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H. Bate, Rows, No. 1, 1951

**THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
OF 1951**

being those which received the Royal Assent in that year,
having been passed during the Second Session of the
Thirty-Ninth and part of the First Session of the Fortieth
Parliaments of the United Kingdom of Great Britain
and Northern Ireland

and the

FOURTEENTH AND FIFTEENTH YEARS

of the Reign of His Majesty

KING GEORGE THE SIXTH

with

**Tables of the Short Titles and of
The Effect of Legislation
and an Index**



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A CHRONOLOGICAL LIST OF

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1951.

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14 & 15 GEO. 6

No. 1

A MEASURE passed by the National Assembly of the
 Church of England

To amend the Diocesan Education Committees Measure,
 1943. [21st March 1951.]

Amendment
 of S.1 of
 Diocesan
 Education
 Committees
 Measure, 1943.
 6 & 7 Geo. 6,
 No. 3.

1. The following proviso shall be substituted for the proviso in section one of the Diocesan Education Committees Measure, 1943 (hereafter in this Measure called "the principal Measure") :—

" Provided that in any diocese in which there exists or is at any time or times set up a body of persons whether incorporated or not (hereafter in this Measure called "the specified body"), which acts as the education authority for the Church in the diocese and is charged with the duty of supervising Church Schools and is recognised by the diocesan conference, the Minister of Education upon request made by resolution of the diocesan conference and with the consent of the bishop of that diocese may by order direct—

(a) that the specified body shall be deemed to be and shall have all such rights powers duties and obligations as if it were a committee duly set up and constituted in accordance with this section ; and

(b) if there is then a committee duly set up and constituted as aforesaid or if there is then in force any previous order made under the powers conferred by this proviso, that the specified body shall as from such date as shall be specified in the order take the place of such committee or of the body of persons named in such previous order as the case may be ;

and all the provisions hereinafter contained in this Measure shall apply accordingly "

Amendment
 of S.2 of the
 same measure.

2. (1) The following words shall be added at the end of paragraph (iv) of subsection (1) of section two of the principal Measure :—

" and also to the governing bodies of church educational endowments as to any matter affecting church educational endowments within the diocese."

(2) The following subsection shall be added at the end of section two of the principal Measure:—

“ (4) The governing body of every church educational endowment in a diocese shall be bound to inform the Committee before any change in the use of such endowment is made, whether by Scheme or otherwise, and to have regard to any advice given under subsection (1) of this section ”.

3. The following section shall be substituted for section four of the principal Measure:— Amendment of S.4 of the same measure.

“ 4. In this Measure the following expressions have the following meanings respectively that is to say:—

“ church school ” means a voluntary school in the sense in which that expression is used in subsection (2) of section nine of the Education Act, 1944, including the site and buildings thereof, which either under a statute or statutory scheme or order or charter or any trust or by usage or repute is for the time being held on trust for the purposes of primary or secondary education as defined in the Education Acts, 1944 to 1948, together with instruction (either as part thereof or in addition thereto) in religious knowledge according to the faith and practice of the Church of England. 7 & 8 Geo. 6.
c. 31.

“ endowment ” “ educational endowment ” and “ governing body ” have the same meanings respectively in this Measure as in the Endowed Schools Acts, 1869 to 1948.

“ church educational endowment ” means an educational endowment applicable under a statute or statutory scheme or order or charter or any trust or by usage or repute for the purposes of education together with instruction (either as part thereof or in addition thereto) in religious knowledge according to the faith and practice of the Church of England.

“ local education authority ” has the same meaning as in the Education Act, 1944.

“ managers ” in relation to a school providing secondary education as defined in the Education Acts, 1944 to 1948, means the governors of the school ”.

4. This Measure may be cited as the Diocesan Education Committees Measure, 1943 (Amendment) Measure, 1951, and this Measure and the principal Measure may be cited together as the Diocesan Education Committees Measures, 1943 and 1951. Short title and citation.

No. 2

A MEASURE passed by the National Assembly of the Church of England

To make provision for the voluntary or compulsory retirement of bishops if incapacitated by physical or mental disability, for voluntary retirement if a change of administration is desirable, and for temporary suspension, censure, or compulsory retirement in case of unbecoming conduct or neglect of duty, and for purposes connected with the matters aforesaid.

[26th April 1951]

PART I

RETIREMENT FOR INCAPACITY

Retirement in case of incapacity.

1.—(1) Where it appears to the archbishop that a bishop to whom this Measure applies is incapacitated by physical or mental disability from the due performance of his episcopal duties, the bishop may, and, if so requested by the archbishop with the concurrence of such three bishops as the archbishop may select from the panel, shall, tender to the archbishop the resignation of his bishopric:

Provided that before making any such request the archbishop shall send to the bishop notice of his intention to do so, and if within fifteen days after receiving such notice or within such extended period as the archbishop may allow the bishop sends to the archbishop a demand for a medical examination, the bishop shall be examined by a medical practitioner agreed on between the archbishop and the bishop, or, failing such agreement, appointed by the President of the Royal College of Physicians, and the report of the examination shall be sent to the archbishop who with the bishops whose concurrence is required shall consider the report before deciding whether or not to make any such request.

The expenses of every such medical examination shall be defrayed by the Church Commissioners out of their general fund.

(2) If the bishop to whom such a request has been sent by the archbishop refuses, or fails, within two months from the receipt of the request, to comply with the request, or is prevented by his infirmity from so doing, the archbishop may declare the bishopric vacant but the declaration shall not take effect unless and until it is confirmed by His Majesty in Council.

Pension of bishop retiring under Part I.

2. A bishop whose bishopric is declared vacant under this Part of this Measure shall for the purposes of the Episcopal

Pensions Measures be deemed to have resigned his bishopric by reason of physical or mental disability on the date on which the declaration takes effect:

Provided that if the person whose bishopric has been so vacated subsequently accepts any preferment or office of profit or is otherwise engaged in any gainful occupation, the Church Commissioners may with the consent of the archbishop suspend the pension, or reduce the pension by such amount as they think fit, so long as he holds the preferment or office or is so engaged.

PART II

RETIREMENT IF A CHANGE OF ADMINISTRATION DESIRABLE

3. Where it appears to a bishop to whom this Measure applies that, in the interests of the diocese whereof he is bishop or of the diocese of the bishop by whom he is commissioned, a change of administration is desirable, he shall send to the archbishop notice to that effect and tender his resignation.

Retirement if a change of administration desirable.

4. If the archbishop with the concurrence of such three bishops as he may select from the panel decides to accept the resignation so tendered, the bishop on his resignation shall be entitled to such pension under the Episcopal Pensions Measures as he would have been entitled to had he resigned by reason of physical or mental disability, and those Measures shall apply accordingly except that the annual amount of the pension awarded shall not exceed:—

Pension of bishop retiring under Part II.

(a) in the case of a diocesan bishop three hundred pounds together with an additional sum of thirty pounds for every complete year of service as a diocesan bishop to whom this Measure applies and an additional sum of twenty-five pounds for every complete year of service as a suffragan bishop to whom this Measure applies;

(b) in the case of a suffragan bishop two hundred and fifty pounds together with an additional sum of twenty-five pounds for every complete year of service as a suffragan bishop to whom this Measure applies and an additional sum of thirty pounds for every complete year of service as a diocesan bishop to whom this Measure applies;

and in either case shall not exceed three-quarters of the amount of the pension to which the bishop would have been entitled had he retired under those Measures by reason of age or physical or mental disability:

Provided that if the person who has so resigned his bishopric subsequently accepts any preferment or office of profit or is otherwise engaged in any gainful occupation, the Church Commissioners may with the consent of the archbishop suspend the pension, or reduce the pension by such amount as they think fit so long as he holds the preferment or office or is so engaged.

PART III

RETIREMENT FOR UNBECOMING CONDUCT OR
NEGLECT OF DUTY

Retirement for
unbecoming
conduct or
neglect of duty.

5.—(1) If a complaint that a bishop to whom this Measure applies has been guilty of conduct unbecoming the office and work of a bishop or of serious persistent or continuous neglect of duty is sent to the archbishop, the archbishop—

- (i) if the complaint is signed by five clergymen holding benefices in the diocese of the bishop against whom the complaint is made (or in the case of a suffragan bishop in the diocese of the bishop by whom he is commissioned), and by five lay members of the diocesan conference of that diocese ; or
- (ii) if he is otherwise satisfied that the complaint is worthy of investigation,

shall call into consultation such three bishops as he may select from the panel and if the archbishop and the three bishops so selected or a majority of them determine that the complaint is serious, and that the matter is not one which can otherwise be dealt with satisfactorily, the archbishop shall refer the complaint to the Upper House of the Convocation of the Province for enquiry and report in accordance with procedure laid down from time to time by the Convocation :

Provided that no such complaint shall be entertained—

- (a) if and so far as it relates to any act or omission which took place before the passing of this Measure, or more than three years before the date of the complaint ; or
- (b) if and so far as it appears to the archbishop to involve the definition of any matter of doctrine, ritual or ceremonial ; or
- (c) if and so far as it relates to the social or political opinions of a bishop :

And provided that no complaint in respect of unbecoming conduct shall be entertained if and so far as it relates to the social or political activities of a bishop.

(2) In any case where a complaint under this section is referred to the Upper House of the Convocation of the Province, the Upper House may, unless they are of opinion that it is unfounded, refer the complaint to a commission (hereafter in this Measure called “ the Commission ”) appointed by them for the purpose.

(3) Unless the Upper House of the Convocation of the Province shall otherwise decide, the Commission shall consist of members of the Upper House, and the Commission shall invite to act as their legal assessor the official principal of the Province or a deputy nominated by him and approved by the archbishop, being a person holding or having held high judicial office or a barrister of not less than ten years' standing.

(4) In any case where a complaint under this section is referred to the Commission the archbishop shall—

(a) if there are complainants ready and willing to act, authorise them or with their consent any other person or persons ; or

(b) if there are no such complainants ready and willing to act, authorise some person or persons,

to conduct the proceedings before the Commission as promoter.

6.—(1) The registrar of the Province shall give not less than fifteen days' notice to the promoter and the bishop against whom the complaint is made of the time and place at which the Commission shall have determined to meet for the hearing of the complaint. Proceedings of Commission.

(2) The Commission shall inquire into and report to the Upper House of the Convocation of the Province through the president upon the complaint made by the promoter.

(3) The Commission shall have the same powers of administering oaths and of requiring the production of documents as are exercisable by the High Court.

(4) The proceedings of the Commission shall be in public except that—

(a) the Commission may of their own motion or at the request of either party direct that any of the evidence shall be heard in private ; and

(b) at the request of both parties the whole of the proceedings may if the Commission so direct be held in private.

(5) The decision of the Commission shall be that of the majority of the members thereof and the report of the Commission shall state whether the complaint is unfounded or whether any of the charges and if so which of them contained in the complaint have been admitted by or proved against the bishop. A copy of the report shall be sent to the bishop.

(6) The Commission shall have power at their discretion to make an order for the payment of costs against either party, and such costs when taxed by such officer as the archbishop may appoint shall be recoverable summarily as a civil debt.

(7) Subject to the foregoing provisions of this section and to any directions in that behalf given to the Commission by the Upper House of the Convocation of the Province, the Commission shall have power to regulate their own procedure.

7.—(1) The Upper House of the Convocation of the Province shall consider the report of the Commission, and if the Commission report that the complaint is unfounded the Upper House shall declare it to be unfounded, and in any other case may— Powers of the Upper House.

(a) decide not to take further action against the bishop in relation to the complaint ;

- (b) pass censure upon the bishop ; or
- (c) request the archbishop to declare the bishopric of the bishop vacant.

(2) If the Upper House request the archbishop to declare the bishopric of the bishop vacant, the archbishop may declare the bishopric vacant but the declaration shall not take effect unless and until it is confirmed by His Majesty in Council.

(3) The archbishop shall cause a copy of every declaration made by him under this section and confirmed by His Majesty in Council to be filed forthwith in the provincial registry.

Archbishop's power to suspend temporarily.

8.—(1) In any case where a complaint is referred to the Commission under section five of this Measure the archbishop shall have power to suspend the bishop from discharging any or all of the functions pertaining to the office and work of the bishop and the bishop shall not so long as such suspension shall remain in force exercise any of the functions pertaining to his office : —

- (a) until the Upper House of the Convocation of the Province declare the complaint to be unfounded or decide not to take further action against the bishop in relation thereto or pass censure upon the bishop in a case where the Upper House so declares or decides or passes censure ;
- (b) until the archbishop decides not to declare the bishopric of the bishop vacant in a case where the Upper House of the Convocation of the Province request the archbishop to declare the bishopric of the bishop vacant and the archbishop so decides ; or
- (c) until His Majesty confirms or decides not to confirm the archbishop's declaration in a case where the archbishop declares the bishopric of the bishop vacant :

Provided that no suspension issued under this section shall remain in force for a period exceeding one year.

(2) Any suspension issued under this section may be revoked by the archbishop at any time.

(3) So long as any suspension shall remain in force under this section in the case of a diocesan bishop the jurisdiction of the bishop shall be exercised by the person or persons to whom the guardianship of the spiritualities belongs during the vacancy in the bishopric.

Pension of bishop retiring under Part III.

9.—(1) A bishop whose bishopric is vacated under this Part of this Measure shall be entitled to be paid by the Church Commissioners out of their general fund a sum equal to—

- (a) the aggregate of the contributions paid by him to the Commissioners under the Episcopal Pensions Measures together with compound interest at the rate of two

and one half per cent. per annum with annual rests upon each such contribution calculated from the date of payment thereof ; and

- (b) the amount (if any) transferred by the pensions authority to the Commissioners in respect of him under subsection (2) of section two or paragraph (b) of section three of the Episcopal Pensions Measure, 1945, together with compound interest thereon at the like rate and with the like rests calculated from the date of the transfer.

(2) In addition to the sum so payable it shall be lawful for the Church Commissioners, if so requested by the archbishop, to make out of their general fund a grant either in augmentation of the said sum, or of such pension, as may be agreed between them and the archbishop.

10. The Church Commissioners may at their discretion pay out of their general fund the whole or any part of the costs and expenses incurred in or in relation to or directly or indirectly arising out of proceedings taken or defended or proposed to be taken or defended under this Part of this Measure. Payment of costs and expenses.

PART IV

GENERAL

11. This Measure shall apply to the bishop of every diocese whether created before or after the passing of this Measure within the Province of Canterbury or York and to every suffragan bishop who is commissioned by the bishop of any such diocese: Application of Measure.

Provided that where the bishop whose retirement is in question is an archbishop this Measure shall apply subject to the following modifications :—

- (a) the functions of the “ archbishop ” hereunder shall be performed by the two senior diocesan bishops of the Province ; and
- (b) the resignation of an archbishop shall be tendered to His Majesty.

12. The Bishops Resignation Act, 1869, is hereby repealed, and the Episcopal Pensions Measure, 1926, shall have effect as if for paragraphs (a) and (b) of section two thereof the following paragraphs were substituted :— Repeal of Bishops Resignation Act, 1869.

- “ (a) resigns his bishopric on or after attaining the age of seventy years, or
- (b) at any earlier age resigns his bishopric by reason of physical or mental disability.”

Declaration of vacancy on bishop's resignation.

13. If the resignation of a bishop tendered under Part I or Part II of this Measure or under the Episcopal Pensions Measures is accepted, the archbishop shall declare the bishopric vacant, but the declaration shall not take effect unless and until it is confirmed by His Majesty in Council.

Confirmation and effect of declaration of vacancy in bishopric.

14.—(1) Where a declaration declaring a bishopric vacant has been made under this Measure by the archbishop, the archbishop shall send a copy thereof to His Majesty with a petition that the declaration may be confirmed, and where there has been a report of a medical examination of the bishop under section one of this Measure the petition shall be accompanied by a copy of the report, and upon receipt of the petition it shall be lawful for His Majesty by Order in Council to confirm the declaration.

(2) Where such a declaration has been so confirmed the vacancy may be filled in the same manner and with the same incidents in all respects as if the bishop were dead, and if the bishop holds any other preferment in addition to his bishopric, that other preferment shall also be vacated unless the archbishop by order declares that it shall not be vacated.

Notices.

15. Any notice request demand or other document authorised or required by or under this Measure to be sent or given shall be deemed to have been duly sent or given if sent through the post in a registered letter addressed in the case of a bishop to him at his episcopal residence and in the case of any other person to him at his usual or last known residence.

Interpretation.

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

“The archbishop” in relation to any diocesan bishop means the archbishop of the Province in which the diocese of the bishop is situated and in relation to any suffragan bishop means the archbishop of the Province in which the diocese of the bishop by whom he is commissioned is situated.

“The Episcopal Pensions Measures” mean the Episcopal Pensions Measure, 1926, the Episcopal Pensions (Sodor & Man) Measure, 1931, and the Episcopal Pensions Measure, 1945, as amended by this Measure.

“The panel” means a panel of bishops appointed by the Upper House of the Convocation of the Province in question for the purposes of this Measure.

“The pensions authority” means the Church of England Pensions Board constituted under the Clergy Pensions Measure, 1948.

“ Functions ” include powers and duties.

“ Preferment ” includes a bishopric, and any preferment as defined by the Church Discipline Act, 1840.

(2) For the purposes of this Measure the seniority of a diocesan bishop after the Bishops of London and Winchester in the Province of Canterbury and after the Bishop of Durham in the Province of York shall be determined by length of service as a diocesan bishop within the Province, and if any question arises as to the relative seniority of any two bishops the question shall be determined by the archbishop whose decision shall be final :

Provided that for the purposes of this subsection any diocesan bishop whose retirement is in question under this Measure, or who is a complainant or promoter under Part III hereof, shall be disregarded.

17. This Measure may be cited as the **Bishops (Retirement) Short Title Measure, 1951.**

TABLE OF ENACTMENTS REFERRED TO IN THIS MEASURE

Short Title	Session and Chapter
Church Discipline Act, 1840 ...	3 & 4 Vict. c.86
Bishops Resignation Act, 1869 ...	32 & 33 Vict. c.111
Episcopal Pensions Measure, 1926...	16 & 17 Geo. 5. No. 7
Episcopal Pensions (Sodor and Man) Measure, 1931	21 & 22 Geo. 5. No. 1
Episcopal Pensions Measure, 1945...	8 & 9 Geo. 6. No. 2
Clergy Pensions Measure, 1948 ...	11 & 12 Geo. 6. No. 1

No. 3

A MEASURE passed by the National Assembly of the Church of England

To amend the Ecclesiastical Dilapidations Measures, 1923 to 1929, by enabling Diocesan Dilapidations Boards to postpone inspections of benefice buildings and to simplify the procedure for authorising payments in respect of repairs in certain cases. [22nd June 1951.]

1.—(1) In the case of every quinquennial period which shall expire on or after the first day of January, 1951, the Board shall, notwithstanding anything to the contrary contained in sub-section (5) of section seventeen of the Ecclesiastical Dilapidations Measure, 1923 (hereafter called “ the principal Measure ”), at such time as the Board may think fit to select, not being later than two and a half years from the expiration of the quinquennial

Power to vary time for inspection of benefice buildings.
14 & 15 Geo. 5.
No. 3.

period in question, direct another inspection to be forthwith made of the buildings of the benefice concerned for the purposes of the Ecclesiastical Dilapidations Measures, 1923 to 1929 (hereafter called "the existing Measures").

