVE FUND.**

1,400	0	0	-	4½% South Indian Railway Debentures.
180	0	0	-	4% Australia 1943/48 Registered Stock.
211	10	0	-	3% London County Stock.
98	4	1	-	3½% Conversion Loan.

£	s.	d.		CLARKE CHANTERS' FUND.
1,886	7	10	-	3½% Conversion Loan.

CANON PRECENTOR'S STALL ENDOWMENT  
FUND.

1,200	0	0	-	4% Western Australian Stock.
1,806	0	0	-	4% Madras and Southern Mahratta Railway Debentures.
654	16	8	-	4% Union of South Africa, 1943/63.
753	1	2	-	3½% War Stock, 1952.
520	0	0	-	4% Great Indian Peninsula Railway Deben- tures.
455	1	6	-	3½% Conversion Loan.
200	0	0	-	4% Australia 1943/48 Registered Stock.
418	9	5	-	3% London County Stock.

ORGAN RENOVATION FUND.

750	0	0	-	4% Great Indian Peninsula Railway Debentures.
297	18	7	-	3½% War Stock, 1952.
288	16	7	-	3½% Conversion Loan.
30	0	0	-	4% Australia 1943/48 Registered Stock.
196	10	0	-	3% London County Stock.

SOUTH METROPOLITAN GAS COMPANY  
MEMORIAL WINDOW FUND.

324	13	9	-	3½% Conversion Loan.
45	0	0	-	4% Australia 1943/48 Registered Stock.
19	0	2	-	3% London County Stock.

GUDGE LEGACY.

40	0	0	-	8% Anglo-Iranian Oil Co. Preference Shares.
20	0	0	-	4% Australia 1943/48 Registered Stock.
32	19	6	-	3% London County Stock.
4	8	0	-	3½% Conversion Loan.

CATHEDRAL LIBRARY.

125	15	5	-	3½% Conversion Loan.
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THE FOURTH SCHEDULE  
(referred to in section 4).

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PART I.

A deed of conveyance dated the second day of March, 1900, and made between the Mayor and Commonalty and Citizens of the City of London, Governors of the possessions, revenues and goods of the Hospitals of Edward King of England the Sixth, of Christ Bridewell and Saint Thomas the Apostle as Governors of Saint Thomas's Hospital of the one part, and the Ecclesiastical Commissioners for England of the other part.

PART II.

A deed of conveyance dated the twenty-seventh day of June, 1901, and made between the Most Honourable Charles Stewart, Marquess of Londonderry, K.G., His Majesty's Postmaster-General, on behalf of His Majesty, of the first part, the Right Reverend Edward Stuart, Lord Bishop of Rochester, of the second part, and the Ecclesiastical Commissioners for England of the third part.



## TABLE III.

Showing the EFFECT of the LEGISLATION of the SECOND  
SESSION of the THIRTY-SEVENTH PARLIAMENT of the  
UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND.

(NOVEMBER 3, 1936—OCTOBER 22, 1937.)

### FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 1 EDW. 8 & 1 GEO. 6.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
5 Will. & Mary : c. 7	Grants of rates and duties upon salt, &c.	S. 59 amended . . . .	38, s. 11 (2), sch. 4.
12 & 13 Will. 3 : c. 2	Act of Settlement .	S. 1 amended . . . . Ss. 2, 3 applied to Regent .	3, s. 1 (2). 16, s. 3 (2).
7 Anne : c. 9	Whitehaven Harbour.	Fresh financial arrangements.	xvi.
12 Geo. 2 : c. 31	Bath Hospital .	Governors' powers ext. .	cxvii, ss. 4 (2), 21-2.
15 Geo. 2 : c. 22	House of Commons Disqualification Act, 1741.	S. 3 repealed . . . .	38, s. 11 (2), sch. 4.
20 Geo. 2 : c. 42	Wales and Berwick Act, 1746.	S. 3 excluded . . . .	50, s. 3 (6).
9 Geo. 3 : c. 31	Magdalen Hospital Act, 1768.	Amended, name of charity changed.	xxiv.
12 Geo. 3 : c. 11	Royal Marriages Act, 1772.	Excluded . . . .	3, s. 1 (3).
14 Geo. 3 : c. 48	Life Assurance Act, 1774.	Policy on child kept for reward avoided (S.).	37, s. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
22 Geo. 3 : c. 45	House of Commons (Disqualification) Act, 1782.	Excluded - - -	14, s. 11.
26 Geo. 3 : c. 62	East India Company (Money) Act, 1786.	Repealed - - -	14, s. 12, sch. 2.
28 Geo. 3 : c. 29	East India Company (Money) Act, 1788.	Repealed - - -	14, s. 12, sch. 2.
29 Geo. 3 : c. 65	East India Company (Money) Act, 1789.	Repealed - - -	14, s. 12, sch. 2.
31 Geo. 3 : c. 11	East India Company (Money) Act, 1791.	Repealed - - -	14, s. 12, sch. 2.
32 Geo. 3 : c. 100	Nottingham canal.	Applied, &c. - - -	liii, s. 29, sch.
33 Geo. 3 : c. 47	East India Company (Money) Act, 1793.	Repealed - - -	14, s. 12, sch. 2.
34 Geo. 3 : c. 41	East India Company (Money) Act, 1794.	Repealed - - -	14, s. 12, sch. 2.
41 Geo. 3 : c. 52	House of Commons (Disqualifications) Act, 1801.	Excluded - - - S. 4 amended - - -	14, s. 11. 38, s. 11 (2), sch. 4.
49 Geo. 3 : c. 42	Public Records (Scotland) Act, 1809.	Ss. 1-3, 8, 10-3, 16 repealed	43, ss. 15-6, sch. 2.
50 Geo. 3 : c. 112	Court of Session Act, 1810.	S. 12 repealed - - -	43, s. 16, sch. 2.
51 Geo. 3 : c. 64	East India Company Bonds Act, 1811.	Repealed - - -	14, s. 12, sch. 2.
55 Geo. 3 : c. 70	Court of Session (Records) Act, 1815.	Ss. 1-4 repealed - - -	43, ss. 15-6, sch. 2.
56 Geo. 3 : c. 46	Civil List Audit Act, 1816.	Applied - - -	32, s. 15 (2).
c. 98	Consolidated Fund Act, 1816.	S. 16 repealed - - -	38, s. 11 (2), sch. 4.
5 Geo. 4 : c. 83	Vagrancy Act, 1824	S. 4, certain punishments increased (firearms).	12, s. 23 (2) (7), sch. 3.
10 Geo. 4 : c. 50	Crown Lands Act, 1829.	S. 11 repealed - - -	35, ss. 2 (1), 4, sch. 2.
2 & 3 Will. 4 : c. 1	Crown Lands Act, 1832.	S. 7 repealed - - -	35, ss. 2 (1), 4, sch. 2.



Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
2 & 3 Will. 4: c. 40 -	Admiralty Act, 1832.	S. 1 from "Provided always" repealed.	38, s. 11 (2), sch. 4.
5 & 6 Will. 4: c. 64 -	Stamp Duties Act, 1835.	S. 4 repealed - - -	14, s. 12, sch. 2.
7 Will. 4 & 1 Vict. : c. 72 -	Lords Justices Act, 1837.	Repealed - - -	16, s. 7.
1 & 2 Vict. : c. 2 -	Civil List Act, 1837.	Ss. 5, 6, applied as modified	32, s. 15 (1).
c. 118 -	Court of Session (No. 2) Act, 1838.	Ss. 18, 20, so far as un- repealed, repealed.	43, s. 16, sch. 2.
2 & 3 Vict. : c. 71 -	Metropolitan Police Courts Act, 1839.	Excluded - - -	58, s. 9 (4).
3 & 4 Vict. : c. 84 -	Metropolitan Police Courts Act, 1840.	Excluded - - -	58, s. 9 (4).
6 & 7 Vict. : c. 68 -	Theatres Act, 1843	S. 7 restricted (London) -	xci, s. 122.
8 & 9 Vict. : c. 19 -	Lands Clauses Consolidation (Scotland) Act, 1845.	Applicable (save ss. 120-5) and incorporated in sch. 2.	28, ss. 2 (1), 7 (1), schs. 1, 2.
c. 33 -	Railways Clauses (S.) Consolidation Act, 1845.	Ss. 70-8 applicable - -	28, s. 2 (1), sch. 1.
c. 83 -	Poor Law (Scot- land) Act, 1845.	Ss. 9, &c., applied - -	37, s. 106 (2).
10 & 11 Vict. : c. 27 -	Harbours, Docks, and Piers Clauses Act, 1847.	Applied save as excepted, s. 83 and defn. of "ves- sel" (ss. 3, 28) extended.	28, ss. 10-1.
c. 34 -	Town Improve- ment Clauses Act, 1847.	Ss. 69, 70, trunk road functions.	5, s. 3 (2), sch. 3, Part II.
11 & 12 Vict. : c. 29 -	Hares Act, 1848 -	S. 3 repealed (Jan. 1, 1938)	54, ss. 5 (1), 34 (6), sch. 6, Part III.
c. 30 -	Hares (Scotland) Act, 1848.	S. 2 repealed (Jan. 1, 1938)	54, ss. 5 (1), 34 (6), sch. 6, Part III.
14 & 15 Vict. : c. 42 -	Crown Lands Act, 1851.	Ss. 20 repealed, 17, 25 repealed in part.	38, s. 11 (2), sch. 4.
21 & 22 Vict. : c. 3 -	East India Loans Act, 1858.	Repealed - - -	14, s. 12, sch. 2.
c. 106 -	Government of India Act, 1858.	S. 4 repealed - - -	38, s. 11 (2), sch. 4.
22 Vict. : c. 11 -	East India Loan Act, 1859.	Repealed - - -	14, s. 12, sch. 2.
c. 26 -	Superannuation Act, 1859.	Applied, subject to modi- fication of s. 10.	52, s. 2.
22 & 23 Vict. : c. 39 -	East India Loan (No. 2) Act, 1859.	Repealed - - -	14, s. 12, sch. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
23&24Vict.: c. 5	Indian Securities Act, 1860.	S. 3 repealed	14, s. 12, sch. 2.
c. 85	Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	S. 4 amended	35, ss. 2 (1), 4, sch. 2.
c. 90	Game Licences Act, 1860.	Ss. 2, 7, 8, &c., amended (Jan. 1, 1938).	54, s. 5, sch. 2.
c. 102	East India Stock Act, 1860.	S. 6 repealed	14, s. 12, sch. 2.
c. 130	East India Loan Act, 1860.	Repealed	14, s. 12, sch. 2.
24&25Vict.: c. 3	Bank of England Act, 1861.	S. 10 repealed	14, s. 12, sch. 2.
c. 25	East India Loan Act, 1861.	Repealed	14, s. 12, sch. 2.
c. 45	General Pier and Harbour Act, 1861.	Amended and applied save as excluded (Scotland).	28, ss. 4, 5, 33.
c. 47	Harbours and Passing Tolls, &c. Act, 1861.	S. 3 adapted (Scotland)	28, ss. 6, 33.
c. 97	Malicious Damage Act, 1861.	Certain punishments increased (firearms).	12, s. 23 (2), sch. 3.
c. 100	Offences Against the Person Act, 1861.	Certain punishments increased (firearms).	12, s. 23 (2), sch. 3.
25&26Vict.: c. 7	India Stock Transfer Act, 1862.	Ss. 1, 8, 13 repealed, 2, 3, 5, 6, 9-12 amended, Act applied.	14, ss. 2 (3), 6, 12, schs. 1, 2.
c. 19	General Pier and Harbour Act, 1861, Amendment Act.	Applied and in part excluded (Scotland).	28, ss. 5, 33.
26&27Vict.: c. 73	India Stock Certificate Act, 1863.	Ss. 8, 11, 16, defn. of "India stock" in s. 2 and in part s. 5 repealed, ss. 5, 7, 10, sch. amended, Act applied.	14, ss. 2 (3), 5, 6, 12, schs. 1, 2.
27&28Vict.: c. 34	House of Commons (Vacation of Seats) Act, 1864.	Repealed	38, s. 11 (2), sch. 4.
29&30Vict.: c. 31	Superannuation (Metropolis) Act, 1866.	Repealed save as applied (prosp.), with savings.	68, ss. 32, 40 (1).
c. 55	Post Office (Postmaster - General) Act, 1866.	Repealed	38, s. 11 (2), sch. 4.
30&31Vict.: c. 17	Lyon King of Arms Act, 1867.	Ss. 3, 5 amended	35, ss. 2 (1), 4, sch. 2.
c. 72	Board of Trade (Parliamentary Secretary) Act, 1867.	Repealed	38, s. 11 (2), sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
31&32Vict.: c. 100	Court of Session Act, 1868.	S. 91 extended - - -	28, s. 22 (4).
32&33Vict.: c. 14	Revenue Act, 1869	Male servant duty repealed (Jan. 1, 1938), ss. 19 (3)-(5) repealed, 18, 19 (1) (2), 22-3, 27, 29 repealed in part.	54, ss. 5 (1), 34 (6), sch. 6, Part III.
c. 60	Political Offices Pension Act, 1869.	Provision against double pension.	38, ss. 4 (2), 5.
c. 106	East India Loan Act, 1869.	Repealed - - - -	14, s. 12, sch. 2.
33&34Vict.: c. 17	War Office Act, 1870.	S. 3 in part and s. 5 repealed.	38, s. 11 (2), sch. 4.
c. 57	Gun Licence Act, 1870.	Saved - - - -	12, s. 15 (1).
c. 71	National Debt Act, 1870.	Ss. 56-7 repealed, 55 amended, 32 excluded.	54, ss. 28-9, 34 (6), sch. 6, Part II.
34&35Vict.: c. 29	India Stock Dividends Act, 1871.	Repealed - - - -	14, s. 12, sch. 2.
c. 112	Prevention of Crimes Act, 1871.	Certain punishments increased. S. 13, defn. of "dealer in old metal" applied (S.).	12, s. 23 (2), sch. 3. 37, ss. 20, 113 (3).
35&36Vict.: c. 62	Education (Scotland) Act, 1872.	Ss. 45 applied; 70, jurisdiction of juvenile courts.	37, ss. 50 (1), 101 (5).
c. 77	Metalliferous Mines Regulation Act, 1872.	Applied (as to quarries) -	67, ss. 158 (2), 160 (2).
c. 93	Pawnbrokers Act, 1872.	S. 32 extended (taking pawn from person under 14) (S.).	37, ss. 19, 113 (3).
36&37Vict.: c. 18	Customs and Inland Revenue Act, 1873.	Repealed (Jan. 1, 1938) -	54, ss. 5 (1), 34 (6), sch. 6, Part III.
c. 32	East India Loan Act, 1873.	Repealed - - - -	14, s. 12, sch. 2.
37&38Vict.: c. 3	East India Loan Act, 1874.	Repealed - - - -	14, s. 12, sch. 2.
38&39Vict.: c. 3	Metropolitan Police Magistrates Act, 1875.	S. 1 amended - - -	35, ss. 1 (1), 4, schs. 1, 2.
c. 17	Explosives Act, 1875.	Saved - - - -	67, ss. 64 (1), 160 (2) (3).
c. 45	Sinking Fund Act, 1875.	S. 5 excluded - - -	13, s. 1 (3).
c. 55	Public Health Act, 1875.	S. 148, functions how exercised.	5, ss. 3 (2), 5, 7, sch. 3, Part I.
39&40Vict.: c. 16	Customs and Inland Revenue Act, 1876.	S. 5 repealed (Jan. 1, 1938)	54, ss. 5 (1), 34 (6), sch. 6, Part III.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
39&40 Vict.: c. 36 -	Customs Consolida- tion Act, 1876.	S. 42, table extended -	67, ss. 61 (3), 160 (2) (3).
c. 70 -	Sheriff Courts (Scot- land) Act, 1876.	S. 54 in part repealed	43, s. 16, sch. 2.
40 & 41 Vict.: c. 2 -	Treasury Bills Act, 1877.	S. 6 excluded - - -	7, s. 2 (2); 20, s. 3 (2); 55, s. 2 (2).
c. 43 -	Justices Clerks Act, 1877.	Repeal of s. 8 by s. 44 of 1914 Act restricted (fees in City of London).	xlv, s. 36 (1).
c. 51 -	East India Loan Act, 1877.	Repealed - - -	14, s. 12, sch. 2.
41 & 42 Vict.: c. 32 -	Metropolis Manage- ment and Building Acts Amendment Act, 1878.	Ss. 12-3 repealed in part -	xcvi, s. 121, sch. 9.
c. 49 -	Weights and Mea- sures Act, 1878.	Extended - - -	67, ss. 121, 160 (2).
42 & 43 Vict.: c. 11 -	Bankers' Books Evidence Act, 1879.	Applied to Corporation of London Stock.	xlv, s. 28 (1), sch. 2 para. 14.
c. 21 -	Customs and Inland Revenue Act, 1879.	S. 6 excluded - - -	8, s. 1, sch. Part I.
c. 43 -	East Indian Rail- way (Redemption of Annuities) Act, 1879.	Repealed - - -	14, s. 12, sch. 2; and <i>see</i> s. 9.
c. 60 -	East India Loan Act, 1879.	Repealed - - -	14, s. 12, sch. 2.
43 Vict.: c. 10 -	East India Loan (East Indian Rail- way Debentures) Act, 1880.	Repealed - - -	14, s. 12, sch. 2.
c. 11 -	India Stock (Powers of Attorney) Act, 1880.	Repealed - - -	14, s. 12, sch. 2.
44 & 45 Vict.: c. 53 -	East Indian Rail- way (Redemption of Annuities) Act, 1881.	Repealed - - -	14, s. 12, sch. 2; and <i>see</i> s. 9.
c. 58 (as amended).	Army Act - - -	Continued and applied, s. 108A (3) (c) substituted, s. 90 (2A) inserted, ss. 57 (2) (3), 72 (1), 90 (2) (4), 106 (3), 108A (3) (b) (4), 115 (9), 155, 172 (1), 190 (8), sch. 1 amended.	26, ss. 2, 4, 5, 7, 9, sch. 2.
45 & 46 Vict.: c. 50 -	Municipal Corpora- tions Act, 1882.	As amended, applied	12, ss. 2 (8) (a), 8 (5) (a), 10 (4) (a), 21 (3) (a), sch. 1 para. 9.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
45 & 46 Vict.: c. 61 -	Bills of Exchange Act, 1882.	Applied to Corporation of London Stock warrants.	xlv, s. 28 (1), sch. 2 para. 29 (4); <i>see also</i> xcvi, s. 112 (4) (Couladon and Purley).
47 & 48 Vict.: c. 72 -	Disused Burial Grounds Act, 1884.	Excluded (Southwark Chapter House): <i>see</i> Church Assembly Measure No. 3, s. 4 (2).	
48 & 49 Vict.: c. 25 -	East India Unclaimed Stock Act, 1885.	S. 2, defn. of "India stock," s. 21 "stock or," s. 25 repealed, ss. 3 (2), 8 amended, ss. 3-16 applied.	14, ss. 2 (3) (6), 12, schs. 1, 2; and <i>see</i> s. 9.
c. 28 -	East India Loan Act, 1885.	Repealed - - -	14, ss. 2 (1), 12, sch. 2.
c. 69 -	Criminal Law Amendment Act, 1885.	S. 6 saved - - -	37, s. 14 (2); <i>see also</i> sch. 1.
49 & 50 Vict.: c. 27 -	Guardianship of Infants Act, 1886.	Constitution of courts (E.)	58, ss. 1, 9, 10 (3), sch.
50 & 51 Vict.: c. 16 -	National Debt and Local Loans Act, 1887.	Extended - - -	11, s. 1 (2).
c. 27 -	Markets and Fairs (Weighing of Cattle) Act, 1887.	Departmental functions under s. 9 transferable (E., S.).	50, s. 21.
51 & 52 Vict.: c. 5 -	Oude and Rohilkund Railway Purchase Act, 1888.	Repealed - - -	14, s. 12, sch. 2.
c. 41 -	Local Government Act, 1888.	Sch. 1 "male servants" repealed (Jan. 1, 1938).	54, ss. 5 (1), 34 (6), sch. 6 Part III.
c. 42 -	Mortmain and Charitable Uses Act, 1888.	Part II excluded (assurances to National Trust).	lvii, s. 6 (1).
52 & 53 Vict.: c. 6 -	National Debt Act, 1889.	S. 4 (1)-(5) applied - -	14, s. 2 (4).
c. 30 -	Board of Agriculture Act, 1889.	Ss. 8 (1) repealed, 5 (2) amended. Veterinary inspectors, &c. appointed under s. 5.	38, s. 11, schs. 3, 4. 70, ss. 19, 27 (3), 34 (2) (3).
c. 49 -	Arbitration Act, 1889.	Excluded save as applied -	67, ss. 148, 160 (2).
c. 50 -	Local Government (Scotland) Act, 1889.	Ss. 75 (1) (2) excluded, 93 (1) (3) applied as modified. S. 93 (1) (3) applied - -	5, s. 12 (15) (17). 28, s. 2 (1), sch. 1.
c. 63 -	Interpretation Act, 1889.	S. 38 (2) applied - -	19, s. 4 (6).