(2) In the existing Measures and in this section references to "quinquennial period" and "period of five years" shall include references to those periods as extended by virtue of section two of the Benefice Buildings (Postponement of Inspections and Repayment of Loans) Measure, 1940, and this section.

3 & 4 Geo. 6.
No. 2.

Continuation
and com-
mencement
of payments
under
Ordinary
Assessments.

2.—(1) In the case of every Ordinary Assessment which shall be in operation on the first day of January, 1951, or shall come into operation after that date the annual payments fixed thereby shall continue to be payable at the rate so fixed until the next Ordinary Assessment shall come into operation subject nevertheless to the provisions contained in sections twenty-seven and twenty-eight of the principal Measure for the variation and cancellation of Ordinary Assessments.

(2) In every case where the buildings of a benefice shall be inspected at a time selected by the Board under the provisions of section one of this Measure the next Ordinary Assessment made in consequence of such inspection shall come into operation on, and the payments thereunder shall commence as from, the date at which by virtue of the existing Measures as amended by this Measure the last annual payment under the last preceding Ordinary Assessment became due.

Simplified
procedure
for payment
of cost of
repairs in
certain cases.

3.—(1) Notwithstanding anything to the contrary contained in sub-section (2) of section thirty-two or sub-section (3) of section thirty-six of the principal Measure, if at any time the Board shall certify to the Central Authority that it is expedient to disburse in respect to any benefice from the Ordinary or Structural Repair Accounts thereof any particular sum or sums of money to defray in whole or in part the cost of the repairs chargeable to those accounts respectively, and the Central Authority shall in its discretion decide that such disbursement is expedient, it may disburse such sum or sums accordingly without satisfying any other condition or receiving any other authorisation.

(2) A certificate by the Board under this section may be given under the hand of its Secretary or any other officer of the Board authorised in that behalf by the Board.

Construction
and citation.

4.—(1) This Measure shall be construed as one with the existing Measures.

(2) This Measure may be cited as the Ecclesiastical Dilapidations Measures, 1923 to 1929 (Amendment) Measure, 1951, and this Measure and the existing Measures may be cited together as the Ecclesiastical Dilapidations Measures, 1923 to 1951.

No. 4

A MEASURE passed by the National Assembly of the Church of England

To empower the Church Commissioners to make payments towards the expenses of commissions appointed pursuant to section 17 of the Cathedrals Measure, 1931. [22nd June 1951.]

1. In any case where a commission has been appointed pursuant to the provisions of section seventeen of the Cathedrals Measure, 1931, the Church Commissioners shall have power at their discretion to defray out of their general fund the expenses of such commission or such part thereof as they may deem proper.

Power of Church Commissioners to pay expenses of commissions appointed under s. 17 of the Cathedrals Measure, 1931.
21 & 22 Geo. 5. No. 7.

2. This Measure may be cited as the Cathedrals (Appointed Commissions) Measure, 1951.

Short Title.

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No. 5

A MEASURE passed by the National Assembly of the Church of England

To stabilize income derived by benefices from certain endowments by providing for the transfer of such endowments to the general fund of the Church Commissioners, appropriating sums of money in lieu of the endowments so transferred and charging the general fund of the Commissioners in favour of the benefices concerned; and to amend the Glebe Lands Act, 1888. [22nd June 1951.]

1.—(1) The Church Commissioners (in this Measure referred to as “the Commissioners”) may at any time make with reference to the transferable endowments (as hereinafter defined) or any part of the transferable endowments of any benefice an order (hereinafter referred to as “a stabilization order”) for the purpose of securing that the income derived by the benefice from the endowment to which such order relates shall be stabilized in manner provided by this Measure.

Power to Church Commissioners to direct stabilization of certain endowments of benefices.

(2) Every stabilization order shall—

- (a) be under seal of the Commissioners;
- (b) specify the benefice and the transferable endowments to which it relates;
- (c) specify the date on which it shall have effect.

Definition of transferable endowments.

2. For the purpose of the making of a stabilization order the following shall be deemed to be transferable endowments of a benefice:—

- (a) any securities held by the Commissioners at the date on which the order has effect for the benefit of the benefice otherwise than on any special trusts;
- (b) any annuity or instalment of any annuity payable to the Commissioners under the Tithe Acts, 1918 to 1936, or any Act amending or extending the same after the date on which the order has effect in respect of the redemption of any rent-charges, corn rents or other payments in lieu of tithe forming part of the endowments of the benefice;
- (c) any accumulated sinking fund held by the Commissioners under the Tithe Act, 1918, at the date on which the order has effect which is attributable to the redemption of any rent-charges, corn rents or other payments in lieu of tithe forming part of the endowments of the benefice.

8 & 9 Geo. 5.  
c. 54.

Effect of stabilization order.

51 & 52 Vict.  
c. 20.  
1 & 2 Geo. 6.  
No. 4.  
10 & 11 Geo. 6.  
No. 2.

3. Notwithstanding anything contained in the Ecclesiastical Leasing Acts, the Glebe Lands Act, 1888 (as amended by the Ecclesiastical Commissioners (Powers) Measure, 1938) or sub-section (5) of section ten of the Church Commissioners Measure, 1947, the following provisions shall apply to such of the endowments of a benefice as are specified in a stabilization order (hereinafter referred to as "the specified endowments") as from the date from which such order has effect:—

- (a) the specified endowments shall be held by the Commissioners as part of their general fund free from any trust in favour of the benefice;
- (b) the Commissioners shall appropriate to the benefice a sum of money of an amount to be fixed in accordance with the provisions contained in Part I of the Schedule to this Measure;
- (c) the general fund of the Commissioners shall stand charged with payment to the benefice of an annual sum of an amount to be fixed in accordance with the provisions contained in Part II of the Schedule to this Measure.

Application of certain moneys and other property received by the Commissioners after the passing of this Measure.

4.—(1) As from the date of the passing of this Measure the provisions contained in sub-section (2) of this section shall have effect in relation to all moneys and other property received by the Commissioners on behalf of a benefice to be held as endowment capital otherwise than on any special trusts but including any property of the following descriptions:—

- (a) any moneys received by the Commissioners after the passing of this Measure as consideration for the sale or exchange or on the partition of glebe land of the benefice



under the Ecclesiastical Leasing Acts or the Ecclesiastical Commissioners (Powers) Measure, 1936, or by way of premium on the granting of a lease under the said Acts or as a rent or royalty under a lease of any mines, minerals, quarries or beds granted under the said Acts, or as consideration for the release of any periodical sum or part of any periodical sum forming part of the endowment of the benefice under the said Acts and Measure;

- (b) any moneys received by the Commissioners after the passing of this Measure being the proceeds of any sale of glebe land of the benefice effected under the Glebe Lands Act, 1888, as amended by the Ecclesiastical Commissioners (Powers) Measure, 1938, and by this Measure;
- (c) any compensation received by the Commissioners after the passing of this Measure under the provisions of the Tithe Acts, 1918 to 1936, or any amending Acts in respect of the redemption or extinguishment of any rent-charges, corn rents or other payments in lieu of tithe forming part of the endowments of the benefice;
- (d) any moneys or stock received by the Commissioners after the passing of this Measure under the provisions of the Town and Country Planning Act, 1947.

26 Geo. 5.  
& 1 Edw. 8.  
No. 5.

10 & 11 Geo. 6.  
c. 51.

(2) (a) Any property of the aforesaid descriptions shall upon being received by the Commissioners and subject to the satisfaction or redemption of any mortgage or charge thereon be held by them as part of their general fund free from any trust in favour of the benefice concerned.

(b) The Commissioners shall appropriate to the benefice concerned a sum of money of an amount equal to the moneys so held by them or in the case of property other than moneys of an amount to be fixed in accordance with the provisions of Part I of the Schedule to this Measure.

(c) The general fund of the Commissioners shall stand charged with the payment to the benefice concerned of interest on the sum so appropriated at such rate as the Commissioners may at the time of appropriation determine.

5.—(1) Any sum appropriated to a benefice under the provisions of this Measure shall be applied and disposed of by the Commissioners as money in their hands appropriated for the augmentation of the benefice should by law be applied and disposed of and in particular the powers conferred by the Ecclesiastical Leasing Acts, section five of the Ecclesiastical Commissioners (Powers) Measure, 1936, and section three of the Ecclesiastical Commissioners (Powers) Measure, 1938, shall apply in relation to such sum as they apply in relation to the consideration moneys, funds and securities referred to in those Acts and Measures.

Appropriated sums to remain applicable in favour of benefice.

(2) If at any time any moneys held for a benefice including any moneys appropriated under the provisions of sections three and four of this Measure shall be laid out or expended in favour of a benefice, the annual sum or sums payable to the benefice shall be reduced by the proportion which the amount so laid out or expended bears to the total amount of moneys held for the benefice by the Commissioners.

Amendment of sections four and five of the Glebe Lands Act, 1888.

6.—(1) Any residue of moneys held by the Minister of Agriculture and Fisheries under section four of the Glebe Lands Act, 1888, shall notwithstanding the provisions of that section not be invested by him but shall be paid by him to the Commissioners and if any such residue of moneys shall be subject to an undischarged mortgage or debt under the provisions of sub-section (1) of section six of the Glebe Lands Act, 1888, and such mortgage or debt cannot be fully satisfied or redeemed as provided by sub-section (2) (a) of section four of this Measure the same shall be held by the Commissioners on a special trust.

(2) Sub-section (1) of section five of the Glebe Lands Act, 1888, is hereby repealed.

Short title.

7. This Measure may be cited as the *Benefices (Stabilization of Incomes) Measure, 1951*.

Sections 3 and 4.

## SCHEDULE

### PART I

The sum to be appropriated to a benefice by the Commissioners in respect of any specified endowment in accordance with the provisions of section three of this Measure or in respect of property other than moneys under the provisions of section four of this Measure shall be—

- (a) in the case of securities other than redeemable securities whose market value exceeds par, their market value at the date on which the stabilization order has effect; and in the case of redeemable securities whose market value exceeds par, their redemption value;
- (b) in the case of an annuity or instalment of an annuity, under the Tithe Acts, 1918 to 1936, or any Act amending or extending the same, the original capital value thereof as determined under those Acts.

### PART II

The annual sum to be charged on the general fund of the Commissioners in favour of a benefice in accordance with the provisions of section three of this Measure shall be—

- (a) in the case of securities, a sum equal to the annual income yielded thereby at the date on which the stabilization order has effect;
- (b) in the case of an annuity, a sum equal to so much thereof as is not, under the provisions of the Tithe Act, 1918, liable to be accumulated so as to form a sinking fund.

# TABLE III

## EFFECT OF LEGISLATION

### ACTS AND MEASURES (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY THOSE ACTS, MEASURES AND STATUTORY INSTRUMENTS WHICH RECEIVED THE ROYAL ASSENT OR WERE MADE DURING 1951

[NOTE.—References in the fourth column are to chapters of 14 & 15 Geo. 6. unless otherwise stated.]

| Session and Chap. or No. of Measure | Short title or Subject                                                                        | How affected               | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------|
| 5 Edw. 3:<br>c. 5 ... ..            | Sale of Wares after Close of Fair.                                                            | Amended (E.) (S.) ...      | 39.                                                              |
| 2 Hen. 6:<br>c. 17 ... ..           | Quality and Marks of Silver Work.                                                             | Amended (E.) (S.) ...      | 39.                                                              |
| 23 Hen. 8:<br>c. 9 ... ..           | Eccelesiastical Jurisdiction Act, 1531.                                                       | S. 1 amended ... ..        | 39.                                                              |
| 28 Hen. 8:<br>c. 5 ... ..           | Apprentices Act, 1536 ...                                                                     | Amended ... ..             | 39.                                                              |
| 32 Hen. 8:<br>c. 9 ... ..           | Maintenance and Embracery Act, 1540.                                                          | S. 3 amended (E.) (S.) ... | 39.                                                              |
| 33 Hen. 8:<br>c. 27 ... ..          | Leases by Corporations Act, 1541.                                                             | Amended ... ..             | 39.                                                              |
| 2 & 3 Phil. & Mary:<br>c. 7 ... ..  | Sale of Horses Act, 1555                                                                      | Amended ... ..             | 39.                                                              |
| 31 Eliz.:<br>c. 6 ... ..            | Simony Act, 1588 ...                                                                          | Amended ... ..             | 39.                                                              |
| c. 12 ... ..                        | Sale of Horses Act, 1588                                                                      | S. 1 amended ... ..        | 39.                                                              |
| 1 & 2 Jac. 1:<br>c. 5 ... ..        | An Act to prevent the Overcharge of the People by Stewards of Courte Leets and Courte Barons. | Amended ... ..             | 39.                                                              |
| 1 Car. 1:<br>c. 1 ... ..            | Sunday Observance Act, 1625.                                                                  | Excluded... ..             | 14, s. 1.                                                        |
| 14 Car. 2:<br>c. 4 ... ..           | Act of Uniformity, 1662                                                                       | S. 10 amended ... ..       | 39.                                                              |

| Session and Chap. or No. of Measure | Short title or Subject                                                   | How affected                        | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|--------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------|
| 29 Car. 2:<br>c. 7 ... ..           | Sunday Observance Act,<br>1677.                                          | Excluded... ..                      | 14, s. 1.                                                        |
| 5 & 6 Will. & Mary:<br>c. 20 ... .. | Bank of England Act,<br>1694.                                            | S. 26 amended ... ..                | 39.                                                              |
| 8 & 9 Will. 3:<br>c. 8 ... ..       | An Act for Encouraging<br>the bringing in wrought<br>Plate to be coined. | Amended ... ..                      | 39.                                                              |
| 12 & 13 Will. 3:<br>c. 4 ... ..     | Plate Assay Act, 1700 ...                                                | Ss. 3, 5, 6, 8 amended ...          | 39.                                                              |
| 9 Geo. 2:<br>c. 5 ... ..            | Witchcraft Act, 1735 ...                                                 | Repealed so far as un-<br>repealed. | 33, s. 2 (a).                                                    |
| 12 Geo. 2:<br>c. 26 ... ..          | Plate (Offences) Act, 1738                                               | Ss. 1, 5, 21 amended ...            | 39.                                                              |
| 15 Geo. 2:<br>c. 20 ... ..          | Gold and Silver Thread<br>Act, 1741.                                     | Amended ... ..                      | 39.                                                              |
| 17 Geo. 2:<br>c. 40 ... ..          | Universities (Wine<br>Licences) Act, 1743.                               | S. 11 amended ... ..                | 39.                                                              |
| 18 Geo. 2:<br>c. 24 ... ..          | Linen (Trade Marks) Act,<br>1744.                                        | Ss. 3, 4 amended (E.) (S.)          | 39.                                                              |
| 25 Geo. 2:<br>c. 36 ... ..          | Disorderly Houses Act,<br>1751.                                          | S. 2 amended ... ..                 | 39.                                                              |
| 29 Geo. 2:<br>c. 23 ... ..          | Fisheries (Scotland) Act,<br>1756.                                       | Amended ... ..                      | 39.                                                              |
| 5 Geo. 3:<br>c. 49 ... ..           | Bank Notes (Scotland)<br>Act, 1765.                                      | Amended ... ..                      | 39.                                                              |
| 11 Geo. 3:<br>c. 31 ... ..          | White Herring Fisheries<br>Act, 1771.                                    | Amended ... ..                      | 39.                                                              |
| 13 Geo. 3:<br>c. 52 ... ..          | Sheffield Assay Office<br>Act, 1773.                                     | Ss. 4, 13, 15, 19, 23<br>amended.   | 39.                                                              |
| 21 Geo. 3:<br>c. 49 ... ..          | Sunday Observance Act,<br>1780.                                          | Excluded... ..<br>Amended ... ..    | 14, s. 1.<br>39.                                                 |
| 25 Geo. 3:<br>c. 77 ... ..          | Fires Prevention Act,<br>1785.                                           | Amended ... ..                      | 39.                                                              |
| 28 Geo. 3:<br>c. 7 ... ..           | Gold and Silver Thread<br>Act, 1788.                                     | Ss. 1-4 amended ... ..              | 39.                                                              |
| 38 Geo. 3:<br>c. 48 ... ..          | Land Tax Commissioners<br>Act, 1798.                                     | Amended ... ..                      | 39.                                                              |
| c. 69 ... ..                        | Gold Plate (Standard)<br>Act, 1798.                                      | Amended ... ..                      | 39.                                                              |
| 39 Geo. 3:<br>c. 34 ... ..          | Partridges Act, 1799 ...                                                 | S. 3 amended ... ..                 | 39.                                                              |

| Session and Chap. or No. of Measure | Short title or Subject                 | How affected                                                                                                       | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 48 Geo. 3:<br>c. 110 ...            | Herring Fishery (Scotland) Act, 1808.  | S. 10 repealed in part ...                                                                                         | 30, ss. 26, 29 (2), sch. 5, Pt. I.                               |
| 49 Geo. 3:<br>c. 126 ...            | Sale of Offices Act, 1809              | S. 6 amended (E.) (S.) ...                                                                                         | 39.                                                              |
| 52 Geo. 3:<br>c. 155 ...            | Places of Religious Worship Act, 1812. | S. 10 amended ...                                                                                                  | 39.                                                              |
| 53 Geo. 3:<br>c. 127 ...            | Ecclesiastical Courts Act, 1813.       | S. 9 amended ...                                                                                                   | 39.                                                              |
| 55 Geo. 3:<br>c. 194 ...            | Apothecaries Act, 1815...              | Amended ...                                                                                                        | 39.                                                              |
| 59 Geo. 3:<br>c. 38 ...             | North American Fisheries Act, 1819.    | Amended (E.) (S.) ...                                                                                              | 39.                                                              |
| 3 Geo. 4:<br>c. 46 ...              | Levy of Fines Act, 1822...             | S. 10 amended ...                                                                                                  | 39.                                                              |
| 5 Geo. 4:<br>c. 83 ...              | Vagrancy Act, 1824 ...                 | S. 4 repealed in part (E.) (S.)                                                                                    | 33, s. 2 (b).                                                    |
| 6 Geo. 4:<br>c. 50 ...              | Juries Act, 1825... ..                 | S. 46 amended ...                                                                                                  | 39.                                                              |
| 6 Geo. 4:<br>c. 81 ...              | Excise Licences Act, 1825              | Act extended as modified (tobacco and snuff, vehicles).                                                            | 43, ss. 14 (1), 44 (8).                                          |
| 9 Geo. 4:<br>c. 39 ...              | Salmon Fisheries (Scotland) Act, 1828. | Ss. 1, 3 repealed ...                                                                                              | 26, s. 25 (2), sch. 2.                                           |
| 11 Geo. 4 & 1 Will. 4:<br>c. 68 ... | Carriers Act, 1830 ...                 | S. 1 extended (coinage under Coinage Act, 1946).                                                                   | S.I. No. 1032.                                                   |
| 3 & 4 Will. 4:<br>c. 90 ...         | Lighting and Watching Act, 1833.       | S. 50 amended ...                                                                                                  | 39.                                                              |
| 4 & 5 Will. 4:<br>c. 24 ...         | Superannuation Act, 1834               | Extended ...                                                                                                       | 46, ss. 1 (5), (6) (d), 34 (4), (6), 35.                         |
| c. 76 ...                           | Poor Law Amendment Act, 1834.          | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                   | S.I. Nos. 753 1900.                                              |
| 6 & 7 Will. 4:<br>c. 20 ...         | Ecclesiastical Leases Act, 1836.       | S. 3 amended ...                                                                                                   | 39.                                                              |
| c. 71 ...                           | Tithe Act, 1836 ...                    | Ss. 17-28, 29 in part, 32-55, 57, 58 in part, 59-61, 63, 65, 67 in part, 79, 88, 89 repealed so far as unrepealed. | 62, s. 10 (1) (a).                                               |
| 7 Will. 4 & 1 Vict.:<br>c. 41 ...   | Small Debt (Scotland) Act, 1837.       | Applied ...                                                                                                        | 65, s. 39 (6).                                                   |