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
53 & 54 Vict.: c. 3	County Councils Association Expenses Act, 1890.	Amended - - -	27.
c. 6	South Indian Railway Purchase Act, 1890.	Repealed - - -	14, s. 12, sch. 2.
c. 59	Public Health Acts Amendment Act, 1890.	Ss. 39, 40, 42-3, trunk road functions.	5, s. 3 (2), sch. 3 Part III.
54 & 55 Vict.: c. 22	Museums and Gymnasiums Act, 1891.	Repealed as to gymnasiums in E.	46, ss. 4 (5), 11 (2) (3), sch.
c. 39	Stamp Act, 1891 -	Sch. 1 (receipt) amended	14, s. 2 (7) and see s. 2 (6).
c. 58	Western Highlands and Islands (Scotland) Works Act, 1891.	S. 74 and in part sch. 1 repealed.	54, ss. 30, 34 (6), sch. 6 Part II.
c. 69	Penal Servitude Act, 1891.	Repealed, with saving for rates, &c.	28, ss. 8 (1) (b), 32.
c. 70	Markets and Fairs (Weighing of Cattle) Act, 1891.	S. 7, certain punishments increased (firearms).	12, s. 23 (2), sch. 3.
c. 73	Mortmain and Charitable Uses Act, 1891.	Departmental functions under ss. 2 and 4 transferable (E., S.).	50, s. 21.
55 & 56 Vict.: c. 39	National Debt (Stockholders Relief) Act, 1892.	S. 5 excluded (assurances to National Trust).	lvii, s. 6 (1).
c. 55	Burgh Police (Scotland) Act, 1892.	Ss. 2-7, 9 applied - - -	14, s. 2 (4).
56 & 57 Vict.: c. 12	Day Industrial Schools (Scotland) Act, 1893.	Appeal under s. 132 excluded, ss. 110, 130, 159, 160, 190, 266, 273 modified.	5, ss. 3 (2), 12 (6), sch. 3.
c. 32	Barbed Wire Act, 1893.	S. 4, jurisdiction of Juvenile Courts.	37, s. 50 (1).
c. 66	Rules Publication Act, 1893.	S. 3, trunk road functions -	5, s. 3 (2), sch. 3 Part II.
c. 70	East India Loan Act, 1893.	S. 1 excluded - - - S. 1 excluded - - - S. 1 excluded - - - S. 1 excluded - - -	26, ss. 4 (ii), 6. 50, s. 49 (2). 67, s. 129 (1) (c). 70, s. 12.
c. 73	Local Government Act, 1894.	Repealed - - -	14, s. 12, sch. 2.
57 & 58 Vict.: c. 28	Notice of Accidents Act, 1894.	S. 25 (2), functions how exercised.	5, ss. 3 (2), 5, 7, sch. 3 Part I.
c. 42	Quarries Act, 1894	Sch. para. 1 in part repealed (E., S.) (prosp.).	67, ss. 159, 160 (2) (3), sch. 4.
		S. 1 in part and s. 3 repealed, Act extended.	67, ss. 158 (1), 159, 160 (2) (3), sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
57 & 58 Vict.: c. 57	Diseases of Animals Act, 1894.	Ss. 19, 21 (6), 35 (2), 63 (2) repealed, 7 (3), 17, 18 (1) (b), 20 (1)-(5) (7), 22 (xiv) (xvi), 59 (1), 63 (1) amended, 22 extended; Cattle Pleuro-Pneumonia Account re-named; appointment of officers; powers of Min. extended.	70, ss. 18-9, 22-3, 28 (1), 34 (2)-(4), schs. 2, 3.
c. 60	Merchant Shipping Act, 1894.	Ss. 449 applied, 723 extended ( <i>temp.</i> ). Ss. 375, 427 (3), sch. 15 repealed. S. 538, defn. of "marine store dealer" applied (S.).	1, ss. 1 (5) (6) (8), 2 (3) (5). 23, s. 2. 37, ss. 20, 113 (3).
58 & 59 Vict.: c. 36	Fatal Accidents Inquiry (Scotland) Act, 1895.	Excluded - - - - Restricted - - - -	45, s. 5 (2). 67, ss. 68, 156 (12), 160 (2); and <i>see</i> s. 156 (15).
c. 39	Summary Jurisdiction (Married Women) Act, 1895.	Extended, s. 4 amended - Amended - - - -	57, ss. 11, 14 (2); and <i>see</i> s. 6 (1). 58.
59 & 60 Vict.: c. 50	Poor Law Officers' Superannuation Act, 1896.	Repealed as to transferred poor law or rating employees ( <i>prosp.</i> ) with savings.	68, ss. 32, 40 (1); and <i>see</i> ss. 26 (1) (a) (iii) (iv), 30 (1), sch. 2 Part IV para. 1 (b).
60 & 61 Vict.: c. 38	Public Health (Scotland) Act, 1897.	S. 187 applied - - - Applied, s. 29 excluded -	37, s. 35 (3). 67, ss. 156 (5) (19) (20), 160 (2).
61 & 62 Vict.: c. 9	Reserve Forces and Militia Act, 1898.	S. 1 amended - - -	17, s. 1.
c. 13	East India Loan Act, 1898.	Repealed - - - -	14, s. 12, sch. 2.
c. 36	Criminal Evidence Act, 1898.	Applied, schedule extended (S.).	37, ss. 26, 111 (6), 113 (3), sch. 1.
62 & 63 Vict.: c. 33	Board of Education Act, 1899.	Ss. 8 (2) repealed, 6 (2), 8 (1) amended.	38, s. 11, schs. 3, 4.
c. 43	Royal Niger Company Act, 1899.	Repealed - - - -	63.
63 & 64 Vict.: c. 49	Town Councils (Scotland) Act, 1900.	S. 78 excluded - - -	43, s. 5 (2).
1 Edw. 7 : c. 22	Factory and Workshop Act, 1901.	Repealed (E., S.), certain corresponding provisions substituted ( <i>prospectively</i> ).	67, ss. 34 (3), 157, 159, 160 (2) (3), schs. 3, 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
1 Edw. 7 : c. 25	East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.	Repealed . . . .	14, s. 12, sch. 2.
c. 35	Public Works Loans Act, 1901.	S. 3, remission of arrears .	11, s. 3.
2 Edw. 7 : c. 28	Licensing Act, 1902	S. 5 extended . . . .	57, ss. 11 (2) (3), 14 (2).
3 Edw. 7 : c. 33	Burgh Police (Scotland) Act, 1903.	S. 14 modified . . . .	5, s. 3 (2), sch. 3
4 Edw. 7 : c. 21	Capital Expenditure (Money) Act, 1904.	Extended . . . .	51, s. 1 (4).
c. 28	Weights and Measures Act, 1904.	S. 5 extended, &c. . . .	67, ss. 121, 160 (2).
5 Edw. 7 : c. 15	Trade Marks Act, 1905.	Ss. 9 proviso, 22-4, 39, 62 repealed; 11, 37, 63-4, 67 repealed and substituted; 3 defn. of "trade mark," 13 proviso, 14 (11) substituted; 8 (2), 32 (2), 34 (2)-(4), 41 (2), 48 (2) added; 4, 6, 9, 12 (1) (2) (4), 14 (4) (6) (8), 16-7, 19-21, 26-8, 30-2, 33 (1), 34, 35 (2) (3), 36, 41, 44, 48-9, 52, 54, 58, 60 (1) (a), 71 amended; 12 (2)-(6), 14, 35, 41, 44 extended; 35 saved; 9, 12-4, 35, 41 excluded (prospectively).	49, ss. 1 (1), 2, 3 (2), 4 (3), 6, 7 (10), 8 (8), 10, 11 (1), 12 (4), 15 (1) (5), 18 (2) (7)-(9), 19, 20 (12), 21 (3), 24, 26 (1), 27-30, 31 (1), 32 (3), 33 (4) (5), schs. 1, 3, 4.
c. 19	East India Loans (Railways) Act, 1905.	Repealed . . . .	14, s. 12, sch. 2.
6 Edw. 7 : c. 49	Census of Production Act, 1906.	S. 10 repealed (prosp.) .	67, ss. 159, 160 (2) (3), sch. 4.
c. 53	Notice of Accidents Act, 1906.	S. 4 repealed, s. 5 repealed as to factories and workshops (prosp.)	67, ss. 159, 160 (2) (3), sch. 4.
7 Edw. 7 : c. 9	Territorial and Reserve Forces Act, 1907.	Part I, s. 4 and Part IA, s. 4A, extended (regulations).	26, ss. 5, 6, sch. 2 Part I.
c. 17	Probation of Offenders Act, 1907.	Extended; s. 6 (5) amended; s. 2 (2) excluded; jurisdiction of juvenile court; register of juvenile offenders.	37, ss. 53 (3), 61 (2), 63 (3), 64, 113 (3).
c. 39	Factory and Workshop Act, 1907.	Repealed (E., S.) (prosp.) .	67, ss. 159, 160 (2) (3), sch. 4.
c. 53	Public Health Acts Amendment Act, 1907.	Ss. 18, 20, 29, functions how exercised.	5, ss. 3 (2), 5, 7, sch. 3 Part I.



Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
8 Edw. 7 :			
c. 16	Finance Act, 1908	S. 6 (4) "and male servants" repealed (Jan. 1, 1938).	54, ss. 5 (1), 34 (6), sch. 6 Part III.
c. 42	White Phosphorus Matches Prohibition Act, 1908	Repealed (E., S.) (prosp.)	67, ss. 159, 160 (2) (3), sch. 4.
c. 54	East India Loans Act, 1908.	Repealed - - - -	14, s. 12, sch. 2.
c. 62	Local Government (Scotland) Act, 1908.	S. 3 (1) (c) saved - - S. 11 excluded - - -	5, s. 12 (13). 28, s. 23.
c. 63	Education (Scotland) Act, 1908.	S. 3 (9) amended ( <i>see</i> 26 Geo. 5 & 1 Edw. 8. c. 42).	46, s. 10 (10).
c. 65	Summary Jurisdiction (Scotland) Act, 1908.	S. 16 (power to make rules) extended.	37, ss. 42 (3), 105 (1).
c. 66	Public Meeting Act, 1908.	S. 1 (3) added - - -	6, ss. 6, 10 (2).
c. 67	Children Act, 1908	Repealed as to Scotland except ss. 122, 132 (so far as required for s. 122) and 134 (1).	37, s. 113 (2)-(4), sch. 4; and <i>see</i> ss. 3, 80 (2) 81 (4), 111 (2)-(6), sch. 3.
9 Edw. 7 :			
c. 10	Superannuation Act, 1909.	Applied, subject to modification of ss. 1 (2), 2 (1).	52, s. 2 (b).
c. 14	Assistant Postmaster - General Act, 1909.	Repealed - - - -	38, s. 11 (2), sch. 4.
c. 15	Board of Agriculture and Fisheries Act, 1909	S. 1 (1) in part and (2) repealed.	38, s. 11 (2), sch. 4.
c. 23	Board of Trade Act, 1909.	Repealed - - - -	38, s. 11 (2), sch. 4.
c. 30	Cinematograph Act, 1909.	Safety of children (Scotland).	37, ss. 23 (3), 113 (3).
c. 47	Development and Road Improvement Funds Act, 1909.	S. 9 excluded (trunk roads)	5, s. 3 (6).
c. 48	Asylums Officers' Superannuation Act, 1909.	Superannuation arrangements (E.). Superannuation arrangements (S.)	68, ss. 28, 40 (1), 42 (2), sch. 2 Part V. 69, ss. 23, 34 (1), 37 (2), sch. 2.
10 Edw. 7 & 1 Geo. 5 :			
c. 5	East India Loans (Railways and Irrigation) Act, 1910.	Repealed - - - -	14, s. 12, sch. 2.
c. 8	Finance (1909-10) Act, 1910.	Sch. 1 amended - - -	54, s. 6.
c. 20	Diseases of Animals Act, 1910.	S. 1 (1) amended, (2) substituted.	42, s. 1.
c. 25	Children Act (1908) Amendment Act, 1910.	Repealed as to Scotland -	37, s. 113 (2)-(4), sch. 4.
c. 28	Civil List Act, 1910.	S. 5 in part saved, in part substituted, amount reduced.	32, ss. 4 (3), 15 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
1 & 2 Geo. 5 :			
c. 20 -	Geneva Convention Act, 1911.	Further Convention given effect; power for Australian Parliament to exclude.	15.
c. 26 -	Telephone Transfer Act, 1911.	S. 5 extended - - -	51, s. 1 (5).
c. 49 -	Small Landholders (Scotland) Act, 1911.	Land Court provisions applied. S. 3 (9) amended - -	34, s. 3 (2). 35, ss. 1 (2), 4, sch. 2.
c. 50 -	Coal Mines Act, 1911.	S. 4 (2) extended - - Hours of employment for boys. Ss. 92-3 and 95 to be applied by rega.	53, s. 12. 62. 67, ss. 158 (3), 160 (2) (3).
3 & 4 Geo. 5 :			
c. 20 -	Bankruptcy (Scotland) Act, 1913.	S. 148 saved - - -	69, s. 19.
c. 38 -	Mental Deficiency and Lunacy (Scotland) Act, 1913.	S. 10 extended - - -	37, s. 85 (3), sch. 2 para. 4.
4 & 5 Geo. 5 :			
c. 15 -	Exportation of Horses Act, 1914.	S. 1 (2) superseded - -	42, s. 1 (2).
c. 16 -	Trade Marks Act, 1914.	Repealed and substituted (prospectively).	49, ss. 20 (12), 33 (4) (5), sch. 4.
c. 46 -	Milk and Dairies (Scotland) Act, 1914.	S. 3 (1)-(6) repealed (prospectively).	70, s. 34, sch. 3.
c. 58 -	Criminal Justice Administration Act, 1914.	Repeal of s. 8 of 40 & 41 Vict. c. 43 restricted (fees in City of London). S. 5 applied - - -	xlv, s. 36 (1). 67, ss. 133, 140 (6), 156 (18).
5 & 6 Geo. 5 :			
c. 64 -	Notification of Births (Extension) Act, 1915.	Combination of local authorities (S.).	30, ss. 5, 9 (1), 10 (3); see also s. 3 (9).
c. 66 -	Milk and Dairies (Consolidation) Act, 1915.	S. 10 (1) in part and (2) repealed, s. 19 (1) amended (prospectively).	70, ss. 19, 28 (1), 34, schs. 2, 3.
c. 91 -	Midwives (Scotland) Act, 1915.	Ss. 13, 22 (1) amended, 5 (1) extended, 1 (2) saved.	30, ss. 6 (4), 7, 8 (1) (3) (4), 9 (2).
6 & 7 Geo. 5 :			
c. 31 -	Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Ss. 7-9 repealed (E., S.) (prosp.).	67, ss. 159, 160 (2) (3), sch. 4.
c. 37 -	Government of India (Amendment) Act, 1916.	S. 6 (4) (5) repealed, s. 6 (1)-(3) applied.	14, ss. 2 (3), 12, sch. 2.
c. 50 -	Larceny Act, 1916	Ss. 23 (1) (a), 28 (1) explained, certain punishments increased.	12, s. 23 (2) (5), sch. 3.
c. 65 -	Ministry of Pensions Act, 1916.	Ss. 5 (2), 7 (1) repealed in part.	38, s. 11 (2), sch. 4.
c. 68 -	New Ministries and Secretaries Act, 1916.	Ss. 12 (1) repealed, 10 (2) amended.	38, s. 11, schs. 3, 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
7 & 8 Geo. 5: c. 51	Air Force (Constitution) Act, 1917. Air Force Act (as amended).	S. 9 (2) amended Continued and applied, s. 108A (3) (c) substituted, ss. 57 (3), 72 (1), 78 (1), 106 (3), 108A (3) (b) (4), 115 (9), sch. 1 amended.	38, s. 11 (1), sch. 3. 26, ss. 2, 4-6, 8, 9, sch. 2.
8 & 9 Geo. 5: c. 3	Overseas Trade Department (Secretary) Act, 1918.	S. 1 (2) (3) repealed, residue saved.	38, ss. 10 (2), 11 (2), sch. 4.
c. 39	Education Act, 1918.	Employment contrary to s. 14.	67, ss. 143, 160 (2).
c. 40	Income Tax Act, 1918.	Act applied and amended; adapted in part to national defence contribution; Rule 5 (2) proviso of Rules applicable to Cases I and II of Schedule D repealed, rule 15 (2) saved, ss. 34 amended, 159 (2) added, ss. 149, 196 applied.	54, ss. 10, 12-8, 24, 34 (6), schs. 4, 5, 6 Part I.