| Session and Chap. or No. of Measure | Short title or Subject                 | How affected                                                                           | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 2 & 3 Vict.:<br>c. 62 ... ..        | Tithe Act, 1839 ... ..                 | Ss. 8-13, 22, 24, 26, 27, 29-33 repealed so far as unrepealed.<br>S. 42 amended ... .. | 62, s. 10 (1) (a).<br>39.                                        |
| c. 71 ... ..                        | Metropolitan Police Courts Act, 1839.  |                                                                                        |                                                                  |
| 3 & 4 Vict.:<br>c. 15 ... ..        | Tithe Act, 1840 ... ..                 | Ss. 1-16, 18, 19, 21, 25-27 repealed so far as unrepealed.                             | 62, s. 10 (1) (a).                                               |
| c. 18 ... ..                        | Tobacco Act, 1840 ... ..               | Extended (vehicles) ... ..                                                             | 43, ss. 14 (1), 44 (8).                                          |
| 5 & 6 Vict.:<br>c. 54 ... ..        | Tithe Act, 1842 ... ..                 | Ss. 2, 4, 9-11 repealed so far as unrepealed                                           | 62, s. 10 (1) (a).                                               |
| c. 93 ... ..                        | Tobacco Act, 1842 ... ..               | Extended (vehicles) ... ..                                                             | 43, ss. 14 (1), 44 (8).                                          |
| c. 108 ... ..                       | Ecclesiastical Leasing Act, 1842.      | Excluded... ..<br>Applied ... ..                                                       | C.A.M. No. 5, s. 3.<br>C.A.M. No. 5, s. 5 (1).                   |
| 6 & 7 Vict.:<br>c. 90 ... ..        | Public Notaries Act, 1843              | S. 10 amended ... ..                                                                   | 39.                                                              |
| 7 & 8 Vict.:<br>c. 95 ... ..        | Salmon Fisheries (Scotland) Act, 1844. | Repealed... ..                                                                         | 26, s. 25 (2), sch. 2.                                           |
| 8 & 9 Vict.:<br>c. 18 ... ..        | Lands Clauses Consolidation Act, 1845. | Incorporated as modified                                                               | 60, s. 17 (2).                                                   |
| c. 26 ... ..                        | Trout (Scotland) Act, 1845.            | Repealed... ..                                                                         | 26, s. 25 (2), sch. 2.                                           |
| 9 & 10 Vict.:<br>c. 73 ... ..       | Tithe Act, 1846 ... ..                 | Ss. 1, 2, 16 repealed so far as unrepealed.                                            | 62, s. 10 (1) (a).                                               |
| 10 & 11 Vict.:<br>c. 16 ... ..      | Commissioners Clauses Act, 1847.       | S. 15 amended (E.) (S.)                                                                | 39.                                                              |
| c. 104 ... ..                       | Tithe Act, 1847 ... ..                 | S. 3 repealed ... ..                                                                   | 62, ss. 10 (2), 12 (3), sch. 2.                                  |
| 11 & 12 Vict.:<br>c. 43 ... ..      | Summary Jurisdiction Act, 1848.        | S. 11 excluded ... ..<br>S. 30 amended ... ..                                          | 64, s. 8 (5).<br>39.                                             |
| 15 & 16 Vict.:<br>c. 84 ... ..      | Metropolis Water Act, 1852.            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                       | S.I. Nos. 753, 1900.                                             |
| c. 85 ... ..                        | Burial Act, 1852 ... ..                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                      | S.I. Nos. 142, 1900.                                             |
| 16 & 17 Vict.:<br>c. 134 ... ..     | Burial Act, 1853 ... ..                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                      | S.I. Nos. 142, 1900.                                             |
| 17 & 18 Vict.:<br>c. 87 ... ..      | Burial Act, 1854 ... ..                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                      | S.I. Nos. 142, 1900.                                             |

| Session and Chap. or No. of Measure | Short title or Subject                                        | How affected                                                      | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------|
| 18 & 19 Vict.:<br>c. 120 ...        | Metropolis Management Act, 1855.                              | S. 144 extended ( <i>retrosp.</i> )                               | xli, s. 30 (1), (5).                                             |
| c. 128 ...                          | Burial Act, 1855 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 20 & 21 Vict.:<br>c. 35 ...         | City of London Burial Act, 1857.                              | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| c. 81 ...                           | Burial Act, 1857 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 22 Vict.:<br>c. 1 ...               | Burial Act, 1859 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| c. 26 ...                           | Superannuation Act, 1859                                      | Extended ...                                                      | 46, ss. 1 (5), (6) (d), 34 (4), (6), 35.                         |
| c. 27 ...                           | Recreation Grounds Act, 1859.                                 | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| 23 & 24 Vict.:<br>c. 30 ...         | Public Improvements Act, 1860.                                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 45 ...                           | Trout (Scotland) Act, 1860.                                   | Repealed... ..                                                    | 26, s. 25 (2), sch. 2.                                           |
| c. 64 ...                           | Burial Act, 1860 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| c. 93 ...                           | Tithe Act, 1860 ...                                           | Ss. 18, 25 repealed ...                                           | 62, ss. 10 (1) (b), 12 (3), sch. 2.                              |
|                                     |                                                               | S. 26 amended ( <i>retrosp.</i> )                                 | 62, s. 10 (3).                                                   |
| 24 & 25 Vict.:<br>c. 14 ...         | Post Office Savings Bank Act, 1861.                           | S. 4 excluded ...                                                 | 43, s. 27 (3).                                                   |
| c. 45 ...                           | General Pier and Harbour Act, 1861.                           | Amended (E.) ...                                                  | 30, s. 21.                                                       |
| c. 96 ...                           | Larceny Act, 1861 ...                                         | S. 102 amended (E.) ...                                           | 39.                                                              |
| 25 & 26 Vict.:<br>c. 22 ...         | Revenue Act, 1862 ...                                         | S. 13 extended (tobacco and snuff, vehicles).                     | 43, ss. 14 (1), 44 (8).                                          |
| c. 97 ...                           | Salmon Fisheries (Scotland) Act, 1862.                        | S. 7 repealed in part ...                                         | 26, s. 25 (2), sch. 2.                                           |
|                                     |                                                               | S. 13 amended ( <i>prosp.</i> )                                   | 66, s. 36 (3), (4), sch. 4.                                      |
|                                     |                                                               | Ss. 26, 27 repealed ...                                           | 26, s. 25 (2), sch. 2.                                           |
| 26 & 27 Vict.:<br>c. 7 ...          | Manufactured Tobacco Act, 1863.                               | Extended (vehicles) ...                                           | 43, s. 14 (1).                                                   |
| 27 & 28 Vict.:<br>c. 18 ...         | Revenue (No. 1) Act, 1864.                                    | Extended (vehicles) ...                                           | 43, ss. 14 (1), 44 (8).                                          |
| 29 & 30 Vict.:<br>c. 23 ...         | Isle of Man Customs, Harbours, and Public Purposes Act, 1866. | S. 11 amended ...                                                 | 51, s. 6.                                                        |
| c. 109 ...                          | Naval Discipline Act.                                         | S. 68 applied ...                                                 | 46, s. 6 (4).                                                    |
|                                     |                                                               | S. 81 (2) extended ...                                            | 46, s. 17 (a).                                                   |

| Session and Chap. or No. of Measure | Short title or Subject                     | How affected                                                                          | Chapter of 1951 Act or number of Measure or Statutory Instrument |
|-------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 30 & 31 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 3 ... ..                         | British North America Act, 1867.           | S. 94A added ... ..                                                                   | 32, s. 1.                                                        |
| c. 90 ... ..                        | Revenue Act, 1867 ...                      | Extended (tobacco and snuff, vehicles).                                               | 43, ss. 14 (1), 44 (8).                                          |
| 31 & 32 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 37 ... ..                        | Documentary Evidence Act, 1868.            | Extended ... ..                                                                       | 42, s. 5 (4).                                                    |
| c. 72 ... ..                        | Promissory Oaths Act, 1868.                | Sch. Pt. I extended ...                                                               | 42, s. 2.                                                        |
| c. 100 ... ..                       | Court of Session Act, 1868.                | S. 91 applied ... ..                                                                  | 43, s. 33 (4).                                                   |
| c. 110 ... ..                       | Telegraph Act, 1868 ...                    | Ss. 17-18 repealed except as to Channel Islands.                                      | 52, s. 3.                                                        |
| c. 123 ... ..                       | Salmon Fisheries (Scotland) Act, 1868. ... | S. 9, para. (2) repealed                                                              | 26, s. 25 (1), sch. 1.                                           |
|                                     |                                            | Ss. 17, 18 in part, repealed                                                          | 26, s. 25 (2), sch. 2.                                           |
|                                     |                                            | S. 19 applied as modified                                                             | 26, s. 22 (1).                                                   |
|                                     |                                            | S. 25 repealed ... ..                                                                 | 26, s. 25 (2), sch. 2.                                           |
|                                     |                                            | Ss. 26-27 amended ...                                                                 | 26, s. 25 (1), sch. 1.                                           |
|                                     |                                            | S. 28 repealed ... ..                                                                 | 26, s. 25 (2), sch. 2.                                           |
|                                     |                                            | S. 29 applied as modified repealed in part ...                                        | 26, s. 12 (1), (2), 26, s. 25 (2), sch. 2.                       |
|                                     |                                            | S. 41 amended ... ..                                                                  | 26, s. 25 (1), sch. 1.                                           |
|                                     |                                            | Sch. G applied as modified.                                                           | 26, s. 22 (1).                                                   |
|                                     |                                            | Sch. G paras. 6 amended, 7 repealed in part.                                          | 26, s. 25 (1), sch. 1.                                           |
| 32 & 33 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 67 ... ..                        | Valuation Metropolis Act, 1869.            | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                     | S.I. Nos. 142, 1900.                                             |
| c. 111 ... ..                       | Bishops Resignation Act, 1869.             | Repealed... ..                                                                        | C.A.M. No. 2, s. 12.                                             |
| 34 & 35 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 33 ... ..                        | Burial Act, 1871 ...                       | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                     | S.I. Nos. 142, 1900.                                             |
| c. 113 ... ..                       | Metropolis Water Act, 1871.                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                      | S.I. Nos. 753, 1900.                                             |
| 35 & 36 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 61 ... ..                        | Steam Whistles Act, 1872                   | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                      | S.I. Nos. 753, 1900.                                             |
| 37 & 38 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 48 ... ..                        | Hosiery Manufacture (Wages) Act, 1874.     | S. 3 amended (E.) (S.) ...                                                            | 39.                                                              |
| 38 & 39 Vict.:                      |                                            |                                                                                       |                                                                  |
| c. 17 ... ..                        | Explosives Act, 1875 ...                   | S. 18 modified (E.) (S.)...<br>S. 40 (9) extended ...<br>Ss. 48-49 amended (E.) (S.). | 58, s. 7 (2).<br>58, s. 5 (5).<br>58, s. 7.                      |
| c. 18 ... ..                        | Seal Fishery Act, 1875 ...                 | Amendea (E.) (S.) ...                                                                 | 39.                                                              |
| c. 45 ... ..                        | Sinking Fund Act, 1875                     | Ss. 4-5 extended ... ..                                                               | 43, s. 43 (2).                                                   |



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| 38 & 39 Vict.:<br>c. 55 ... ..                 | Public Health Act, 1875                                      | M/Health functions (exc. under s. 184 in part) trans. to M/Housing and Local Govt. (30.1.51).<br>S. 69 repealed with saving                                              | S.I. No. 142, 753, 1900.<br><br>64, s. 12 (2), sch. 3.                                       |
| c. 83 ... ..                                   | Local Loans Act, 1875...                                     | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                         | S.I. Nos. 753, 1900.                                                                         |
| c. 89 ... ..                                   | Public Works Loans Act, 1875.                                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                         | S.I. Nos. 753, 1900.                                                                         |
| 39 & 40 Vict.:<br>c. 35 ... ..<br>c. 36 ... .. | Customs Tariff Act, 1876<br>Customs Consolidation Act, 1876. | Sch. amended ...<br>Applied as modified (Supplies to H.M. Ships) and repeal of ss. 121 to 125 given effect from 1.6.51.<br>S. 42 extended ... ..<br>S. 95 amended ... .. | 43, s. 9 (1).<br>S.I. No. 803.<br><br>48, s. 13 (1).<br>43, ss. 13, 44 (2) (8).<br>51, s. 5. |
| c. 75 ... ..                                   | Rivers Pollution Prevention Act, 1876.                       | S. 186 applied ... ..<br>Repealed (E.) except s. 7<br><br>Repealed (S.) ( <i>prosp.</i> ) except ss. 1, 7, and 21 so far as relates to s. 7.                             | 48, s. 13 (2).<br>64, s. 12 (2), sch. 3.<br>66, s. 36 (3) (4), sch. 4.                       |
| 40 & 41 Vict.:<br>c. 2 ... ..                  | Treasury Bills Act, 1877                                     | S. 6 excluded ... ..                                                                                                                                                     | 12, s. 2 (2); 16, s. 3 (2); 44, s. 2 (2); 1 (15 & 16 Geo. 6.) s. 2 (2).                      |
| c. 43 ... ..                                   | Justices Clerks Act, 1877                                    | S. 9 amended ... ..                                                                                                                                                      | 39.                                                                                          |
| c. 49 ... ..                                   | General Prisons (Ireland) Act, 1877.                         | S. 13 extended ... ..                                                                                                                                                    | 46, s. 17 (f).                                                                               |
| c. 65 ... ..                                   | Fisheries (Dynamite) Act, 1877.                              | Repealed (S.) ... ..                                                                                                                                                     | 26, s. 25 (2), sch. 2.                                                                       |
| 41 & 42 Vict.:<br>c. 18 ... ..                 | Public Works Loans Act, 1878.                                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                         | S.I. Nos. 753, 1900.                                                                         |
| 42 & 43 Vict.:<br>c. 31 ... ..                 | Public Health (Interments) Act, 1879.                        | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                        | S.I. Nos. 142, 1900.                                                                         |
| c. 49 ... ..                                   | Summary Jurisdiction Act, 1879.                              | S. 39 (5) excluded ...                                                                                                                                                   | 63, s. 20.                                                                                   |
| 43 & 44 Vict.:<br>c. 41 ... ..                 | Burial Laws Amendment Act, 1880.                             | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                        | S.I. Nos. 142, 1900.                                                                         |

| Session and Chap. or No. of Measure | Short title or Subject                                           | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Chapter of 1951 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 44 & 45 Vict.:<br>c. 38 ... ..      | Public Works Loans Act, 1881.                                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 58 ... ..                        | Army Act ... ..                                                  | Extended as modified (Home Guard).<br>S. 17 amended ... ..<br>S. 18 (4) amended ... ..<br>S. 24 (1) amended ... ..<br>S. 24 (4) amended ... ..<br>S. 26 (1) amended ... ..<br>Ss. 28 (2), 29, 46 (6), 47 (4) amended.<br>S. 41 excluded ... ..<br>S. 52 (4) substituted ... ..<br>S. 70 (5) (6) amended ... ..<br>S. 72 (1) amended ... ..<br>S. 73 (2) amended ... ..<br>S. 75 amended ... ..<br>S. 85 substituted ... ..<br>S. 91 (3) (a) amended ... ..<br>S. 91 (4) amended ... ..<br>S. 112 (1) amended ... ..<br>S. 126 (1) (b) (i) substituted.<br>S. 126 (2) amended ... ..<br>S. 130 applied ... ..<br>Ss. 132, 133 extended ... ..<br>S. 137 (4) amended ... ..<br>Ss. 138 (4), 144 (5), proviso (1), 145 (1) amended.<br>S. 156 (1) amended ... ..<br>S. 163 (1) (g) (h) amended<br>S. 183 proviso, paras. (a) and (b) repealed.<br>S. 187 AB added ... ..<br>S. 190 (17) substituted ... ..<br>S. 190 (28) repealed in part. | 8 (15 & 16 Geo.6) s. 1, sch.<br>24, s. 7 (1) (a).<br>24, s. 7 (1) (b).<br>24, s. 7 (1) (c).<br>24, s. 7 (1) (b).<br>24, s. 7 (1) (c).<br>24, s. 4 (1), sch.<br>8 (15 & 16 Geo.6) s. 1 (2) proviso,<br>24, s. 4 (1).<br>24, s. 4 (2).<br>24, ss. 4 (1), 7 (1) (c), sch.<br>24, s. 7 (1) (c).<br>46, s. 15.<br>24, s. 6.<br>24, s. 5 (1).<br>24, s. 5 (2).<br>24, s. 7 (1) (c).<br>24, s. 4 (3).<br>24, s. 4 (1), sch.<br>46, s. 6 (4).<br>46, s. 17.<br>24, s. 7 (1) (a).<br>24, s. 7 (1) (c).<br>24, s. 7 (1), (c), (3),<br>24, s. 7 (1) (c).<br>24, s. 8.<br>24, s. 3 (1).<br>24, s. 7 (4).<br>24, s. 4 (1). |
| 45 & 46 Vict.:<br>c. 21 ... ..      | Places of Worship Sites Amendment Act, 1882.                     | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 38 ... ..                        | Settled Land Act, 1882                                           | S. 25 extended ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | S.I. No. 1817.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 50 ... ..                        | Municipal Corporations Act, 1882.                                | S. 159 (4) amended ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 39.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 62 ... ..                        | Public Works Loans Act, 1882.                                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 46 & 47 Vict.:<br>c. 37 ... ..      | Public Health Act, 1875 (Support of Sewers) Amendment Act, 1883. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 47 & 48 Vict.:<br>c. 12 ... ..      | Public Health (Confirmation of Byelaws) Act, 1884.               | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| 48 & 49 Vict.:<br>c. 21 ... ..      | Burial Boards (Contested Elections) Act, 1885.    | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).           | S.I. Nos. 142, 1900.                                             |
| c. 58 ... ..                        | Telegraph Act, 1885 ...                           | S. 2 saved ... ..                                                           | 52, s. 2 (5).                                                    |
| c. 69 ... ..                        | Criminal Law Amendment Act, 1885.                 | S. 2 (1) amended ...                                                        | 37, s. 1 (1).                                                    |
| c. 72 ... ..                        | Housing of the Working Classes Act, 1885.         | Ss. 2 (1), (4), 3 (2) amended (E.S.).                                       | 36, s. 1.                                                        |
|                                     |                                                   | Ss. 7-10, M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 49 & 50 Vict.:<br>c. 22 ... ..      | Metropolitan Police Act, 1886.                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).            | S.I. Nos. 753, 1900.                                             |
| c. 27 ... ..                        | Guardianship of Infants Act, 1886.                | S. 9 amended (E.) ...                                                       | 56, s. 1.                                                        |
| 50 & 51 Vict.:<br>c. 16 ... ..      | National Debt and Local Loans Act, 1887.          | Applied ... ..                                                              | 5 (15 & 16 Geo. 6), s. 1 (2).                                    |
| c. 27 ... ..                        | Markets and Fairs (Weighing of Cattle) Act, 1887. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).            | S.I. Nos. 753, 1900.                                             |
| c. 35 ... ..                        | Criminal Procedure (Scotland) Act, 1887.          | S. 61 saved ... ..                                                          | 26, s. 8.                                                        |
| c. 67 ... ..                        | Superannuation Act, 1887                          | Extended... ..                                                              | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.                           |
| 51 & 52 Vict.:<br>c. 20 ... ..      | Glebe Lands Act, 1888...                          | Excluded... ..                                                              | C.A.M. No. 5, s. 3.                                              |
|                                     |                                                   | S. 4 amended ... ..                                                         | C.A.M. No. 5, s. 6 (1).                                          |
|                                     |                                                   | S. 5 (1) repealed ...                                                       | C.A.M. No. 5, s. 6 (2).                                          |
| c. 41 ... ..                        | Local Government Act, 1888.                       | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).           | S.I. Nos. 142, 1900.                                             |
|                                     |                                                   | S. 14 repealed ... ..                                                       | 64, s. 12 (2), sch. 3.                                           |
| c. 52 ... ..                        | Public Health (Buildings in Streets) Act, 1888.   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).           | S.I. Nos. 142, 1900.                                             |
| 52 & 53 Vict.:<br>c. 42 ... ..      | Revenue Act, 1889 ...                             | Ss. 23, 24 extended ...                                                     | 43, ss. 14 (1), 44 (8).                                          |
| c. 50 ... ..                        | Local Government (Scotland) Act, 1889.            | S. 55 repealed ( <i>prosp.</i> ) ...                                        | 66, s. 36 (3), (4), sch. 4.                                      |
| c. 63 ... ..                        | Interpretation Act, 1889                          | S. 26 excluded ... ..                                                       | 23, s. 2 (4), proviso.                                           |
| 53 & 54 Vict.:<br>c. 8 ... ..       | Customs and Inland Revenue Act, 1890.             | S. 9 modified ... ..                                                        | 43, ss. 14 (1), 44 (8).                                          |
| c. 59 ... ..                        | Public Health Acts Amendment Act, 1890.           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).           | S.I. Nos. 142, 1900.                                             |

| Session and Chap. or No. of Measure | Short title or Subject                                 | How affected                                                                                                                                                          | Chapter of 1951 Act or number of Measure or Statutory Instrument          |
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| <b>54 &amp; 55 Vict.:</b>           |                                                        |                                                                                                                                                                       |                                                                           |
| c. 24 ... ..                        | Public Accounts and Charges Act, 1891.                 | S. 2 extended ... ..                                                                                                                                                  | 44, s. 3.                                                                 |
| c. 40 ... ..                        | Brine Pumping (Compensation for Subsidence) Act, 1891. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                      | S.I. Nos. 753, 1900.                                                      |
| c. 70 ... ..                        | Markets and Fairs (Weighing of Cattle) Act, 1891.      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                      | S.I. Nos. 753, 1900.                                                      |
| <b>55 &amp; 56 Vict.:</b>           |                                                        |                                                                                                                                                                       |                                                                           |
| c. 31 ... ..                        | Small Holdings Act, 1892                               | Modified (S.) (" elector " etc.).                                                                                                                                     | S.I. No. 506.                                                             |
| c. 40 ... ..                        | Superannuation Act, 1892                               | Extended ... ..                                                                                                                                                       | 46, ss. 1 (5), (6) (d), 34 (4), (6), 35.                                  |
| c. 53 ... ..                        | Public Libraries Act, 1892                             | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                      | S.I. Nos. 753, 1900.                                                      |
| c. 54 ... ..                        | Allotments (Scotland) Act, 1892.                       | Modified (" elector," etc.)                                                                                                                                           | S.I. No. 506.                                                             |
| c. 55 ... ..                        | Burgh Police (Scotland) Act, 1892.                     | Ss. 222, 233 repealed in part ( <i>prosp.</i> ).                                                                                                                      | 66, s. 36 (3), (4), sch. 4.                                               |
| c. 57 ... ..                        | Private Street Works Act, 1892.                        | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                     | S.I. Nos. 142, 1900.                                                      |
| <b>56 &amp; 57 Vict.:</b>           |                                                        |                                                                                                                                                                       |                                                                           |
| c. 11 ... ..                        | Public Libraries (Amendment) Act, 1893.                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                      | S.I. Nos. 753, 1900.                                                      |
| c. 31 ... ..                        | Rivers Pollution Prevention Act, 1893.                 | Repealed (E.) ... ..<br>Repealed (S.) ( <i>prosp.</i> ) ...                                                                                                           | 64, s. 12 (2), sch. 3.<br>66, s. 36 (3), (4), sch. 4.                     |
| c. 73 ... ..                        | Local Government Act, 1894.                            | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                     | S.I. Nos. 142, 1900.                                                      |
| <b>57 &amp; 58 Vict.:</b>           |                                                        |                                                                                                                                                                       |                                                                           |
| c. 30 ... ..                        | Finance Act, 1894 ...                                  | S. 8 (7), (12) modified ...<br>S. 10 saved ... ..<br>S. 20 applied (Cyprus) ...                                                                                       | 43, ss. 35 (1), 44 (8).<br>43, ss. 35 (2), 44 (8).<br>S.I. Nos. 969, 970. |
| c. 47 ... ..                        | Building Societies Act, 1894.                          | S. 13 explained ... ..                                                                                                                                                | 40, s. 5.                                                                 |
| c. 60 ... ..                        | Merchant Shipping Act, 1894.                           | Extended as modified and restricted (Sierra Leone Govt. ships).<br>Ss. 182 (1), (2), 183 (1), (3), (4), 184 (1), (2) amended.<br>S. 238 applied as modified (Norway). | S.I. No. 143.<br>S.I. No. 174.<br>S.I. No. 1942.                          |
| <b>58 &amp; 59 Vict.:</b>           |                                                        |                                                                                                                                                                       |                                                                           |
| c. 39 ... ..                        | Summary Jurisdiction (Married Women) Act, 1895.        | S. 7, proviso (b) amended                                                                                                                                             | 56, s. 2 (1).                                                             |

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| 59 & 60 Vict.:<br>c. 25 ... ..      | Friendly Societies Act, 1896.                            | S. 68 applied (E.) (S.) ...                                       | 65, s. 54 (9).                                                   |
| c. 32 ... ..                        | Orkney and Zetland Small Piers and Harbours Act, 1896.   | Modified ("elector") ...                                          | S.I. No. 506.                                                    |
| 60 & 61 Vict.:<br>c. 30 ... ..      | Police (Property) Act, 1897.                             | Applied ... ..                                                    | 23, s. 6 (5).                                                    |
| c. 38 ... ..                        | Public Health (Scotland) Act, 1897.                      | S. 116 repealed in part ( <i>prosp.</i> ).                        | 66, s. 36 (3), (4), sch. 4.                                      |
| c. 40 ... ..                        | Local Government (Joint Committees) Act, 1897.           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 61 & 62 Vict.:<br>c. 34 ... ..      | Rivers Pollution Prevention (Border Councils) Act, 1898. | Repealed... ..                                                    | 64, s. 12 (2), (3), sch. 3.                                      |
| c. 44 ... ..                        | Merchant Shipping (Mercantile Marine Fund) Act, 1898.    | Extended as restricted (Sierra Leone Govt. ships).                | S.I. No. 143.                                                    |
| 62 & 63 Vict.:<br>c. 7 ... ..       | Metropolis Water Act, 1899.                              | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 14 ... ..                        | London Government Act, 1899.                             | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 30 ... ..                        | Commons Act, 1899 ...                                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 44 ... ..                        | Small Dwellings Acquisition Act, 1899.                   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 63 & 64 Vict.:<br>c. 15 ... ..      | Burial Act, 1900 ...                                     | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 1 Edw. 7:<br>c. 19 ... ..           | Public Libraries Act, 1901                               | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| 2 Edw. 7:<br>c. 8 ... ..            | Cremation Act, 1902 ...                                  | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 17 ... ..                        | Midwives Act, 1902 ...                                   | Repealed... ..                                                    | 53, s. 34 (1), (2), sch. 2.                                      |
| c. 29 ... ..                        | Freshwater Fish (Scotland) Act, 1902.                    | Extended (R. Tweed) ...<br>S. 1 amended ... ..                    | 26, s. 22 (2).<br>26, s. 25 (1), sch. 1.                         |
| c. 41 ... ..                        | Metropolis Water Act, 1902.                              | Ss. 2-3, 5 in part, repealed                                      | 26, s. 25 (2), sch. 2.                                           |
|                                     |                                                          | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |

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| 6 Edw. 7:<br>c. 14 ... ..               | Alkali, &c., Works Regulation Act, 1906.      | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                   | S.I. Nos. 142, 1900.                                             |
| c. 33 ... ..                            | Local Authorities (Treasury Powers) Act 1906. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                   | S.I. Nos. 142, 1900.                                             |
| c. 44 ... ..                            | Burial Act, 1906 ...                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                   | S.I. Nos. 142, 1900.                                             |
| c. 48 ... ..                            | Merchant Shipping Act, 1906.                  | S. 28 (8) amended ...                                                                                                                               | S.I. No. 174.                                                    |
| 7 Edw. 7:<br>c. 23 ... ..               | Criminal Appeal Act, 1907.                    | Ss. 1 (5), 4-10, 11 (2), 14 (1) (2), (3), 15, 17, 19, 21 applied as modified.                                                                       | S.I. No. 1948.                                                   |
| c. 41 ... ..                            | Whale Fisheries (Scotland) Act, 1907.         | S. 2 (4) substituted, 2 (5) amended.                                                                                                                | 30, s. 27.                                                       |
| c. 51 ... ..                            | Sheriff Courts (Scotland) Act, 1907.          | Sch. 1, rules 45, 45A substituted, 45B added.<br>Sch. 1, rule 65 applied as modified.                                                               | S.I. No. 504.<br>S.I. No. 552.                                   |
| c. 53 ... ..                            | Public Health Acts Amendment Act, 1907.       | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                   | S.I. Nos. 142, 1900.                                             |
| 8 Edw. 7:<br>c. 16 ... ..               | Finance Act, 1908 ...                         | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                    | S.I. Nos. 753, 1900.                                             |
| c. 36 ... ..                            | Small Holdings and Allotments Act, 1908.      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                    | S.I. Nos. 753, 1900.                                             |
| c. 48 ... ..                            | Post Office Act, 1908 ...                     | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                    | S.I. Nos. 753, 1900.                                             |
| c. 57 ... ..                            | Coal Mines Regulation Act, 1908.              | Ss. 1, 3 suspended (coal mines) ( <i>temp.</i> ).                                                                                                   | S.I. No. 754.                                                    |
| c. 65 ... ..                            | Summary Jurisdiction (Scotland) Act, 1908.    | S. 5 saved ... ..                                                                                                                                   | 26, s. 8.                                                        |
| 9 Edw. 7:<br>c. 10 ... ..               | Superannuation Act, 1909                      | Extended ... ..                                                                                                                                     | 46, ss. 1 (5), (6), (d), 34 (4), (6), 35.                        |
| 10 Edw. 7 & 1<br>Geo. 5:<br>c. 8 ... .. | Finance (1909-10) Act, 1910.                  | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                    | S.I. Nos. 753, 1900.                                             |
| c. 24 ... ..                            | Licensing (Consolidation) Act, 1910.          | Modified (Isles of Scilly)                                                                                                                          | S.I. No. 808.                                                    |
| 1 & 2 Geo. 5:<br>c. 46 ... ..           | Copyright Act, 1911 ...                       | Applied (Union of Burma)                                                                                                                            | S.I. No. 613.                                                    |
| c. 50 ... ..                            | Coal Mines Act, 1911 ...                      | Ss. 9 (1), 14 amended, 15 substituted, 16 (2) (3), 27 (1), 34 (1) (ii), 50 (4D), 51, 52 (2) amended, 63-65 substituted, 66, 67 (1), 67 (4) amended. | S.I. No. 848.                                                    |
| c. 52 .. ...                            | Rag Flock Act, 1911 ...                       | Repealed (E.) (S.) ...                                                                                                                              | 63, s. 37.                                                       |

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| 3 & 4 Geo. 5:<br>c. 32 ...          | Ancient Monuments Consolidation and Amendment Act, 1913. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 33 ...                           | Temperance (Scotland) Act, 1913.                         | S. 15 modified ("elector")                                        | S.I. No. 506.                                                    |
| 4 & 5 Geo. 5:<br>c. 31 ...          | Housing Act, 1914 ...                                    | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| c. 86 ...                           | Superannuation Act, 1914                                 | Extended ...                                                      | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.                           |
| 5 & 6 Geo. 5:<br>c. 48 ...          | Fishery Harbours Act, 1915.                              | Explained ("fishery harbour").                                    | 30, s. 21 (8).                                                   |
| c. 91 ...                           | Midwives (Scotland) Act, 1915.                           | S. 2 amended ...<br>S. 2 (1) repealed in part...                  | 30, s. 21 (4) (5).<br>30, s. 29 (2), sch. 5, Pt. I.              |
| 6 & 7 Geo. 5:<br>c. 12 ...          | Local Government (Emergency Provisions) Act, 1916.       | Repealed...                                                       | 54, s. 36 (1) (2), sch. 2.                                       |
| c. 24 ...                           | Finance Act, 1916 ...                                    | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 7 & 8 Geo. 5:<br>—                  | Air Force Act ...                                        | S. 21 amended ...                                                 | 43, ss. 9 (2), 44 (8).                                           |
| —                                   | Air Force Act ...                                        | Ss. 28 (2), 29, 46 (6), 47 (4) amended.                           | 24, s. 4 (1), sch.                                               |
| —                                   | Air Force Act ...                                        | S. 52 (4) substituted ...                                         | 24, s. 4 (1).                                                    |
| —                                   | Air Force Act ...                                        | S. 70 (5) (6) amended ...                                         | 24, s. 4 (2).                                                    |
| —                                   | Air Force Act ...                                        | S. 72 (1) amended ...                                             | 24, s. 4 (1), sch.                                               |
| —                                   | Air Force Act ...                                        | S. 75 amended ...                                                 | 46, s. 15.                                                       |
| —                                   | Air Force Act ...                                        | S. 91 (3) (a) amended ...                                         | 24, s. 5 (1).                                                    |
| —                                   | Air Force Act ...                                        | S. 91 (4) amended ...                                             | 24, s. 5 (2).                                                    |
| —                                   | Air Force Act ...                                        | S. 126 (1) (b) (i) substituted.                                   | 24, s. 4 (3).                                                    |
| —                                   | Air Force Act ...                                        | S. 126 (2) amended ...                                            | 24, s. 4 (1), sch.                                               |
| —                                   | Air Force Act ...                                        | S. 130 applied ...                                                | 46, s. 6 (4).                                                    |
| —                                   | Air Force Act ...                                        | Ss. 132, 133 extended ...                                         | 46, s. 17.                                                       |
| —                                   | Air Force Act ...                                        | S. 187AB added...                                                 | 24, s. 3 (2).                                                    |
| —                                   | Air Force Act ...                                        | S. 190 (28) repealed in part.                                     | 24, s. 4 (1).                                                    |
| 8 & 9 Geo. 5:<br>c. 40 ...          | Income Tax Act, 1918 ...                                 | S. 30 applied ...                                                 | 43, ss. 27 (5), 44 (8).                                          |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, Sch. A, No. I saved.                                      | 43, ss. 37 (6), proviso, 44 (8).                                 |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, Sch. D, Cases I and II, Rules 6-7 saved.                  | 43, ss. 37 (4), 44 (8).                                          |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, Sch. D, Case III, Rule 1, explained.                      | 43, ss. 21 (5), 44 (8).                                          |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, Sch. D, Case III, Rule 2, para. 1 applied.                | 43, ss. 21 (1), 44 (8).                                          |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, Sch. D, Miscellaneous Rule 7 amended ( <i>retrosp.</i> ). | 43, ss. 22, 44 (8).                                              |
| —                                   | Income Tax Act, 1918 ...                                 | Sch. 1, General Rule 7 repealed with saving.                      | 43, ss. 37 (7), 44 (8).                                          |