c. 48	Education (Scotland) Act, 1918.	Employment contrary to s. 17.	67, ss. 143, 156 (2) (c), 160 (2).
c. 55	School Teachers (Superannuation) Act, 1918.	Amended, ss. 6-9, 11 applied.	47, s. 1, &c.
c. 57	War Pensions (Admin. Provisions) Act, 1918.	S. 9 (4) extended (Scotland).	37, ss. 80 (2), 113 (3).
9 & 10 Geo. 5: c. 2	Re-election of Ministers Act, 1919.	S. 1 (1) from "nor shall it affect" repealed.	38, s. 11 (2), sch. 4.
c. 17	Education (Scotland) (Superannuation) Act, 1919.	S. 8 applied	47, s. 4 (2).
c. 21	Ministry of Health Act, 1919.	S. 6 (2) amended	38, s. 11, schs. 3, 4.
c. 32	Finance Act, 1919	S. 18 repealed	54, ss. 15 (7), 34 (6), sch. 6 Part I.
c. 37	War Loan Act, 1919.	S. 1 (1) extended	13, s. 1 (2).
c. 50	Ministry of Transport Act, 1919.	S. 1 (1) extended Ss. 3 (1), directions continued, 21 extended. Ss. 27 repealed, 25 (1) (2) amended.	54, s. 26 (2) (3). 28, s. 24 (1) (3). 38, s. 11, schs. 3, 4.
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	Applied (trunk roads) Applied (harbours, &c., Scotland) and applicable.	5, s. 4 (5). 28, s. 2 (1) (5), sch. 1.
c. 79	Trade Marks Act, 1919.	Ss. 2 (1)-(5), 3, 4, 6 and sch. 1 repealed and substituted, ss. 1 (1)-(3), 5, 9 (1) (3), 10 amended (prospectively).	49, ss. 3 (3), 4 (4), 16 (3), 30, 33, (4) (5), schs. 3, 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
9 & 10Geo. 5: c. 95	Nurses Registration (Scotland) Act, 1919.	Registered nurses saved	30, s. 6 (1).
c. 100	Electricity (Supply) Act, 1919.	S. 8 (2) superannuation schemes.	(E.) 68, ss. 34 (3), 40 (1), 42 (2); (S.) 69, ss. 29 (3), 34 (1), 37 (2).
10&11Geo.5: c. 18	Finance Act, 1920	Sch. 2, para. 1 (c) substituted, para. 5 amended, s. 18 (2) amended.	54, ss. 7-9, 17, 34 (4).
c. 19	County Councils Association Expenses (Amendment) Act, 1920.	Repealed	27, s. 2.
c. 21	Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920.	Orders continued, &c.	28, ss. 24 (3), 25.
c. 29	Overseas Trade (Credits and Insurance) Act, 1920.	Repealed (on consolidation)	61.
c. 43	Firearms Act, 1920	Act, except ss. 16 and 19 (1) repealed on consolidation (save as to N.I.).	12, s. 34, sch. 4: see also ss. 8 (1) (a), 18 (5), 31 (a), 32 (1), 33 (1)-(3).
c. 50	Mining Industry Act, 1920.	Ss. 5 (1), 6 repealed S. 5 (2) excluded S. 19 applied to quarries (as modified) (prosp.).	38, s. 11 (2), sch. 4. 56, s. 2. 67, ss. 158 (2) (3), 160 (2).
c. 62	Women and Young Persons (Employment in Lead Processes) Act, 1920.	Repealed save as to N.I.	67, ss. 159, 160, sch. 4.
c. 65	Employment of Women, Young Persons and Children Act, 1920.	Employment contrary to s. 1.	67, ss. 143, 160 (2).
c. 80	Air Navigation Act, 1920.	Regs. under s. 12 saved	28, s. 10 (2) (ii).
11&12Geo.5: c. 7	Tribunals of Inquiry (Evidence) Act, 1921.	Applied as modified	50, s. 2.
c. 26	Overseas Trade (Credits and Insurance) Amtd. Act, 1921.	Repealed and consolidated	61.
c. 32	Finance Act, 1921	S. 10 repealed (Jan. 1, 1938), sch. 3, para. 6 amended,	54, ss. 5 (1), 23, 34 (6), sch. 6, Part III.
c. 48	Corn Production Acts (Repeal) Act, 1921.	S. 4 repealed as to Scotland	53, s. 16.
c. 51	Education Act, 1921.	S. 51 (2) in part repealed S. 86 amended	25. 46, s. 6.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
11&12Geo.5: c. 55 - c. 65 -	Railways Act, 1921 TradeFacilitiesAct, 1921.	S. 20 (2) excluded - - Ss. 2, 3 (2), sch. repealed and consolidated.	52, s. 3 (1). 61.
12&13Geo.5: c. 9 - c. 13 - c. 17 - c. 21 - c. 56 - c. 59 -	East India Loans (Railways and Irrigation) Act, 1922. Empire Settlement Act, 1922. Finance Act, 1922 Treaties of Wash- ington Act, 1922. Criminal Law Amendment Act, 1922. Local Government and other Officers' Superannuation Act, 1922.	Repealed - - - - S. 1 (3) (b) (c) amended - S. 21 amended, s. 21 (6) and para. 9 of sch. 1 excluded. Applied, proviso to s. 1 (1) adopted. Effect of offence against s. 4 (S.). Repealed (prosp.) with savings (E.). Repealed (prosp.) with savings (S.).	14, s. 12, sch. 2. 18. 54, s. 14, sch. 3. 65. 37, ss. 13 (3), 113 (3). 68, ss. 5 (2) (3), 25, 40 (1), 41, 42 (2), sch. 4, &c. 69, ss. 5 (2), 21, 28, 34 (1), 37 (2).
13 Geo. 5, Sess. 2: c. 4 -	Trade Facilities and Loans Guarantee Act, 1922.	S. 4 repealed - - -	61.
13&14Geo.5: c. 9 - c. 10 - c. 14 - c. 31 - c. 42 -	Agricultural Hold- ings Act, 1923. Agricultural Hold- ings (Scotland) Act, 1923. Finance Act, 1923 East India Loans Act, 1923. Workmen's Com- pensation Act, 1923.	S. 1 (2) (a) extended - Sheep stocks valuation S. 1 (2) (a) extended - S. 28 continued - - Repealed - - - - Ss. 28 (1), 29 repealed (prospectively).	70, s. 5. 34. 70, s. 5. 54, s. 16. 14, s. 12, sch. 2. 67, ss. 159, 160 (2), sch. 4.
14&15Geo.5: c. 8 - c. 24 - c. 34 -	Trade Facilities Act, 1924. Isle of Man (Cus- toms) Act, 1924. London Traffic Act, 1924.	S. 3 repealed - - - S. 4 continued - - - Ss. 4 (1) (3) modified, 5 (1) proviso excluded.	61, s. 4 (2), sch. 64, s. 1. 5, s. 3 (1), sch. 2.
15&16Geo.5: c. 15 - c. 18 - c. 36 -	Housing (Scotland) Act, 1925. Settled Land Act, 1925. Finance Act, 1925	Ss. 50-1, sch. 3 applied as modified. S. 55 extended (grant to National Trust). Duty under s. 7 (hops, &c.) further continued, s. 3 ex- cluded (reed organs).	37, s. 101 (6). lvii, s. 6 (2). 54, ss. 1, 3 (4) (5).