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| 8 & 9 Geo. 5:<br>c. 43 ... ..       | Midwives Act, 1918 ...                                           | Repealed... ..                                                                                                  | 53, s. 34 (1) (2), sch. 2.                                                                      |
| 9 & 10 Geo. 5:<br>c. 20 ... ..      | Scottish Board of Health Act, 1919.                              | S. 4 (1) (c) repealed ...                                                                                       | 54, s. 36 (1) (2), sch. 2.                                                                      |
| c. 21 ... ..                        | Ministry of Health Act, 1919.                                    | S. 3 (1) (e) repealed ...                                                                                       | 53, s. 34 (1) (2), sch. 2.                                                                      |
| c. 35 ... ..                        | Housing, Town Planning &c. Act, 1919.                            | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                               | S.I. Nos. 142, 1900.                                                                            |
| c. 57 ... ..                        | Acquisition of Land (Assessment of Compensation) Act, 1919.      | S. 5 (2) amended (E.) (S.)                                                                                      | 61, s. 8 (6).                                                                                   |
| c. 58 ... ..                        | Forestry Act, 1919 ...                                           | S. 3 (1) amended (E.) (S.)<br>S. 3 (3) (d) extended ... amended (E.) (S.)                                       | 61, s. 1 (1) (2).<br>60, s. 25 (1).<br>61, s. 19.                                               |
| c. 59 ... ..                        | Land Settlement Facilities Act, 1919.                            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                | S.I. Nos. 753, 1900.                                                                            |
| c. 92 ... ..                        | Aliens Restriction (Amendment) Act, 1919.                        | S. 1 continued until 31.12.52.                                                                                  | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                                                       |
| c. 93 ... ..                        | Public Libraries Act, 1919                                       | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                | S.I. No. 753.                                                                                   |
| c. 95 ... ..                        | Nurses Registration (Scotland) Act, 1919.                        | Repealed... ..                                                                                                  | 55, s. 35 (1), sch. 5.                                                                          |
| 10 & 11 Geo. 5:<br>c. 17 ... ..     | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>Applied as modified (E.) (S.)              | S.I. Nos. 142, 1900.                                                                            |
| c. 18 ... ..                        | Finance Act, 1920 ...                                            | S. 12 (6) excluded (E.)(S.)<br>S. 12 (7) excluded (E.)(S.)<br>S. 18 amended ... ..<br>S. 21 (1) (3) amended ... | 65, ss. 16 (1), 18 (1).<br>65, s. 19 (4).<br>65, s. 18 (2).<br>43, s. 18 (2).<br>43, s. 18 (3). |
| c. 33 ... ..                        | Maintenance Orders (Facilities for Enforcement) Act, 1920.       | Extended (Yukon Territory).<br>(Nova Scotia)                                                                    | S.I. No. 146.                                                                                   |
| c. 46 ... ..                        | Dangerous Drugs Act, 1920.                                       | Repealed... ..                                                                                                  | S.I. No. 429.<br>48, s. 25, sch.                                                                |
| c. 67 ... ..                        | Government of Ireland Act, 1920.                                 | S. 6 modified ... ..<br>S. 63 saved ... ..                                                                      | 48, s. 24 (3), 65, s. 65 (5).<br>25, s. 2 (11) (d).                                             |
| 11 & 12 Geo. 5:<br>c. 7 ... ..      | Tribunals of Inquiry (Evidence) Act, 1921.                       | Act applicable with modifications (White Fish Authority).                                                       | 30, s. 9 (2).                                                                                   |
| c. 20 ... ..                        | Tithe Annuities Apportionment Act, 1921.                         | S. 1 certain functions transferred.<br>S. 1 (3) repealed ...                                                    | 62, s. 10 (4).<br>62, s. 12 (3), sch. 2.                                                        |
| c. 42 ... ..                        | Licensing Act, 1921 ...                                          | Modified (Isles of Scilly)                                                                                      | S.I. No. 808, art. 17.                                                                          |



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| 11 & 12 Geo. 5:<br>c. 47 ... ..     | Safeguarding of Industries Act, 1921.               | Pt. I continued until beginning of 19.8.54.<br>Pt. I, news film for making copies exempted.<br>Pt. I, exemption by Treasury or Commissioners.<br><br>S. 1, certain duties reduced<br>S. 16 repealed ... .. | 43, s. 3.<br><br>43, s. 7, sch. 3, para. 2.<br>43, s. 7, sch. 3, para. 1 and s. 12.<br>S.I. No. 1179.<br>43, s. 44 (9), sch. 7. |
| c. 67 ... ..                        | Local Authorities (Financial Provisions) Act, 1921. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                           | S.I. Nos. 753, 1900.                                                                                                            |
| 12 & 13 Geo. 5:<br>c. 51 ... ..     | Allotments Act, 1922 ...                            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                           | S.I. Nos. 753, 1900.                                                                                                            |
| 13 & 14 Geo. 5:<br>c. 5 ... ..      | Dangerous Drugs and Poisons (Amendment) Act, 1923.  | Repealed... ..                                                                                                                                                                                             | 48, s. 25, sch.                                                                                                                 |
| c. 8 ... ..                         | Industrial Assurance Act, 1923.                     | Provisions relating to free policies and surrender values modified.<br>S. 23 amended ... ..                                                                                                                | 65, s. 56 (5).<br><br>65, ss. 54 (4), 57 (2).                                                                                   |
| c. 13 ... ..                        | Rent Restrictions (Notices of Increase) Act, 1923.  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |
| c. 16 ... ..                        | Salmon and Freshwater Fisheries Act, 1923.          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>S. 8 (1) restricted ... ..<br>S. 8 (2) repealed ... ..<br><br>S. 55 repealed ... ..                                                   | S.I. Nos. 142, 1900.<br><br>64, s. 5 (4).<br>64, s. 12 (2), sch. 3.<br>64, s. 12 (2), sch. 3.                                   |
| c. 18 ... ..                        | War Memorials (Local Authorities Powers) Act, 1923. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |
| c. 24 ... ..                        | Housing &c. Act, 1923...                            | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |
| c. 32 ... ..                        | Rent and Mortgage Interest Restrictions Act, 1923.  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |
| 14 & 15 Geo. 5:<br>c. 18 ... ..     | Prevention of Eviction Act, 1924.                   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |
| c. 24 ... ..                        | Isle of Man (Customs) Act, 1924.                    | S. 4 continued until 1.8.52                                                                                                                                                                                | 51, s. 2 (1).                                                                                                                   |
| c. 35 ... ..                        | Housing (Financial Provisions) Act, 1924.           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                          | S.I. Nos. 142, 1900.                                                                                                            |

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| 14 & 15 Geo. 5:<br>C.A.M. No. 3 ... | Ecclesiastical Dilapidations Measure, 1923.                       | Extended ...<br>S. 17 (5) amended and extended.<br>Ss. 27-28 saved ...<br>Ss. 32 (2), 36 (3) excluded                                                  | C.A.M. No. 3, s. 1 (2).<br>C.A.M. No. 3, s. 1.<br>C.A.M. No. 3, s. 2 (1).<br>C.A.M. No. 3, s. 3 (1).                 |
| 15 & 16 Geo. 5:<br>c. 18 ...        | Settled Land Act, 1925...                                         | S. 66 (2) applied ...<br>Sch. 3 extended ...                                                                                                           | 61, s. 16 (2).<br>S.I. No. 1816.                                                                                     |
| c. 20 ...                           | Law of Property Act, 1925.                                        | S. 99 extended ...<br>S. 139 extended ...<br>Ss. 191, 192. Certain functions transferred.<br>S. 196 applied ...                                        | 38, s. 12 (6);<br>65, s. 30 (6).<br>38, s. 17 (3);<br>65, s. 32 (3).<br>62, s. 10 (4).<br>65, ss. 16 (8),<br>29 (6). |
| c. 21 ...                           | Land Registration Act, 1925.                                      | S. 70 (1) extended ...                                                                                                                                 | 38, s. 2 (4).                                                                                                        |
| c. 32 ...                           | Rent and Mortgage Interest (Restrictions Continuation) Act, 1925. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                      | S.I. Nos. 142, 1900.                                                                                                 |
| c. 36 ...                           | Finance Act, 1925 ...                                             | S. 26 restricted ( <i>retrosp.</i> )<br>Sch. 2, Pt. I amended ...<br>Sch. 2, Pt. II, para. 1 amended.<br>Sch. 2, Pt. III, para. 7 applied as modified. | 43, s. 41.<br>S.I. No. 1018.<br>S.I. No. 1712.<br>S.I. No. 1018.                                                     |
| c. 42 ...                           | Merchant Shipping (International Labour Conventions) Act, 1925.   | Applied as modified (Barbados).                                                                                                                        | S.I. No. 1950.                                                                                                       |
| c. 45 ...                           | Guardianship of Infants Act, 1925.                                | Ss. 3 (2), 5 (4) excluded (E.).<br>excluded (S.).<br>S. 7 (1) (a) amended and saved.                                                                   | 65, s. 2 (1) (d).<br>65, s. 8 (1) (d).<br>56, s. 1 (3).                                                              |
| c. 49 ...                           | Supreme Court of Judicature (Consolidation) Act, 1925.            | Sch. 2 amended ...                                                                                                                                     | S.I. No. 1309.                                                                                                       |
| c. 56 ...                           | Isle of Man (Customs) Act, 1925.                                  | Ss. 5, 7 continued as amended until 1.8.52.                                                                                                            | 51, s. 2 (1).                                                                                                        |
| c. 59 ...                           | Teachers (Superannuation) Act, 1925.                              | Pt. II (ss. 2-19) applied (Army Civilian Lecturers).<br>modified (Interchange, teaching and public boards).                                            | S.I. No. 392.<br>S.I. No. 1852.                                                                                      |
| c. 61 ...                           | Allotments Act, 1925 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                       | S.I. Nos. 753, 1900.                                                                                                 |
| c. 68 ...                           | Roads Improvement Act, 1925.                                      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                       | S.I. Nos. 753, 1900.                                                                                                 |
| c. 71 ...                           | Public Health Act, 1925                                           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                      | S.I. Nos. 142, 1900.                                                                                                 |

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| 15 & 16 Geo. 5:<br>c. 74 ... ..     | Dangerous Drugs Act, 1925.                        | Repealed... ..                                                                                                                                               | 48, s. 25, sch.                                                                                                                                         |
| c. 84 ... ..                        | Workmen's Compensation Act, 1925.                 | S. 26, sch. 2. Power to apply in part as modified.                                                                                                           | 4 (15 & 16 Geo. 6), s. 4 (3).                                                                                                                           |
| c. 90 ... ..                        | Rating and Valuation Act, 1925.                   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>Ss. 9 (2) (g) and 13 extended (London).<br>Ss. 9 (4) and 58 extended (London).          | S.I. Nos. 142, 1900.<br>xli, s. 31 (6).<br>xli, s. 31 (5).                                                                                              |
| 16 & 17 Geo. 5:<br>c. 21 ... ..     | Markets and Fairs (Weighing of Cattle) Act, 1926. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                             | S.I. Nos. 753, 1900.                                                                                                                                    |
| c. 22 ... ..                        | Finance Act, 1926 ...                             | S. 10 (1) repealed ...<br><br>S. 29 (1), proviso (b) applied.<br>S. 30, proviso (ii) superseded, proviso (iv) modified.                                      | 43, s. 44 (9), sch. 7.<br>43, s. 21 (1).<br>43, s. 21 (2).                                                                                              |
| c. 27 ... ..                        | Isle of Man (Customs) Act, 1926.                  | S. 8 continued until 1.8.52                                                                                                                                  | 51, s. 2 (1).                                                                                                                                           |
| c. 32 ... ..                        | Midwives Act, 1926 ...                            | Repealed... ..                                                                                                                                               | 53, s. 34 (1), sch. 2.                                                                                                                                  |
| c. 43 ... ..                        | Public Health (Smoke Abatement) Act, 1926.        | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                            | S.I. Nos. 142, 1900.                                                                                                                                    |
| c. 45 ... ..                        | Fertilisers and Feeding Stuffs Act, 1926.         | Schs. 2 Pt. II, 4 Pt. II amended.                                                                                                                            | S.I. No. 1189.                                                                                                                                          |
| c. 56 ... ..                        | Housing (Rural Workers) Act, 1926.                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                            | S.I. Nos. 142, 1900.                                                                                                                                    |
| c. 63 ... ..                        | Sale of Food (Weights and Measures) Act, 1926.    | S. 4 (2) (a) restricted ...<br>S. 5 (2) amended ( <i>temp.</i> )                                                                                             | S.I. No. 854.<br>S.I. Nos. 415, 1313.                                                                                                                   |
| C.A.M. No. 7                        | Episcopal Pensions Measure, 1926.                 | S. 2 (a), (b) substituted...                                                                                                                                 | C.A.M. No. 2, s. 12.                                                                                                                                    |
| 17 & 18 Geo. 5:<br>c. 10 ... ..     | Finance Act, 1927 ...                             | S. 40 (2) amended ...                                                                                                                                        | 43, s. 18 (1).                                                                                                                                          |
| c. 17 ... ..                        | Midwives (Scotland) Act, 1927.                    | Repealed... ..                                                                                                                                               | 54, s. 36 (1), sch. 2.                                                                                                                                  |
| c. 36 ... ..                        | Landlord and Tenant Act, 1927.                    | Pt. I (ss. 1-17) excluded<br><br>modified<br>S. 2 modified ... ..<br>S. 4 modified ... ..<br>extended ... ..<br>S. 5 extended ... ..<br>S. 23 applied ... .. | 38, s. 14 (2), (3);<br>65, s. 33 (2).<br>38, s. 14 (5).<br>38, s. 14 (4), (5).<br>38, s. 14 (4), (5).<br>65, s. 33 (4).<br>38, s. 14 (6).<br>38, s. 19. |
| 18 & 19 Geo. 5:<br>c. 8 ... ..      | Rating and Valuation Act, 1928.                   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                            | S.I. Nos. 142, 1900.                                                                                                                                    |
| c. 17 ... ..                        | Finance Act, 1928 ...                             | S. 2 (6). Power to extend.<br>S. 3 extended ... ..<br>S. 6 amended ... ..                                                                                    | 43, s. 10 (1).<br>43, s. 10 (4).<br>43, s. 5 (1).                                                                                                       |

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| 18 & 19 Geo. 5:<br>c. 32 ... ..     | Petroleum Consolidation Act, 1928.                      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| c. 39 ... ..                        | Rag Flock Act (1911) Amendment Act, 1928.               | Repealed (E.) (S.) ...                                                                                                                                                                   | 63, s. 37.                                                          |
| 19 & 20 Geo. 5:<br>c. 17 ... ..     | Local Government Act, 1929.                             | M/Health functions (except under Part II (ss. 21-28) and in pt. ss. 129 and 131) trans. to M/Housing and Local Govt. (30.1.51).<br>S. 36 (2) extended ...<br>S. 124 (5) (c) extended ... | S.I. Nos. 142, 1900.<br>40, s. 9 (3) (c).<br>S.I. No. 1852, rule 6. |
| C.A.M. No. 3                        | Ecclesiastical Dilapidations (Amendment) Measure, 1929. | Extended ... ..                                                                                                                                                                          | C.A.M. No. 3. s. 1 (2).                                             |
| 20 & 21 Geo. 5:<br>c. 1 ... ..      | Isle of Man (Customs) Act, 1929.                        | S. 3 continued until 1.8.52.                                                                                                                                                             | 51, s. 2 (1).                                                       |
| c. 6 ... ..                         | Housing (Revision of Contributions) Act, 1929.          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                        | S.I. Nos. 142, 1900.                                                |
| c. 39 ... ..                        | Housing Act, 1930 ...                                   | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                        | S.I. Nos. 142, 1900.                                                |
| c. 43 ... ..                        | Road Traffic Act, 1930...                               | S. 48 (3) excluded (London).                                                                                                                                                             | S.I. No. 1576.                                                      |
| c. 44 ... ..                        | Land Drainage Act, 1930.                                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>Ss. 56, 73 (a) and proviso repealed.                                                                                 | S.I. Nos. 753, 1900.<br>64, s. 12 (2), sch. 3.                      |
| c. 51 ... ..                        | Reservoirs (Safety Provisions) Act, 1930.               | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| 21 & 22 Geo. 5:<br>c. 16 ... ..     | Ancient Monuments Act, 1931.                            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| c. 17 ... ..                        | Local Authorities (Publicity) Act, 1931.                | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| c. 33 ... ..                        | Architects (Registration) Act, 1931.                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| c. 39 ... ..                        | Housing (Rural Authorities) Act, 1931.                  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                        | S.I. Nos. 142, 1900.                                                |
| c. 41 ... ..                        | Agricultural Land (Utilisation) Act, 1931.              | M/Health functions under Pt. II trans. to M/Housing and Local Govt. (1.5.51).                                                                                                            | S.I. Nos. 753, 1900.                                                |
| c. 45 .. ...                        | Local Government (Clerks) Act, 1931.                    | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                         | S.I. Nos. 753, 1900.                                                |
| c. 49 ... ..                        | Finance (No. 2) Act, 1931                               | S. 22 modified ( <i>retrosp.</i> )                                                                                                                                                       | 43, s. 34.                                                          |
| C.A.M. No. 7 ...                    | Cathedrals Measure, 1931                                | S. 17 extended ... ..                                                                                                                                                                    | C.A.M. No. 4.                                                       |

| Session and Chap. or No. of Measure | Short title or Subject                                         | How affected                                                                                                                                                                                                         | Chapter of 1951 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                        |
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| 22 & 23 Geo. 5:<br>c. 8 ... ..      | Import Duties Act, 1932                                        | Pt. I: Certain goods exempted.<br>Pt. I: Exemption by Treasury or Commissioners.<br>S. 3 amended ... ..<br>S. 15 (3) (4) repealed (with saving of regs. made).<br>S. 16 applied ... ..<br>Sch. 1 (free list) amended | 43, s. 7, sch. 3. para. 2.<br>43, s. 7, sch. 3. para. 1, <i>ibid</i> , s. 12 (1).<br>43, s. 7, sch. 3. para. 2 (5).<br>43, ss. 6 (3) 44 (9), sch. 7.<br>43, s. 6 (4).<br>S.I. Nos. 107, 108 ( <i>temp.</i> ), 175 ( <i>temp.</i> ), 390, 853 ( <i>temp.</i> ), 880, 925, 1019, 1177, 1415 ( <i>temp.</i> ), 1531 ( <i>temp.</i> ), 1578, 1778, 1779, 1923, 2024, 2258 ( <i>temp.</i> ). |
| c. 15 ... ..                        | Dangerous Drugs Act, 1932.                                     | Sch. 2, para. 3 amended ( <i>retrosp.</i> ).<br>Repealed... ..                                                                                                                                                       | 43, s. 11 (1).<br>48, s. 25, sch.                                                                                                                                                                                                                                                                                                                                                       |
| c. 18 ... ..                        | Rating and Valuation Act, 1932.                                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                    | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                                                                                                                                                    |
| c. 25 ... ..                        | Finance Act, 1932 ...                                          | S. 9 explained ... ..                                                                                                                                                                                                | 43, s. 6 (5).                                                                                                                                                                                                                                                                                                                                                                           |
| c. 36 ... ..                        | Carriage by Air Act, 1932                                      | Sch. 2, para. 1 extended in its application to Jersey.                                                                                                                                                               | S.I. No. 1774.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 41 ... ..                        | Isle of Man (Customs) (No. 2) Act, 1932.                       | S. 9 continued until 1.8.52                                                                                                                                                                                          | 51, s. 2 (1).                                                                                                                                                                                                                                                                                                                                                                           |
| c. 51 ... ..                        | Sunday Entertainments Act, 1932.                               | Modified ("elector", and "local government elector").                                                                                                                                                                | S.I. No. 369.                                                                                                                                                                                                                                                                                                                                                                           |
| c. 53 ... ..                        | Ottawa Agreements Act, 1932.                                   | Extended (Pakistan) ...                                                                                                                                                                                              | 43, s. 8.                                                                                                                                                                                                                                                                                                                                                                               |
| 23 & 24 Geo. 5:<br>c. 12 ... ..     | Children and Young Persons Act, 1933.                          | Ss. 1 (2) (a), 65 amended                                                                                                                                                                                            | S.I. No. 174.                                                                                                                                                                                                                                                                                                                                                                           |
| c. 14 ... ..                        | London Passenger Transport Act, 1933.                          | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                     | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                                                                                    |
| c. 19 ... ..                        | Finance Act, 1933 ...                                          | S. 9, new rates of duty on artificial silk waste fixed.                                                                                                                                                              | S.I. No. 1018.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 25 ... ..                        | Pharmacy and Poisons Act, 1933.                                | S. 32 (3) modified ...<br>S. 28 repealed ... ..                                                                                                                                                                      | 43, s. 21 (4).<br>48, s. 25, sch.                                                                                                                                                                                                                                                                                                                                                       |
| c. 32 ... ..                        | Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>S. 3 and sch. 1 amended                                                                                                                         | S.I. Nos. 142, 1900.<br>65, ss. 19 (2), 20 (1), (2), (3).                                                                                                                                                                                                                                                                                                                               |