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
15&16Geo.5: c. 39	Agricultural Returns Act, 1925.	Excluded - - - Excluded - - -	50, s. 34 (2). 70, s. 29 (2).
c. 45	Guardianship of Infants Act, 1925.	Constitution of courts	58, ss. 1, 9, 10 (3), sch.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 121 (1) amended - S. 128 (2) extended - Part VIII amended, ss. 176, 178, 184 (2) (3), 185 (1) (2) substituted, 183 (3), 193 (3) added, 191-2, 193 (3) amended, insanity in s. 176 explained, ss. 181-4 applied, new grounds for nullity, &c. (Jan. 1, 1938.)	35, ss. 2 (2), 4, sch. 2. 52, s. 3 (2). 57, ss. 1-10, 12-3, 14 (2).
c. 51	Summary Jurisdiction (Separation and Maintenance) Act, 1925.	Constitution of courts	58, ss. 1, 9, sch.; and <i>see</i> ss. 4 (1), 8.
c. 55	Education (Scotland) (Superannuation) Act, 1925.	Ss. 4 (1) (d) prospectively repealed, 7 extended.	47, s. 4 (4) (5).
c. 56	Isle of Man (Customs) Act, 1925.	Ss. 5-7 continued, &c.	64, ss. 1-3.
c. 59	Teachers (Superannuation) Act, 1925.	Ss. 11 repealed, 21 (1) (b) (c) amended, Part II extended. S. 7 excluded - -	47, ss. 2 (4) (5), 3, 5, sch. 68, s. 17 (2); and <i>see</i> s. 17 (1).
c. 63	Diseases of Animals Act, 1925.	S. 1 repealed (prosp.)	70, s. 34, sch. 3.
c. 68	Roads Improvement Act, 1925.	Ss. 12 (e) excluded, 5 modified.	5, ss. 3 (1), 12 (5), sch. 2.
c. 71	Public Health Act, 1925.	Ss. 13-4, 21-3, 25, 27, 33 modified (trunk road functions). Ss. 69 repealed, 70 applied -	5, ss. 3 (2), 5, 7, sch. 3. 46, ss. 4 (2) (5), 11 (2), sch.
c. 84	Workmen's Compensation Act, 1925.	Applied - - -	67, ss. 126 (9), 160 (2).
c. 86	Criminal Justice Act, 1925.	S. 24 excluded - - Part I extended - -	12, s. 23 (4). 58; s. 7.
c. 87	Tithe Act, 1925	Transfer of moneys, &c. from Q.A.B. to Eccles. Commrs.: <i>see</i> Church Assembly Measure No. 1, s. 10. And <i>see</i> s. 8.	
c. 90	Rating and Valuation Act, 1925.	S. 9 (2) (c) proviso repealed, 9 (2) (b) (d) repealed in part. Amdts. of s. 11 and sch. 2 by 1928 Act further continued. S. 51 repealed (prosp.), sch. 6 para. 8 saved.	22, ss. 9, 10, sch. 2. 60. 68, ss. 37, 40 (1), 41, sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
16&17Geo.5: c. 3	Trade Facilities Act, 1926.	S. 2 and in part s. 3 repealed	61, s. 4 (2), sch.
c. 18	Secretaries of State Act, 1926.	S. 3 repealed - - -	38, s. 11 (2), sch. 4.
c. 21	Markets and Fairs (Weighing of Cattle) Act, 1926.	Departmental functions under s. 1 (4) transferable.	50, s. 21.
c. 22	Finance Act, 1926	Sch. 3 in part repealed, s. 7 (1) extended.	54, ss. 2, 34 (6), sch. 6 Part I.
c. 27	Isle of Man (Customs) Act, 1926.	Ss. 6, 8 continued - -	64, s. 1.
c. 47	Rating (Scotland) Act, 1926.	Sch. 2 applicable - - Sch. 2 para. 7 saved - -	50, ss. 48, 57 (9). 69, s. 32.
c. 51	Electricity (Supply) Act, 1926.	S. 33 amended (E.) (prosp.)  S. 33 amended (S.) (prosp.)	68, ss. 34 (2), 40 (1), 42 (2); and see ss. 25 (2), 34 (1). 69, ss. 29, 34 (1), 37 (2); and see s. 21 (2).
17&18Geo.5: c. 10	Finance Act, 1927 -	S. 32 (1) applied - -	54, s. 14, sch. 3.
c. 13	Diseases of Animals Act, 1927.	Ss. 3 and in part 4 repealed (prosp.)	70, s. 34, sch. 3.
c. 20	Isle of Man (Customs) Act, 1927.	Ss. 1, 11-2 continued -	64, s. 1.
18&19Geo.5: c. 8	Rating and Valuation Act, 1928.	Ss. 2 (3), 3 (1) amended -	60.
c. 17	Finance Act, 1928 -	Ss. 18 (3) amended, 23 (4) (a) (b) extended.	54, s. 26 (2), sch. 3.
c. 19	Agricultural Produce (Grading and Marking) Act, 1928.	S. 2 (3) (4) as amended, applicable by scheme.	50, s. 32 (3).
c. 29	Slaughter of Animals (Scotland) Act, 1928.	S. 2, licensee and firearms	12, s. 4 (4).
c. 32	Petroleum (Consolidation) Act, 1928.	Ss. 14-5 applied as modified. Saved - - - -	45, ss. 3, 5 (2), sch. 67, ss. 64 (1), 160 (2).
c. 34	Reorganisation of Offices (Scotland) Act, 1928.	S. 10 repealed, powers under s. 7 transferred.	43, ss. 13 (1), 16, sch. 2.
c. 38	Isle of Man (Customs) Act, 1928.	S. 14 continued - -	64, s. 1.
19&20Geo.5: c. 12	Overseas Trade Act, 1929.	Repealed - - - -	61, s. 4 (2), sch.
c. 15	Factory and Workshop (Cotton Cloth Factories) Act, 1929.	Repealed (prosp.) - -	67, ss. 63, 159, 160 (2), sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
19&20Geo.5: c. 17	Local Government Act, 1929.	Schedule 11 amended - Ss. 32 amended, 32 (4) applied. Ss. 86 (3), 89 proviso, 90 (4) repealed, rules in Part III of sch. 4 substituted, ss. 90 (3) (b), 92 (1) (b), 94 (1) amended; power to modify s. 94 (1) (b); amount of grant under s. 86 fixed. Sch. 8 para. 11 saved; provision for transferred employees superannuation, &c. Sch. 3 para. 1 (1) amended	2. 5, ss. 1 (4) (5), 4 (1). 22, ss. 1 (1), 2, 3 (1), 4, 5, 6 (1), 10, schs. 1, 2; and see ss. 3, 6 (2), 7, 8. 68, ss. 27, 37, sch. 2 Parts I, IV. 70, ss. 27 (4), 34 (3). xci, s. 69.
c. 25	Local Government (Scotland) Act, 1929.	S. 18 (e) (partial repeal by 1936 Act) amended. Modified, &c. (trunk roads) Ss. 23, 33 (1), sch. 3 applied Ss. 53 (3), 57 (4) repealed, sch. 7 Part III substituted, ss. 57 (3) (b), 59 (1) (b), 60 (1), 70 (2) (b) amended, 60 (1) (b) prospectively modified, amount fixed under s. 53. Grant for maternity services: ss. 66, 78 extended. S. 23 applied - - - Ss. 23 applied, 26 excluded S. 7 (1) (i) applicable -	5, s. 12 (3), (11) (12). 28, ss. 10 (5), 18 (3), 21. 29, ss. 1-4, 5 (1) (2), 7 (3), schs. 1, 2: and see s. 6. 30, s. 3, sch. 1. 37, s. 101 (5). 46, s. 10 (7) (9). 50, ss. 48, 57 (9).
c. 29	Government Annuities Act, 1929.	Ss. 6 (3) in part repealed, 7 (7) amended.	54, ss. 33, 34 (6), sch. 6 Part II.
c. 33	Bridges Act, 1929	Ss. 3 (2), 6 (2) modified -	5, s. 3 (1), sch. 2.
20&21Geo.5: c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2, 3 continued - -	64, s. 1.
c. 28	Finance Act, 1930	S. 48 excluded - -	54, s. 27.
c. 31	Overseas Trade Act, 1930.	Repealed - - -	61, s. 4 (2), sch.
c. 37	Adoption of Children (Scotland) Act, 1930.	Jurisdiction of juvenile courts.	37, s. 50 (3).
c. 42	Isle of Man (Customs) Act, 1930.	S. 2 continued - -	64, s. 1.



Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
20&21Geo.5: c. 43	Road Traffic Act, 1930.	Ss. 48 (1), 54 (1), 55, 56 (3) amended, 47 (4) (8), 48 (5)-(7), 56 (2) excluded, ss. 46, 53 modified (trunk road functions). S. 28, punishment increased (firearms). S. 61 (1) (as amended), further proviso added Ss. 63 (5), 98 (5) amended -	5, ss. 3 (1) (2), 5, 6 (7), 7, 12 (10), schs. 2, 3.  12, s. 23 (2), sch. 3. 44, s. 1 (1). 52, s. 1 (1) (2) (a) (b). 54, ss. 5 (1), 34 (6), sch. 6 Part III.
e. 44	Land Drainage Act, 1930.	Exchequer grants - - -	70, ss. 15, 34 (2).
c. 48	London Naval Treaty Act, 1930.	Treaty recited as in part expired; s. 1 (as amending s. 1 (1) of 1922 Act) applied.	65.
21&22Geo.5: c. 28	Finance Act, 1931 -	S. 40 extended - - -	54, s. 31.
c. 30	Probation of Offenders (Scotland) Act, 1931.	Extended - - -	37, s. 70 (3).
c. 42	Agricultural Marketing Act, 1931.	S. 17 excluded - - -	50, s. 42 (2); 70, ss. 25 (2), 34 (2) (3).
c. 45	Local Government (Clerks) Act, 1931.	Ss. 4 (4), 9 (1), 10 and sch. 1 repealed (prosp.).	68, ss. 40 (1), 41, sch. 4; and see s. 19, sch. 2 Part II.
22&23Geo.5: c. 8	Import Duties Act, 1932.	Sch. 2 (as amended) applied	8, s. 1 (4) (6), sch. Part II; and see s. 1 (3).
c. 9	Merchant Shipping (Safety and Load Line Conventions) Act, 1932.	S. 1 (3) amended - - - S. 44 enlarged - - -	54, s. 4. 23, s. 1.
c. 11	Northern Ireland (Miscellaneous Provisions) Act, 1932.	S. 4 (1) amended - - -	39, s. 16.
c. 16	Isle of Man (Customs) Act, 1932.	S. 19 continued - - -	64, s. 1.
c. 18	Rating and Valuation Act, 1932.	Certain amdts. further continued.	60.
c. 21	President of the Board of Trade Act, 1932.	S. 1 repealed - - -	38, s. 11 (2), sch. 4.
c. 22	Army and Air Force (Annual) Act, 1932.	S. 15 (1) excluded, s. 15 (3) extended.	26, ss. 9, 10.
c. 24	Wheat Act, 1932 -	Ss. 1 (3), 2 (4) (a), 8 amended, 5 extended, 1 (1) excluded; powers of Wheat Commission enlarged.	70, ss. 7 (2) (3), 10, 13-4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
22&23Geo.5: c. 25	Finance Act, 1932 -	S. 9 (as amended) applied - S. 24 (4) further amended	8, s. 1 (4) (6), sch. Part II. 41.
c. 41	Isle of Man (Customs) (No. 2) Act, 1932.	Ss. 8, 9 continued	64, s. 1. •
c. 47	Children and Young Persons (Scotland) Act, 1932.	Repealed except ss. 9, 73, 83 (1) in part and 83 (3).	37, s. 113 (2)-(4), sch. 4; and <i>see</i> ss. 97 (2) (b) (4), 111, sch. 3.
c. 49	Town and Country Planning (Scotland) Act, 1932.	In part applied	46, s. 10 (6).
c. 53	Ottawa Agreements Act, 1932.	S. 5 repealed, sch. 1 Part I prospectively substituted.	54, ss. 3 (1) (2) (6), 34 (6), schs. 1, 6 Part II.
23&24Geo.5: c. 18	Exchange Equalisation Account Act, 1933.	Superseded	41.
c. 19	Finance Act, 1933	S. 14 applied and saved S. 2 (1) (4), sch. 7 Part III amended; duty on hops, &c. continued; s. 9, varied (Canadian Agreement); fresh provision under s. 39.	8, s. 1 (4) (6), sch. Part II. 54, ss. 1, 3 (3) (5), 7, 32, 34 (4).
c. 22	Teachers (Superannuation) Act, 1933.	S.1, and prospectively s. 2 repealed.	47, ss. 2 (5), 4 (5), 5, sch.
c. 31	Agricultural Marketing Act, 1933.	S. 1, power of Board of Trade restricted. S. 24 (2) excluded	50, s. 11 (5) (6). 70, s. 25 (2).
c. 36	Administration of Justice (Miscellaneous Provisions) Act, 1933.	S. 7 applied	49, s. 29.
c. 38	Summary Jurisdiction (Appeals) Act, 1933.	Ss. 7, 8 applied	12, ss. 2 (8) (a), 8 (5) (a), 10 (4) (a), 21 (3) (a), sch. 1 para. 9.
c. 39	Slaughter of Animals Act, 1933.	S. 3, licensee and firearms	12, s. 4 (4).
c. 40	Isle of Man (Customs) Act, 1933.	Ss. 1, 3-5, 8 continued	64, s. 1.
c. 41	Administration of Justice (Scotland) Act, 1933.	S. 25 as to Principal Extractor of Acts and Decrees of Court of Session repealed.	43, s. 16, sch. 2.
c. 50	Firearms and Imitation Firearms (Criminal Use) Act, 1933.	Repealed	12, s. 34, sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
23&24Geo.5: c. 51	Local Government Act, 1933.	Ss. 86 (2), 184 (2) (3), 187 (2) excluded, 290 (2)-(5) applied. S. 294 applied - - - Ss. 250 (7) applied, 285 (1) (c) (d) (g) extended, 250 saved. S. 161 applied - - - Sch. 4 applicable - - -	5, ss. 9 (2) (3), 10 (1). 36, s. 1 (2). 40, ss. 5 (3), 12 (3) (c), 15 (3), sch. paras. 3, 5. 46, s. 5 (1). 50, s. 48.
c. 53	Road and Rail Traffic Act, 1933.	S. 30 (7) modified, 30 (3) excluded. S. 3 (1) amended - - - S. 15 (4) amended - - -	5, s. 3 (1), sch. 2. 44, s. 2. 52, s. 1 (1) (2) (c).
24&25Geo.5: c. 12	Overseas Trade Act, 1934.	Repealed - - - -	61, s. 4 (2), sch.
c. 16	Firearms Act, 1934	Repealed - - - -	12, s. 34, sch. 4.
c. 29	Unemployment Assistance Act, 1934 (Part II of c. 29).	S. 45 amended - - - S. 45 repealed as to England. S. 45 repealed as to Scotland.	10, s. 3. 22, ss. 1 (3), 10, sch. 2. 29, ss. 1 (3), 7, sch. 2.
c. 32	Finance Act, 1934	Sch. 3 Part I amended -	54, ss. 8, 34 (4).
c. 42	Shops Act, 1934	S. 1 (3) amended - - -	67, ss. 98 (6), 160 (2).
c. 50	Road Traffic Act, 1934.	Ss. 1, 18 modified (trunk road functions).	5, ss. 3 (2), 5, 7, 12 (10), sch. 3, Part I.
c. 51	Milk Act, 1934	Ss. 4 (1) (a) (2) (3) repealed; 6 (1A) added, 1 (1) (2), 2 (1) (2) (4), 3 (1), 4 (1), 5 (1) (2) (b), 6 (2), 7 (2) (4), 8 (2), 11 (1) (a) (b), 12 (1) amended.	66.
c. 53	County Courts Act, 1934.	S. 8 (1) amended - - -	35, ss. 1 (1), 4, schs. 1, 2.
c. 54	Cattle Industry (Emergency Provisions) Act, 1934	S. 4 repealed; functions of Cattle Committee under s. 2 transferred; Cattle Fund provisions amended, &c.	50, ss. 9, 38, 40-1, 58 (2).
25&26Geo.5: c. 1	Special Areas (Development and Improvement) Act, 1934.	Continued and amended, s. 1 (5) excluded. S. 1 (5) excluded - - -	31. 70, ss. 17, 34 (2).
c. 2	Supreme Court of Judicature (Amendment) Act, 1935.	S. 3 repealed - - - -	57, ss. 10 (5), 14 (2).
c. 7	British Shipping (Assistance) Act, 1935.	Extended, ss. 1 (1) (5), 6 (3) (c) amended.	21.
c. 22	Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935.	S. 1 (as amended) amended	10, ss. 1, 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 1 Edw. 8. & 1 Geo. 6.
25&26Geo.5: c. 23 -	Superannuation Act, 1935.	S. 9 excluded - - -	70, s. 26 (5).
c. 24 -	Finance Act, 1935.	S. 24 superseded - -	54, s. 16.
c. 34 -	Isle of Man (Customs) Act, 1935.	S. 4 continued - - -	64, s. 1.
c. 38 -	House of Commons Disqualification (Declaration of Law) Act, 1935.	S. 1 para. (a) repealed -	38, s. 11 (2). sch. 4.
c. 47 -	Restriction of Ribbon Development Act, 1935.	Amended (trunk roads) and applied.	5, ss. 4, 12 (19), sch. 4.
26 Geo. 5 & 1 Edw. 8: c. 2 -	Government of India Act, 1935.	Ss. 292-3 explained and amended. Provision made as contemplated by s. 315 (1); s. 178 (1) saved; borrowing arrangements in transitional period. Orders in Council under ss. 288 (2) and 311 (5), incorporation in print of Army and Air Force Acts.	9, s. 1 (1). 14, ss. 1, 8 (2). 26, s. 10.
c. 3 -	Government of Burma Act, 1935.	Ss. 148-9 explained and amended.	9, s. 1 (1)-(iv) (2).
c. 7 -	Unemployment Assistance (Temporary Provisions) (Extension) Act, 1936.	Superseded on further extension.	10, s. 1.
c. 9 -	Milk (Extension of Temporary Provisions) Act, 1936.	S. 1, period further extended	66, s. 1.
c. 12 -	British Shipping (Continuance of Subsidy) Act, 1936.	S. 1 (2) amended, principal Act further continued.	21, s. 1 (1) (4).
c. 15 -	Civil List Act, 1936	Ss. 1-7, 10, 13 (1)-(4) substituted and virtually repealed.	32, s. 15 (3).
c. 22 -	Hours of Employment (Conventions) Act, 1936.	S. 2 in part repealed (E., S.) (prosp.).	67, ss. 159, 160 (2) (3), sch. 4.
c. 31 -	Old Age Pensions Act, 1936.	S. 12 (4), arrangements for increased expenses.	39, s. 18.
c. 32 -	National Health Insurance Act, 1936.	S. 41 (2) amended - - - Ss. 3 (1) (c) (3)-(5), 19 (2), 121, 227 (3) (4) (8) (9) repealed, 29 amended, Act excluded.	24. 39, ss. 11, 13, 17 (4), 20, schs. 5, 6; and see s. 17 (2).