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| 23 & 24 Geo. 5:<br>c. 35 ... ..     | Trout (Scotland) Act, 1933.                                      | S. 7 (1) amended ...                                                                                                                                                                                                                                                                                        | 26, s. 25 (1), sch. 1.                                                 |
| c. 39 ... ..                        | Slaughter of Animals Act, 1933.                                  | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 5 extended ... ..<br>Sch. 2 amended ... ..<br>S. 4 continued until 1.8.52                                                                                                                                                            | S.I. Nos. 753, 1900.<br>49, s. 1 (3).<br>49, ss. 1-3.<br>51, s. 2 (1). |
| c. 40 ... ..                        | Isle of Man (Customs) Act, 1933.                                 | S. 4 (1) amended ... ..<br>S. 4B extended ... ..                                                                                                                                                                                                                                                            | 30, ss. 22, 29 (2), sch. 5.<br>30, s. 23 (1) (2).<br>30, s. 23 (3).    |
| c. 45 ... ..                        | Sea-Fishing Industry Act, 1933.                                  | S. 1 (3) repealed ( <i>prosp.</i> )                                                                                                                                                                                                                                                                         | S.I. Nos. 142, 753, 1900.                                              |
| c. 51 ... ..                        | Local Government Act, 1933.                                      | Certain M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>S. 109 extended ( <i>retrosp.</i> )<br>S. 159 (1). For purchase for improvement of highways, functions of M/Health trans. to M/Transport (1.5.51).<br>S. 305, definition of "Local government elector" and "Elector" modified. | S.I. Nos. 142, 751.<br>S.I. No. 369.                                   |
| 24 & 25 Geo. 5:<br>c. 7 ... ..      | Rural Water Supplies Act, 1934.                                  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                           | S.I. Nos. 142, 1900.                                                   |
| c. 26 ... ..                        | Licensing (Permitted Hours) Act, 1934.                           | Excluded (Isles of Scilly)                                                                                                                                                                                                                                                                                  | S.I. No. 808, art. 17.                                                 |
| c. 30 ... ..                        | Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.  | Ss. 1, 2 continued until 31.12.52.                                                                                                                                                                                                                                                                          | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                              |
| c. 40 ... ..                        | Administration of Justice (Appeals) Act, 1934.                   | Sch. Pt. I repealed in part                                                                                                                                                                                                                                                                                 | 64, s. 12 (2), sch. 3.                                                 |
| c. 50 ... ..                        | Road Traffic Act, 1934 ...                                       | S. 1 continued as amended until 31.12.52.                                                                                                                                                                                                                                                                   | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                              |
| c. 53 ... ..                        | County Courts Act, 1934                                          | S. 111 saved ... ..                                                                                                                                                                                                                                                                                         | 38, s. 18.                                                             |
| 25 & 26 Geo. 5:<br>c. 9 ... ..      | Herring Industry Act, 1935.                                      | S. 12 (2) amended ...                                                                                                                                                                                                                                                                                       | 30, s. 24.                                                             |
| c. 13 ... ..                        | Increase of Rent and Mortgage Interest (Restrictions) Act, 1935. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                           | S.I. Nos. 142, 1900.                                                   |
| c. 23 ... ..                        | Superannuation Act, 1935                                         | Extended... ..                                                                                                                                                                                                                                                                                              | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.                                 |
| c. 24 ... ..                        | Finance Act, 1935 ...                                            | S. 10 repealed ... ..                                                                                                                                                                                                                                                                                       | 43, s. 44 (9), sch. 7.                                                 |
| c. 34 ... ..                        | Isle of Man (Customs) Act, 1935.                                 | S. 19 (2) amended ... ..<br>S. 6 repealed ... ..                                                                                                                                                                                                                                                            | 43, s. 18 (5).<br>51, s. 3 (5).                                        |

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| 25 & 26 Geo. 5:<br>c. 40 ... ..          | Housing Act, 1935 ...                        | Ss. 37, 38, M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| c. 47 ... ..                             | Restriction of Ribbon Development Act, 1935. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 26 Geo. 5 &<br>1 Edw. 8:<br>c. 34 ... .. | Finance Act, 1936 ...                        | S. 5 (1) repealed ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 43, s. 44 (9), sch. 7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 40 ... ..                             | Midwives Act, 1936 ...                       | S. 2 (3) extended ...<br>Ss. 5 (8) (9), 6-10, 11 (2), sch. 2 repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 53, s. 33.<br>53, s. 34 (1) (2), sch. 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 43 ... ..                             | Tithe Act, 1936 ... ..                       | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 3 excld. ( <i>retrosp.</i> ) ...<br>S. 4 (2) amended ( <i>retrosp.</i> )<br>S. 4 (2) (b) repealed in part<br><br>S. 5 (4) repealed and alternative provision made.<br>S. 9 repealed ... ..<br><br>S. 10 extended ... ..<br>S. 10 (1) (c) substituted<br>S. 11 (2) extended ... ..<br>S. 12 (1) in part, 12 (2)-(6) repealed.<br>S. 13 (7) amended ... ..<br>S. 14 (4) amended ... ..<br>S. 14 (5) extended ... ..<br>amended ... ..<br>S. 15 amended ... ..<br><br>S. 16 (4)-(6) repealed ... ..<br>S. 16 (7) repealed in part<br><br>S. 16 (8) repealed ... ..<br><br>S. 18 repealed, and provision alternative to subss. (7)-(9) made.<br>Ss. 19, 20 repealed ... ..<br><br>S. 21 (1) extended ... ..<br>S. 25 (2) in part, 25 (4) (c), 25 (4) (d) in part, repealed.<br>S. 27 (2) extended ... ..<br>S. 29 (c) repealed in part<br><br>S. 29 (d) repealed ... ..<br><br>S. 34 extended ... ..<br>amended ... .. | S.I. Nos. 753, 1900.<br><br>62, s. 2 (3).<br>62, s. 1 (3).<br>62, s. 12 (3), sch. 2.<br><br>62, ss. 2 (1) (2), 12 (3), sch. 2.<br><br>62, s. 1 (1), 12 (3), sch. 2.<br>62, s. 3.<br>62, s. 10 (6).<br>62, s. 3.<br>62, s. 12 (3), sch. 2.<br>62, s. 11 (5) (b).<br>62, s. 11 (5) (b).<br>62, s. 3.<br>62, s. 11 (5) (b).<br>62, ss. 4, 11 (5) (b).<br><br>62, ss. 11 (6), 12 (3), sch. 2.<br>62, s. 12 (3), sch. 2.<br><br>62, ss. 11 (6), 12 (3), sch. 2.<br>62, ss. 5 (1) (4), 12 (3), schs. 1, 2.<br>62, ss. 10 (7), 12 (3), sch. 2.<br>62, s. 6.<br>62, s. 12 (3), sch. 2.<br><br>62, s. 8 (2).<br>62, s. 12 (3), sch. 2.<br><br>62, ss. 10 (8), 12 (3), sch. 2.<br>62, s. 10 (9).<br>62, s. 11 (5) (b). |

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| 26 Geo. 5 & 1 Edw. 8: c. 43 ... ..  | Tithe Act, 1936— <i>cont.</i>     | <p>S. 36 (1) repealed in part restricted ...</p> <p>S. 39 (1) (2) repealed in part.</p> <p>S. 39 (2) applied ...</p> <p>S. 39 (3) repealed in part</p> <p>S. 39 (4) repealed, and alternative provision made.</p> <p>Ss. 40 (1), 41 repealed in part.</p> <p>S. 42 (1) extended ...</p> <p>Ss. 42 (2), 43 repealed, and alternative provision made.</p> <p>S. 45 repealed ... ..</p> <p>S. 47 (1) amended ... repealed in part</p> <p>Sch. 4 amended ... paras. 2 (a), 3 repealed in part.</p> | <p>62, s. 12 (3), sch. 2.</p> <p>62, s. 10 (5).</p> <p>62, s. 12 (3), sch. 2.</p> <p>62, s. 1 (5).</p> <p>62, s. 12 (3), sch. 2.</p> <p>62, ss. 7 (4), 12 (3), sch. 2.</p> <p>62, s. 12 (3), sch. 2.</p> <p>S.I. No. 1535, rule 4 (3).</p> <p>62, ss. 7 (4), 12 (3), sch. 2.</p> <p>62, ss. 8 (1), 12 (3), sch. 2.</p> <p>62, s. 3 (5).</p> <p>62, s. 12 (3), sch. 2.</p> <p>62, s. 9.</p> <p>62, s. 12 (3), sch. 2.</p> |
| c. 45 ... ..                        | Isle of Man (Customs) Act, 1936.  | S. 3 continued until 1.8.52.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 51, s. 2 (1).                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 49 ... ..                        | Public Health Act, 1936           | <p>Modified ("elector" and "local government elector").</p> <p>Certain M/Health functions trans. to M/Housing and Local Govt. (30.1.51 and 1.5.51).</p> <p>Ss. 144-146 applied as modified (puerperal pyrexia).</p> <p>Ss. 283-5, 305 applied ...</p> <p>Sch. 1 para. 3 extended (<i>retrosp.</i>).</p>                                                                                                                                                                                        | <p>S.I. No. 369.</p> <p>S.I. Nos. 142, 753, 1900.</p> <p>S.I. No. 1081.</p> <p>40, ss. 8, 9.</p> <p>65, ss. 50 (2), 53.</p>                                                                                                                                                                                                                                                                                              |
| c. 50 ... ..                        | Public Health (London) Act, 1936. | <p>Certain M/Health functions trans. to M/Housing and Local Govt. (30.1.51 and 1.5.51).</p> <p>Ss. 18, 23 amended (<i>retrosp.</i>).</p> <p>S. 31 amended ... ..</p> <p>Ss. 37-41, 43 amended (<i>retrosp.</i>).</p> <p>Ss. 48-50 amended ...</p> <p>Ss. 48, 49, 53, 64 amended (<i>retrosp.</i>).</p> <p>S. 71 repealed ... ..</p> <p>S. 83 (2) amended (<i>retrosp.</i>).</p>                                                                                                                | <p>S.I. Nos. 142, 753, 1900.</p> <p>xli, ss. 6, 9, sch.</p> <p>xli, s. 10 (1) (3) (4).</p> <p>xli, ss. 6, 9, sch.</p> <p>xli, s. 7 (1).</p> <p>xli, ss. 6, 9, sch.</p> <p>xli, s. 5.</p> <p>xli, ss. 6, 9, sch.</p>                                                                                                                                                                                                      |



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| 26 Geo. 5 & 1 Edw. 8: c. 50 ... ..  | Public Health (London) Act, 1936— <i>cont.</i>        | S. 83 (3) repealed ...<br>Ss. 105, 107, 109 amended ( <i>retrosp.</i> ).<br>S. 136 repealed ...<br>Pt. XIV (ss. 273–309) to have effect as if incorporating 1951 c. xli, s. 8.                                                               | xli, s. 5.<br>xli, ss. 6, 9, sch. 63, s. 37.<br>xli, s. 8 (8).                                                   |
| c. 51 ... ..                        | Housing Act, 1936 ...                                 | S. 286 substituted and s. 286A inserted ( <i>retrosp.</i> ).<br>Modified (“elector” and “local government elector”).<br>M/Health functions (except under s. 67) trans. to M/Housing and Local Govt. (30.1.51).<br>Applicable by direction... | xli, ss. 6, 9, sch. S.I. No. 369.<br>S.I. Nos. 142, 1900.                                                        |
| c. 52 ... ..                        | Private Legislation Procedure (Scotland) Act, 1936.   | S. 5 applied ... ..                                                                                                                                                                                                                          | 61, s. 24 (2); 66, s. 30 (3).                                                                                    |
| C.A.M. No. 5                        | Ecclesiastical Commissioners (Powers) Measure, 1936.  | S. 5 applied ... ..                                                                                                                                                                                                                          | C.A.M. No. 5, s. 5 (1).                                                                                          |
| 1 Edw. 8 & 1 Geo. 6: c. 8 ... ..    | Beef and Veal Customs Duties Act, 1937.               | Certain duties reduced...                                                                                                                                                                                                                    | S.I. No. 1178.                                                                                                   |
| c. 30 ... ..                        | Maternity Services (Scotland) Act, 1937.              | Repealed... ..                                                                                                                                                                                                                               | 54, s. 36 (1) (2), sch. 2.                                                                                       |
| c. 32 ... ..                        | Civil List Act, 1937 ...                              | S. 13 extended ... ..                                                                                                                                                                                                                        | 50, s. 1.                                                                                                        |
| c. 33 ... ..                        | Diseases of Fish Act, 1937                            | S. 3 saved (S.) ... ..                                                                                                                                                                                                                       | 26, s. 6.                                                                                                        |
| c. 37 ... ..                        | Children and Young Persons (Scotland) Act, 1937.      | Ss. 12 (2) (a), 69 amended                                                                                                                                                                                                                   | S.I. No. 174.                                                                                                    |
| c. 38 ... ..                        | Ministers of the Crown Act, 1937.                     | S. 2 (2) substituted ...<br>S. 6 extended ... ..<br>S. 9 (1), proviso (c) amended<br>Sch. 2, certain words repealed                                                                                                                          | 9 (15 & 16 Geo. 6), s. 1 (1).<br>42, s. 3 (2).<br>9 (15 & 16 Geo. 6), s. 1 (2).<br>9 (15 & 16 Geo. 6), s. 1 (3). |
| c. 40 ... ..                        | Public Health (Drainage of Trade Premises) Act, 1937. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                            | S.I. Nos. 142, 1900.                                                                                             |
| c. 46 ... ..                        | Physical Training and Recreation Act, 1937.           | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                             | S.I. Nos. 753, 1900.                                                                                             |
| c. 54 ... ..                        | Finance Act, 1937 ...                                 | S. 19 (1) amended ...<br>S. 19 (5) restricted ...<br>S. 22 modified ( <i>temp.</i> ) ...<br>S. 31 extended ... ..                                                                                                                            | 43, s. 28, sch. 6.<br>43, s. 29 (1).<br>43, s. 28, sch. 6 para. 1 (4).<br>43, s. 33 (1) (2) (6).                 |
|                                     |                                                       | Sch. 4 paras. 2 and 7 amended.<br>para. 11 substituted                                                                                                                                                                                       | 43, s. 29 (2) (3).<br>43, s. 30.                                                                                 |

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| 1 Edw. 8 & 1 Geo. 6:                |                                                                  |                                                                                                                      |                                                                  |
| c. 60 ... ..                        | Rating and Valuation Act, 1937.                                  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                    | S.I. Nos. 142, 1900.                                             |
| c. 64 ... ..                        | Isle of Man (Customs) Act, 1937.                                 | S. 3 continued until 1.8.52.                                                                                         | 51, s. 2 (1).                                                    |
| c. 67 ... ..                        | Factories Act, 1937 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                             |
| c. 68 ... ..                        | Local Government Superannuation Act, 1937.                       | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                             |
| c. 69 ... ..                        | Local Government Superannuation (Scotland) Act, 1937.            | Applied ... ..<br>Sch. 1 Pt. I extended ...                                                                          | 65, s. 62 (4).<br>66, s. 14 (1).                                 |
| 1 & 2 Geo. 6:                       |                                                                  |                                                                                                                      |                                                                  |
| c. 12 ... ..                        | Population (Statistics) Act, 1938.                               | Temporary Act: see s. 7 (4). Continued as amended until 31.12.52.                                                    | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                        |
| c. 16 ... ..                        | Housing (Financial Provisions) Act, 1938.                        | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                    | S.I. Nos. 142, 1900.                                             |
| c. 26 ... ..                        | Increase of Rent and Mortgage Interest (Restrictions) Act, 1938. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                    | S.I. Nos. 142, 1900.                                             |
| c. 30 ... ..                        | Sea Fish Industry Act, 1938.                                     | Ss. 1-37, 39 (1), 60 in part, 61 (3), 62 (1) in part, Schedules 1-5, repealed.                                       | 30, s. 29 (2), sch. 5 Pt. I.                                     |
| c. 35 ... ..                        | Housing (Rural Workers) Amendment Act, 1938.                     | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                    | S.I. Nos. 142, 1900.                                             |
| c. 46 ... ..                        | Finance Act, 1938 ...                                            | S. 3 amended ... ..                                                                                                  | 43, s. 1 (1).                                                    |
| c. 54 ... ..                        | Architects Registration Act, 1938.                               | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                             |
| c. 56 ... ..                        | Food and Drugs Act, 1938.                                        | s. 39, Pt. V (ss. 44-63), ss. 75, 91-2 in part, 95, M/Health functions trans. to M/Housing and Local Govt. (1.5.51). | S.I. Nos. 753, 1900.                                             |
| c. 65 ... ..                        | Rating and Valuation (Air-Raid Works) Act, 1938.                 | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                    | S.I. Nos. 142, 1900.                                             |
| C.A.M. No. 4                        | Ecclesiastical Commissioners (Powers) Measure, 1938.             | S. 3 applied ... ..                                                                                                  | C.A.M. No. 5, s. 5 (1).                                          |
| 2 & 3 Geo. 6:                       |                                                                  |                                                                                                                      |                                                                  |
| c. 18 ... ..                        | Local Government Superannuation Act, 1939.                       | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                             |
| c. 20 ... ..                        | Reorganisation of Offices (Scotland) Act, 1939.                  | S. 3 repealed ... ..                                                                                                 | 30, ss. 28, 29 (2), sch. 5 Pt. I.                                |

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| 2 & 3 Geo. 6:<br>c. 31 ... ..       | Civil Defence Act, 1939                                               | S. 34, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                 | S.I. Nos. 753, 1900.                                                              |
| c. 38 ... ..                        | Ministry of Supply Act, 1939.                                         | S. 1 (3) (d) repealed ...<br>Ss. 2, 4, certain functions of M/Supply and B/Trade transferred to M/Materials.                                                                                                                                                            | 9 (15 & 16 Geo. 6), s. 1 (4), sch. S.I. No. 1242.                                 |
| c. 40 ... ..                        | London Government Act, 1939.                                          | M/Health functions (except under ss. 77-84 and in part ss. 100, 174 and 189) trans. to M/Housing and Local Govt. (30.1.51).<br>S. 80 extended ( <i>retrosp.</i> ).<br>S. 191 repealed ... ..<br>S. 206, definition of "Local government elector" or "elector" modified. | S.I. Nos. 142, 753, 1900.<br>65, ss. 50 (2), 53, xli, s. 32 (3).<br>S.I. No. 369. |
| c. 41 ... ..                        | Finance Act, 1939 ...                                                 | Sch. 3, para. 12 extended                                                                                                                                                                                                                                               | 43, s. 7, sch. 3, para. 2 (5).                                                    |
| c. 50 ... ..                        | Prevention of Violence (Temporary Provisions) Act, 1939.              | Temporary Act: see s. 5 (2). Continued until 31.12.52.                                                                                                                                                                                                                  | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                                         |
| c. 58 ... ..                        | Public Health (Coal Mine Refuse) Act, 1939.                           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                       | S.I. Nos. 142, 1900.                                                              |
| c. 71 ... ..                        | Rent and Mortgage Interest Restrictions Act, 1939.                    | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                       | S.I. Nos. 142, 1900.                                                              |
| c. 73 ... ..                        | Housing (Emergency Powers) Act, 1939.                                 | S. 3 and sch. 1 extended<br>M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                           | 65, s. 19 (3).<br>S.I. Nos. 142, 1900.                                            |
| c. 94 ... ..                        | Local Government Staffs (War Service) Act, 1939.                      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                        | S.I. Nos. 753, 1900.                                                              |
| c. 117 ... ..                       | National Loans Act, 1939                                              | Extended ... ..                                                                                                                                                                                                                                                         | 60, s. 5 (6).                                                                     |
| c. 119 ... ..                       | Chartered and Other Bodies (Temporary Provisions) Act, 1939.          | Expiry date (3.10.51) fixed                                                                                                                                                                                                                                             | S.I. No. 1777.                                                                    |
| 3 & 4 Geo. 6:<br>c. 7 ... ..        | Trade Boards and Road Haulage Wages (Emergency Provisions) Act, 1940. | Expiry date (3.10.51) fixed                                                                                                                                                                                                                                             | S.I. No. 1800.                                                                    |
| c. 25 ... ..                        | Post Office and Telegraph Act, 1940.                                  | S. 4 extended ... ..                                                                                                                                                                                                                                                    | 37, s. 1 (2).                                                                     |
| c. 56 ... ..                        | Workmen's Compensation and Benefit (Byssinosis) Act, 1940.            | S. 2 amended ... ..                                                                                                                                                                                                                                                     | 4 (15 & 16 Geo. 6), s. 5.                                                         |
| 4 & 5 Geo. 6:<br>c. 1 ... ..        | Scottish Fisheries Advisory Council Act, 1940.                        | Repealed ... ..                                                                                                                                                                                                                                                         | 30, ss. 28, 29 (2), sch. 5 Pt. I.                                                 |

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| 4 & 5 Geo. 6:<br>c. 30 ... ..       | Finance Act, 1941 ...                                  | S. 39 (1) modified ( <i>temp.</i> )                               | 43, s. 28 sch. 6 para. 1 (4).                                    |
| c. 34 ... ..                        | Repair of War Damage Act, 1941.                        | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 5 & 6 Geo. 6:<br>c. 32 ... ..       | Housing (Rural Workers) Act, 1942.                     | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| 6 & 7 Geo. 6:<br>c. 5 ... ..        | Minister of Town and Country Planning Act, 1943.       | Ss. 1, 2, 4 amended ...                                           | S.I. Nos. 142, 1900.                                             |
| c. 6 ... ..                         | Workmen's Compensation Act, 1943.                      | S. 2 (8) amended ...                                              | 4 (15 & 16 Geo. 6) s. 5.                                         |
| c. 26 ... ..                        | Telegraph Act, 1943 ...                                | Repealed... ..                                                    | 37, s. 2 (5).                                                    |
| c. 28 ... ..                        | Finance Act, 1943 ...                                  | S. 6 amended ... ..                                               | 43, s. 2.                                                        |
|                                     |                                                        | S. 16 (1) amended ...                                             | 43, s. 18 (4).                                                   |
|                                     |                                                        | Sch. 5 Pt. II amended ...                                         | 43, s. 2.                                                        |
|                                     |                                                        | Sch. 8 amended ...                                                | 43, s. 40.                                                       |
| c. 33 ... ..                        | Nurses (Scotland) Act, 1943.                           | Repealed... ..                                                    | 55, s. 35 (1), sch. 5.                                           |
| c. 35 ... ..                        | Foreign Service Act, 1943                              | Pt. I extended ... ..                                             | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.                           |
| c. 44 ... ..                        | Rent of Furnished Houses Control (Scotland) Act, 1943. | Temporary Act: see s. 10 (2). Continued as amended until 31.3.53. | 3 (15 & 16 Geo. 6), s. 1 (2), sch. Pt. II.                       |
| C.A.M. No. 3                        | Diocesan Education Committees Measure, 1943.           | S. 1 proviso substituted                                          | C.A.M. No. 1, s. 1.                                              |
|                                     |                                                        | S. 2 (1) (iv) amended ...                                         | C.A.M. No. 1, s. 2 (1).                                          |
|                                     |                                                        | S. 2 (4) added ... ..                                             | C.A.M. No. 1, s. 2 (2).                                          |
|                                     |                                                        | S. 4 substituted ... ..                                           | C.A.M. No. 1, s. 3.                                              |
| 7 & 8 Geo. 6:<br>c. 21 ... ..       | Pensions (Increase) Act, 1944.                         | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).  | S.I. Nos. 753, 1900.                                             |
| c. 23 ... ..                        | Finance Act, 1944 ...                                  | S. 4 repealed ... ..                                              | 43, ss. 13, 44 (9), sch. 7.                                      |
|                                     |                                                        | S. 11 restricted, s. 11 (2) amended.                              | 43, s. 6 (6).                                                    |
|                                     |                                                        | S. 25 (1) amended ...                                             | 56, s. 3.                                                        |
|                                     |                                                        | Pt. IV (ss. 27-31) saved                                          | 43, s. 37 (4).                                                   |
| c. 26 ... ..                        | Rural Water Supplies and Sewerage Act, 1944.           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
|                                     |                                                        | S. 1 (5) amended ...                                              | 45, s. 1.                                                        |
| c. 33 ... ..                        | Housing (Temporary Provisions) Act, 1944.              | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |
| c. 36 ... ..                        | Housing (Temporary Accommodation) Act, 1944.           | M/Health functions trans. to M/Housing and Local Govt. (30.1.51). | S.I. Nos. 142, 1900.                                             |

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| 7 & 8 Geo. 6:<br>c. 47 ... ..       | Town and Country Planning Act, 1944.                        | Act, as applied by the New Towns Act, 1946, amended.<br>Joint functions of M/Health and M/Housing and Local Govt. to be exercised by M/Housing and Local Govt. alone (1.5.51).<br>S. 19 applied as modified<br>S. 25 applied ... ..<br>Ss. 26, 27 extended ...<br>Sch. 4 Pt. I excluded (National Coal Board, planning proceedings only).<br>Sch. 5, M/Health functions trans. to M/Housing and Local Govt. (1.5.51). | S.I. Nos. 142, 1900.<br>S.I. Nos. 753, 1900.<br>60, s. 19 (1) (2).<br>60, s. 32 (3).<br>60, s. 32 (3).<br>S.I. No. 716, reg. 4.<br>S.I. Nos. 753, 1900.            |
| 8 & 9 Geo. 6:<br>c. 6 ... ..        | Nurses Act, 1945 ...                                        | Ss. 2, 3 in part, repealed                                                                                                                                                                                                                                                                                                                                                                                            | 55, s. 35 (1), sch. 5.                                                                                                                                             |
| c. 10 ... ..                        | Compensation of Displaced Officers (War Service) Act, 1945. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                      | S.I. Nos. 753, 1900.                                                                                                                                               |
| c. 15 ... ..                        | Licensing Planning (Temporary Provisions) Act, 1945.        | Temporary Act: see s. 15. Continued as amended until 31.3.53.<br>S. 14 (1) amended ...                                                                                                                                                                                                                                                                                                                                | 3 (15 & 16 Geo. 6), s. 1 (2), sch. Pt. II.<br>S.I. Nos. 142, 1900.                                                                                                 |
| c. 18 ... ..                        | Local Authorities Loans Act, 1945.                          | S. 1 continued until 31.12.52.                                                                                                                                                                                                                                                                                                                                                                                        | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                                                                                                                          |
| c. 19 ... ..                        | Ministry of Fuel and Power Act, 1945.                       | Sch. 2 repealed in part                                                                                                                                                                                                                                                                                                                                                                                               | 9 (15 & 16 Geo. 6), s. 1 (4), sch.                                                                                                                                 |
| c. 32 ... ..                        | Income Tax Act, 1945 ...                                    | Saved ... ..<br>Pts. I-III excluded in part ( <i>temp.</i> ).<br>Pt. VIII extended ( <i>temp.</i> )<br>S. 56 (2) (3) applied ...<br>S. 24 applied ... ..<br>Ss. 25, 26 extended ...<br>Sch. 4 Pt. I excluded (National Coal Board, planning proceedings only).<br>Sch. 4 Pt. II excluded (National Coal Board).                                                                                                       | 43, s. 37 (4).<br>43, s. 20 (1).<br>43, s. 20 (2).<br>43, s. 23 (3).<br>60, s. 32 (3) (4).<br>60, s. 32 (3) (4).<br>S.I. No. 725, reg. 4.<br>S.I. No. 725, reg. 6. |
| c. 33 ... ..                        | Town and Country Planning (Scotland) Act, 1945.             | S. 1 amended ... ..<br>S. 4 (3) amended ... ..<br>S. 4 (3) proviso excluded<br>Sch. 1, Pts. II and III amended.                                                                                                                                                                                                                                                                                                       | 61, s. 18.<br>61, s. 20.<br>60, s. 25 (2).<br>61, ss. 20, 21.                                                                                                      |
| c. 35 ... ..                        | Forestry Act, 1945 ...                                      | Ss. 3, 8, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                            | S.I. Nos. 753, 1900.                                                                                                                                               |
| c. 36 ... ..                        | Distribution of Industry Act, 1945.                         |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                    |

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| 8 & 9 Geo. 6:                       |                                                            |                                                                                   |                                                                  |
| c. 39 ... ..                        | Housing (Temporary Accommodation) Act, 1945.               | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                 | S.I. Nos. 142, 1900.                                             |
| c. 41 ... ..                        | Family Allowances Act, 1945.                               | Ss. 1 (2), 2 para. (b) amended.                                                   | S.I. Nos. 142, 1900.                                             |
| c. 42 ... ..                        | Water Act, 1945 ...                                        | Applied as modified (reciprocal arrangements, Guernsey).                          | S.I. No. 1101.                                                   |
| c. 43 ... ..                        | Requisitioned Land and War Works Act, 1945.                | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                 | S.I. Nos. 142, 1900.                                             |
|                                     |                                                            | S. 34 saved ... ..                                                                | 64, s. 11 (7).                                                   |
|                                     |                                                            | Ss. 8 (4) (5), 12 amended                                                         | S.I. Nos. 142, 1900.                                             |
|                                     |                                                            | Ss. 26, 52, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).      | S.I. Nos. 753, 1900.                                             |
|                                     |                                                            | Ss. 60 (2), 61 (8) amended                                                        | S.I. Nos. 142, 1900.                                             |
| 9 & 10 Geo. 6:                      |                                                            |                                                                                   |                                                                  |
| c. 10 ... ..                        | Supplies and Services (Transitional Powers) Act, 1945.     | Continued until 10.12.52                                                          | S.I. No. 2116.                                                   |
| c. 18 ... ..                        | Statutory Orders (Special Procedure) Act, 1945.            | S. 1 (1) extended ( <i>retrosp.</i> )                                             | 25, s. 1 (1).                                                    |
| c. 18 ... ..                        | Statutory Orders (Special Procedure) Act, 1945.            | Applied ... ..                                                                    | 61, s. 20 (2).                                                   |
| c. 18 ... ..                        | Statutory Orders (Special Procedure) Act, 1945.            | S. 2 as read with s. 10 applied.                                                  | 61, s. 24 (2); 66, s. 30 (3) (a).                                |
| c. 18 ... ..                        | Statutory Orders (Special Procedure) Act, 1945.            | S. 7, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).            | S.I. Nos. 753, 1900.                                             |
| c. 18 ... ..                        | Statutory Orders (Special Procedure) Act, 1945.            | S. 8 (2) amended ...                                                              | S.I. Nos. 142, 1900.                                             |
| c. 20 ... ..                        | Building Materials and Housing Act, 1945.                  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                 | S.I. Nos. 142, 1900.                                             |
| c. 26 ... ..                        | Emergency Laws (Transitional Provisions) Act, 1946.        | Ss. 3, 6, 9 continued until 10.12.52; s. 18 amended (powers ext. until 10.12.52). | S.I. No. 2117.                                                   |
| c. 31 ... ..                        | Ministers of the Crown (Transfer of Functions) Act, 1946.  | S. 7 (1) (b), certain words repealed.                                             | 9 (15 & 16 Geo. 6), s. 1 (4), sch.                               |
| c. 34 ... ..                        | Furnished Houses (Rent Control) Act, 1946.                 | Temporary Act: see s. 13 (3). Continued as amended until 31.3.53.                 | 3 (15 & 16 Geo. 6), s. 1 (2), sch. Pt. II.                       |
| c. 34 ... ..                        | Furnished Houses (Rent Control) Act, 1946.                 | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                 | S.I. Nos. 142, 1900.                                             |
| c. 35 ... ..                        | Building Restrictions (War-time Contraventions) Act, 1946. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                 | S.I. Nos. 142, 1900.                                             |
| c. 35 ... ..                        | Building Restrictions (War-time Contraventions) Act, 1946. | Ss 2 (10) (11), 8 (2), 9 (2) amended.                                             | S.I. Nos. 142, 1900.                                             |
| c. 36 ... ..                        | Statutory Instruments Act, 1946.                           | Applied ... ..                                                                    | 46, s. 22 (3); 62, s. 10 (10); 65, s. 57 (6).                    |
|                                     |                                                            | Applied (S). ... ..                                                               | 65, ss. 11 (3), 25 (5).                                          |

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| 7 & 8 Geo. 6:<br>c. 47 ... ..       | Town and Country Planning Act, 1944.                        | Act, as applied by the New Towns Act, 1946, amended.<br>Joint functions of M/Health and M/Housing and Local Govt. to be exercised by M/Housing and Local Govt. alone (1.5.51).<br>S. 19 applied as modified<br>S. 25 applied ... ..<br>Ss. 26, 27 extended ...<br>Sch. 4 Pt. I excluded (National Coal Board, planning proceedings only).<br>Sch. 5, M/Health functions trans. to M/Housing and Local Govt. (1.5.51). | S.I. Nos. 142, 1900.<br>S.I. Nos. 753, 1900.<br>60, s. 19 (1) (2).<br>60, s. 32 (3).<br>60, s. 32 (3).<br>S.I. No. 716, reg. 4.<br>S.I. Nos. 753, 1900. |
| 8 & 9 Geo. 6:<br>c. 6 ... ..        | Nurses Act, 1945 ...                                        | Ss. 2, 3 in part, repealed                                                                                                                                                                                                                                                                                                                                                                                            | 55, s. 35 (1), sch. 5.                                                                                                                                  |
| c. 10 ... ..                        | Compensation of Displaced Officers (War Service) Act, 1945. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                                      | S.I. Nos. 753, 1900.                                                                                                                                    |
| c. 15 ... ..                        | Licensing Planning (Temporary Provisions) Act, 1945.        | Temporary Act: see s. 15. Continued as amended until 31.3.53.                                                                                                                                                                                                                                                                                                                                                         | 3 (15 & 16 Geo. 6), s. 1 (2), sch. Pt. II.                                                                                                              |
| c. 18 ... ..                        | Local Authorities Loans Act, 1945.                          | S. 1 continued until 31.12.52.                                                                                                                                                                                                                                                                                                                                                                                        | S.I. Nos. 142, 1900.                                                                                                                                    |
| c. 19 ... ..                        | Ministry of Fuel and Power Act, 1945.                       | Sch. 2 repealed in part                                                                                                                                                                                                                                                                                                                                                                                               | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                                                                                                               |
| c. 32 ... ..                        | Income Tax Act, 1945 ...                                    | Saved ... ..<br>Pts. I-III excluded in part ( <i>temp.</i> ).                                                                                                                                                                                                                                                                                                                                                         | 9 (15 & 16 Geo. 6), s. 1 (4), sch. 43, s. 37 (4).<br>43, s. 20 (1).                                                                                     |
| c. 33 ... ..                        | Town and Country Planning (Scotland) Act, 1945.             | Pt. VIII extended ( <i>temp.</i> )<br>S. 56 (2) (3) applied ...<br>S. 24 applied ... ..<br>Ss. 25, 26 extended ...<br>Sch. 4 Pt. I excluded (National Coal Board, planning proceedings only).                                                                                                                                                                                                                         | 43, s. 20 (2).<br>43, s. 23 (3).<br>60, s. 32 (3) (4).<br>60, s. 32 (3) (4).<br>S.I. No. 725, reg. 4.                                                   |
| c. 35 ... ..                        | Forestry Act, 1945 ...                                      | Sch. 4 Pt. II excluded (National Coal Board).<br>S. 1 amended ... ..<br>S. 4 (3) amended ... ..<br>S. 4 (3) proviso excluded                                                                                                                                                                                                                                                                                          | S.I. No. 725, reg. 6.<br>61, s. 18.<br>61, s. 20.<br>60, s. 25 (2).<br>61, ss. 20, 21.                                                                  |
| c. 36 ... ..                        | Distribution of Industry Act, 1945.                         | Sch. 1, Pts. II and III amended.<br>Ss. 3, 8, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                        | S.I. No. 725, reg. 6.<br>61, s. 18.<br>61, s. 20.<br>60, s. 25 (2).<br>61, ss. 20, 21.                                                                  |
| c. 36 ... ..                        | Distribution of Industry Act, 1945.                         | Ss. 3, 8, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                                            | S.I. Nos. 753, 1900.                                                                                                                                    |