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26 Geo. 5 & 1 Edw. 8: c. 33	Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	Act extended, ss. 2, 17 (1) (d) (6), 22 (3) repealed, 11 (2), 41 (a), sch. 3 para. 3 added, ss. 30, 32 (1) (d) substituted, ss. 5 (1) (iv), 8 (2), 12 (1) (a) (d) (ii) (e), 13 (1), 16 (1) (4), 17 (1) (2), 22 (1) (b), 25 (1) (4), 35 (1), 42 (1), 44 (6), sch. 1 Part IV amended, ss. 14 (4) (6) applied, 5, 9, 12, 17 (4) excluded, 35 saved. S. 28 (3) amended (prosp.) (E.). S. 28 (3) amended (prosp.) (S.).	39, ss. 1, 2 (2), 3 (1), 4 (1), 5 (7), 6 (6), 8 (2), 10, 12 (3) (6), 13, 15, 20, schs. 1, 5, 6; and see s. 17 (2). 68, ss. 33, 40 (1), 42 (2); and see s. 10 (5). 69, ss. 27, 34 (1), 37 (2).
c. 34	Finance Act, 1936	S. 4 (1) amended	54, s. 2.
c. 39	Firearms (Amendment) Act, 1936.	Repealed	12, s. 34, sch. 4.
c. 40	Midwives Act, 1936	Increased grant under s. 4 excluded.	22, s. 1 (1).
c. 42	Education (Scotland) Act, 1936.	S. 5 repealed	37, s. 113 (2)-(4), sch. 4; and see s. 38 (6).
c. 43	Tithe Act, 1936	S. 8 (9) amended Transfer of moneys, &c., from Q.A.B. to Eccles. Commrs.; sch. 8 para. 7 applied; deduction of expenses under s. 5; see Church Assembly Measure No. 1, ss. 8, 10, 12.	46, s. 10 (10).
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c. 4 -	Expiring Laws Continuance Act, 1936.	S. 1 (2), sch. Part II superseded.	31, s. 1.
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