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| 9 & 10 Geo. 6:<br>c. 67 ... ..      | National Insurance Act, 1946.         | <p>S. 2 (3) substituted with saving.</p> <p>S. 17 (3) substituted ...</p> <p>S. 20 (2) (c) saved ...</p> <p>S. 20 (4) amended ...</p> <p>S. 20 (5) amended ...</p> <p>S. 21 (3) (c) added ...</p> <p>S. 23 (1) amended ...</p> <p>S. 23 (3) (b) substituted</p><br><p>S. 24 (1) proviso added ...</p> <p>S. 28 (1) extended ...</p> <p>S. 48 extended ...</p> <p>S. 65 (2) extended ...</p> <p>S. 69 (4) extended ...</p> <p>S. 71 (2) extended ...</p> <p>S. 74 saved ...</p> <p>Sch. 1 Pt V substituted</p> <p>Sch. 2 Pt I amended ...</p> | <p>34, s. 1 (1) (3).</p> <p>34, s. 2 (3).</p> <p>34, s. 7 (3).</p> <p>34, s. 4 (3) (5).</p> <p>34, s. 4 (6).</p> <p>34, s. 4 (4).</p> <p>34, s. 3 (2).</p> <p>34, s. 3, sch. para. 1.</p> <p>34, s. 6.</p> <p>34, s. 8 (2) (d).</p> <p>22, s. 3 (5), sch.</p> <p>34, s. 8 (2) (a).</p> <p>34, s. 8 (2) (c).</p> <p>34, s. 8 (2) (b).</p> <p>34, s. 8 (4).</p> <p>34, s. 1 (2).</p> <p>34, ss. 2 (1) (2), 3 (1) (3), 4 (1) (2), 5.</p> |
| c. 68 ... ..                        | New Towns Act, 1946 ...               | <p>Joint functions of M/Health and M/Housing and Local Govt. to be exercised by M/Housing and Local Govt. alone (1.5.51).</p> <p>Ss. 8, 9, M/Health functions trans. to M/Housing and Local Govt. (30.1.51).</p> <p>Ss. 25 (2), 26 (1) amended</p>                                                                                                                                                                                                                                                                                           | <p>S.I. Nos. 753, 1900.</p><br><p>S.I. Nos. 142, 1900.</p><br><p>S.I. Nos. 142, 1900.</p>                                                                                                                                                                                                                                                                                                                                             |
| c. 72 ... ..                        | Education (Scotland) Act, 1946.       | <p>Modified ("elector", etc.)</p> <p>S. 115, commencement date fixed (2.4.51).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>S.I. No. 506.</p> <p>S.I. No. 110.</p>                                                                                                                                                                                                                                                                                                                                                                                             |
| c. 73 ... ..                        | Hill Farming Act, 1946                | <p>Amended ... ..</p> <p>S. 1 (1) amended ...</p> <p>S. 1 (3) amended ...</p> <p>S. 1 (4) amended ...</p> <p>S. 2 (4) amended ...</p> <p>S. 3 (6) amended (E.W.) amended (S.) ...</p> <p>S. 13 amended ...</p> <p>S. 14 (3) amended ...</p> <p>S. 17 amended ...</p> <p>S. 18 (1) extended ...</p> <p>S. 33 (1)-(3), (5) repealed (E.W.)</p> <p>repealed (S.) ...</p> <p>S. 34 amended (E.W.) amended (S.) ...</p> <p>Sch. 1 amended ...</p>                                                                                                 | <p>18, ss. 1 (2) (b)-9 (4).</p> <p>18, s. 2.</p> <p>18, s. 1 (7) (a).</p> <p>18, s. 8.</p> <p>18, s. 3.</p> <p>18, s. 9 (3).</p> <p>18, s. 10 (3).</p> <p>18, s. 6.</p> <p>18, s. 8.</p> <p>18, s. 8.</p> <p>18, s. 8.</p> <p>18, s. 7 (1).</p> <p>18, s. 9 (2).</p> <p>18, s. 10 (2).</p> <p>18, s. 9 (5).</p> <p>18, s. 10 (4).</p> <p>18, s. 5.</p>                                                                                |
| c. 75 .. ...                        | Public Works Loans (No. 2) Act, 1946. | <p>S. 2 applied and amended</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>5(15 &amp; 16 Geo. 6), s. 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |



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| 9 & 10 Geo. 6:<br>c. 81 ... ..      | National Health Service Act, 1946.           | S. 1 amended ... ..<br>Pt. II (ss. 3-18) extended<br>S. 23 (1) (3) repealed ...<br><br>S. 53 explained ... ..<br>S. 67 (1) (b), M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 80 (3) extended ... | 31, ss. 1 (1), 5 (1).<br>31, s. 3.<br>53, s. 34 (1), sch. 2.<br>53, s. 27 (3).<br>S.I. Nos. 753, 1900.<br><br>31, s. 6 (3). |
| 10 & 11 Geo. 6:<br>c. 7 ... ..      | Pensions (Increase) Act, 1947.               | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                           | S.I. Nos. 753, 1900.                                                                                                        |
| c. 14 ... ..                        | Exchange Control Act, 1947.                  | Sch. 1 amended ... ..                                                                                                                                                                                                      | S.I. No. 2312.                                                                                                              |
| c. 19 ... ..                        | Polish Resettlement Act, 1947.               | S. 3 (2) (5) (7) (8) (9) (11), Sch., paras. 3, 4 amended.                                                                                                                                                                  | S.I. No. 174.                                                                                                               |
| c. 22 ... ..                        | Civic Restaurants Act, 1947.                 | S. 2, M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                    | S.I. Nos. 142, 1900.                                                                                                        |
| c. 26 ... ..                        | Cotton (Centralised Buying) Act, 1947.       | B/Trade functions trans. to M/Materials except that functions under ss. 5 and 6 and part of ss. 7 and 22 to be joint functions.                                                                                            | S.I. No. 1242.                                                                                                              |
| c. 27 ... ..                        | National Health (Scotland) Act, 1947.        | Modified ("elector", etc.)<br>S. 1 (2) amended ... ..<br>Pt. II (ss. 3-19) extended<br>S. 23 (1) repealed ...                                                                                                              | S.I. No. 506.<br>31, ss. 1 (1), 5 (1).<br>31, s. 3.<br>54, s. 36 (1), sch. 2.                                               |
| c. 29 ... ..                        | Penicillin Act, 1947 ...                     | S. 53 explained ... ..<br>S. 54 amended ... ..                                                                                                                                                                             | 54, s. 32 (3).<br>55, s. 22 (1).                                                                                            |
| c. 35 ... ..                        | Finance Act, 1947 ...                        | S. 1 (1) excluded ... ..<br>S. 1 (2) excluded ... ..<br>S. 7 (1) (2) repealed ...                                                                                                                                          | 13, s. 1 (1).<br>13, s. 1 (2).<br>43, s. 44 (9), sch. 7.                                                                    |
|                                     |                                              | S. 24 (1) amended ... ..<br>S. 30 (1) (2) (3) amended                                                                                                                                                                      | 43, s. 38.<br>43, s. 28 (1), sch. 6.                                                                                        |
|                                     |                                              | S. 31 modified ( <i>temp.</i> ) ...                                                                                                                                                                                        | 43, s. 28, sch. 6, para. 1 (4).                                                                                             |
|                                     |                                              | S. 35 (1) extended ... ..<br>S. 36 (3) amended ... ..                                                                                                                                                                      | 43, s. 31 (1) (2).<br>43, s. 28 (1) (2), sch. 6 para. 1 (2) (3).                                                            |
|                                     |                                              | S. 36 (4), 38 (2) amended ( <i>temp.</i> ).<br>Ss. 39, 40 modified ( <i>temp.</i> )                                                                                                                                        | 43, s. 28, sch. 6 para. 1 (3).<br>43, s. 28, sch. 6 para. 1 (4).                                                            |
|                                     |                                              | S. 47 applied as modified<br>Sch. 9 Pt. 1 para. 3 modified ( <i>temp.</i> ).                                                                                                                                               | 43, s. 29 (3).<br>43, s. 28, sch. 6 para. 1 (4).                                                                            |
| c. 36 ... ..                        | Education (Exemptions) (Scotland) Act, 1947. | Temporary Act: see s. 2 (2). Continued until 31.12.52.                                                                                                                                                                     | 3 (15 & 16 Geo. 6), s. 1 (1), sch. Pt. I.                                                                                   |

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| 10 & 11 Geo. 6:<br>c. 39 ... ..     | Statistics of Trade Act, 1947.                                      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 1 applied ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | S.I. Nos. 753, 1900.<br>42, s. 1, sch.<br>42, s. 1, sch.                                                                                                                                                                                                                                                                                                                                                                              |
| c. 40 ... ..                        | Industrial Organisation and Development Act, 1947.                  | Act, except ss. 10, 11 and 13, applied (Minister of Materials).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 41 ... ..                        | Fire Services Act, 1947 ...                                         | S. 3, M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>S. 14, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 26 extended ... ..<br>S. 26 (2) (aa) added ... ..<br>S. 26 (2) (d) (e) amended<br>S. 27 amended ... ..<br>S. 27 (5) extended ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | S.I. Nos. 753, 1900.<br>27, s. 1 (1).<br>65, ss. 42 (1), 44 (1).<br>27, s. 1 (3).<br>27, s. 2 (1)-(3).<br>27, s. 2 (4).<br>54, s. 32 (2); 66, s. 9 (2).                                                                                                                                                                                                                                                                               |
| c. 42 ... ..                        | Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947. | Applied ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | S.I. No. 1331, art. 7 (8).                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 43 ... ..                        | Local Government (Scotland) Act, 1947.                              | S. 52 (1) (b) (c) applied (regional nurse-training committees).<br>S. 87 (7) extended (retrosp.).<br>Ss. 95-97 applied ... ..<br>Pt. IX (ss. 174-195), applied as modified.<br>S. 191 (3) (a) amended ... ..<br>S. 191 (3), proviso (iii) added.<br>Pt. X (ss. 196-208) applied as modified.<br>Ss. 216, 219 applied ... ..<br>S. 225(1) proviso amended<br>Pt. XII (ss. 258-296) applied as modified.<br>S. 259 (2) amended (temp.)<br>S. 301 applied as modified modified ... ..<br>Ss. 302, 303 applied as modified.<br>S. 304 applied ... ..<br>S. 349 applied ... ..<br>S. 354 applied ... ..<br>S. 355 (2)-(9) applied ... ..<br>S. 356 applied ... ..<br>S. 363 applied ... ..<br>S. 379 (1), definition of "local government elector" or "elector" modified.<br>Sch. 3 Pt. IV applied as modified (probation committees). | 65, ss. 50 (2), 53.<br>66, s. 10 (1).<br>66, s. 8.<br>15, s. 1 para. (1).<br>15, s. 1 para. (2).<br>66, s. 8.<br>66, s. 6 (2).<br>15, s. 2.<br>66, s. 7 (3).<br>15, s. 4.<br>66, s. 11 (1) (2).<br>66, s. 26 (5).<br>66, s. 11 (1) (2).<br>66, s. 13 (a).<br>65, ss. 16 (8), 24 (h); 66, s. 13 (b).<br>66, s. 13 (c).<br>21, s. 1 (4); 66, s. 30 (2).<br>66, s. 13 (d).<br>66, s. 13 (e).<br>S.I. No. 506.<br>S.I. No. 1261, reg. 14. |

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| 10 & 11 Geo. 6:<br>c. 48 ... ..     | Agriculture Act, 1947 ...            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                       | S.I. Nos. 753, 1900.                                             |
|                                     |                                      | S. 4 (2), period extended                                                                                              | S.I. No. 1342.                                                   |
|                                     |                                      | S. 21 (1) (2) extended ...                                                                                             | 60, s. 20 (5).                                                   |
|                                     |                                      | S. 72 extended ... ..                                                                                                  | 18 s. 9 (1).                                                     |
|                                     |                                      | explained ... ..                                                                                                       | 65, s. 21 (7).                                                   |
|                                     |                                      | S. 84 (1) extended ...                                                                                                 | 60, s. 23 (1).                                                   |
| c. 49 ... ..                        | Transport Act, 1947 ...              | Sch. 2, paras. 1, 4 applied                                                                                            | 60, s. 21 (1).                                                   |
|                                     |                                      | S. 52 (1) proviso (a) restricted.                                                                                      | 30, s. 5 (3).                                                    |
|                                     |                                      | S. 73, appointed day fixed (15.8.51).                                                                                  | S.I. No. 1467.                                                   |
|                                     |                                      | S. 97 (3), appointed day fixed (1.8.51).                                                                               | S.I. No. 1356.                                                   |
| c. 50 ... ..                        | Isle of Man (Customs) Act, 1947.     | S. 4 continued until 1.8.52                                                                                            | 51, s. 2 (1).                                                    |
|                                     |                                      |                                                                                                                        |                                                                  |
| c. 51 ... ..                        | Town and Country Planning Act, 1947. | Joint functions of M/Health and M/Housing and Local Govt. to be exercised by M/Housing and Local Govt. alone (1.5.51). | S.I. Nos. 753, 1900.                                             |
|                                     |                                      | S. 1 amended ... ..                                                                                                    | S.I. Nos. 142, 1900.                                             |
|                                     |                                      | Ss. 5 (2) (b), 9 applied (National Coal Board).                                                                        | S.I. No. 716, reg. 3.                                            |
|                                     |                                      | S. 12 (2) proviso (a) excluded ( <i>retrosp.</i> ).                                                                    | 19, s. 1 (1) (3).                                                |
|                                     |                                      | S. 12 (2) proviso (c) applied National Coal Board).                                                                    | S.I. No. 716, reg. 3.                                            |
|                                     |                                      | S. 22 amended ... ..                                                                                                   | 60, s. 6 (5).                                                    |
|                                     |                                      | S. 23 (1) amended ( <i>retrosp.</i> ).                                                                                 | 19, s. 2.                                                        |
|                                     |                                      | S. 28 amended ... ..                                                                                                   | 61, ss. 13, 27 (1),                                              |
|                                     |                                      | Ss. 35 (2), 37 applied as modified (National Coal Board).                                                              | S.I. No. 716, reg. 3.                                            |
|                                     |                                      | S. 39 applied ... ..                                                                                                   | 60, s. 17 (4).                                                   |
|                                     |                                      | S. 42, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                | S.I. Nos. 753, 1900.                                             |
|                                     |                                      | Ss. 45 (5) as modified, 45 (7) (b) applied (National Coal Board).                                                      | S.I. No. 716, reg. 3.                                            |
|                                     |                                      | S. 49 amended ... ..                                                                                                   | 60, ss. 32 (1) (2), 40 (6).                                      |
|                                     |                                      | S. 49 (2)-(6) (9) extended                                                                                             | 25, s. 2 (6).                                                    |
|                                     |                                      | S. 49 (6) repealed ...                                                                                                 | 60, s. 43 (3).                                                   |
|                                     |                                      | S. 51 (4) amended ...                                                                                                  | 60, s. 6 (5).                                                    |
|                                     |                                      | S. 57 (1) applied (National Coal Board).                                                                               | S.I. No. 716, reg. 3.                                            |
|                                     |                                      | S. 58 extended ... ..                                                                                                  | 60, ss. 5 (4), 29 (2).                                           |
|                                     |                                      | S. 65 amended ... ..                                                                                                   | 60, s. 29 (3).                                                   |
|                                     |                                      | S. 65 (2) extended ...                                                                                                 | 60, s. 5 (4).                                                    |
|                                     |                                      | Ss. 66, 67 amended ...                                                                                                 | 60, s. 29 (3).                                                   |

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| 10 & 11 Geo. 6:<br>c. 51 ... ..     | Town and Country Planning Act, 1947— <i>cont.</i> | <p>S. 68 applied ... ..</p> <p>amended ... ..</p> <p>S. 70 (2) extended ... ..</p> <p>S. 73 amended ... ..</p> <p>S. 81 extended ... ..</p> <p>extended (<i>retrosp.</i>) ... ..</p> <p>S. 81 (3) repealed ... ..</p> <p>S. 84 applied as modified (National Coal Board).</p> <p>S. 88 extended ... ..</p> <p>S. 90 amended ... ..</p> <p>S. 98 (1) applied (National Coal Board).</p> <p>S. 102, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).</p> <p>S. 103 (4)–(6) (9) applied</p> <p>S. 103 (9) proviso applied as modified (National Coal Board).</p> <p>S. 105 applied ... ..</p> <p>S. 110 applied ... ..</p> <p>S. 114, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).</p> <p>S. 119 (1) (b) amended...</p> <p>S. 119 (2) applied as modified (National Coal Board).</p> <p>Sch. 3 Pt. I, para. 1 extended (<i>retrosp.</i>).</p> <p>Sch. 5 applied as modified (National Coal Board).</p> <p>Sch. 6 applied and extended.</p> | <p>60, s. 5 (7).</p> <p>60, s. 29 (3).</p> <p>60, s. 14 (1).</p> <p>60, s. 14 (2).</p> <p>60, s. 29 (1) (3).</p> <p>60, s. 31 (2).</p> <p>60, s. 43 (3).</p> <p>S.I. No. 716, reg. 3.</p> <p>60, s. 29 (5).</p> <p>60, s. 31 (3).</p> <p>S.I. No. 716, reg. 3.</p> <p>S.I. Nos. 753, 1900.</p> <p>60, s. 37 (1).</p> <p>S.I. No. 716, reg. 3.</p> <p>60, s. 35.</p> <p>60, s. 37 (3).</p> <p>S.I. Nos. 753, 1900.</p> <p>S.I. Nos. 142, 1900.</p> <p>S.I. No. 716, reg. 3.</p> <p>19, s. 1 (2) (3).</p> <p>S.I. No. 716, reg. 3.</p> <p>25, s. 2 (6).</p> |
| e. 53 ... ..                        | Town and Country Planning (Scotland) Act, 1947.   | <p>Modified (“elector”, etc.)</p> <p>Ss. 3 (2) (b), 7 applied (National Coal Board).</p> <p>S. 10 (2) proviso (a) excluded (<i>retrosp.</i>).</p> <p>S. 10 (2) proviso (c) applied (National Coal Board).</p> <p>S. 26 amended ... ..</p> <p>Ss. 32 (2) as modified, 34 as modified, 42 (5) as modified, 42 (7) (b) applied (National Coal Board).</p> <p>S. 46 amended ... ..</p> <p>S. 46 (2)–(6) (9) extended</p> <p>S. 46 (6) repealed ... ..</p> <p>S. 54 (1) applied (National Coal Board).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>S.I. No. 506.</p> <p>S.I. No. 725, reg. 3.</p> <p>19, s. 3 (1) (3).</p> <p>S.I. No. 725, reg. 3.</p> <p>61, ss. 13, 24 (1) (f), 27 (1).</p> <p>S.I. No. 725, reg. 3.</p> <p>60, ss. 32 (1) (2) (4), 40 (6).</p> <p>25, s. 2 (6) (10).</p> <p>60, s. 43 (3).</p> <p>S.I. No. 725, reg. 3.</p>                                                                                                                                                                                                                                                           |

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| 10 & 11 Geo. 6:<br>c. 53 ... ..     | Town and Country Planning (Scotland) Act, 1947— <i>cont.</i> | S. 55 extended ... ..<br>Ss. 62–65 amended ... ..<br>S. 78 extended ... ..<br>extended ( <i>retrosp.</i> )<br>S. 78 (3) repealed ... ..<br>S. 81 applied as modified (National Coal Board).<br>S. 86 amended ... ..<br>Ss. 94 (1), 99 (9) proviso as modified, 113 (2) as modified, applied (National Coal Board).<br>Sch. 3, Pt. I, para. 1 extended ( <i>retrosp.</i> ).<br>Sch. 5 applied as modified (National Coal Board).<br>Sch. 6 applied and extended. | 60, s. 29 (2) (4).<br>60, s. 29 (3) (4).<br>60, s. 29 (1) (3) (4).<br>60, s. 31 (2) (4).<br>60, s. 43 (3).<br>S.I. No. 725, reg. 3.<br>60, s. 31 (3) (4).<br>S.I. No. 725, reg. 3.<br><br>19, s. 3 (2) (3).<br><br>S.I. No. 725, reg. 3.<br>25, s. 2 (6) (10). |
| c. 54 ... ..                        | Electricity Act, 1947 ...                                    | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                                                                                                                                                                               | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                           |
| C.A.M. No. 2                        | Church Commissioners Measure, 1947.                          | S. 10 (5) excluded ...                                                                                                                                                                                                                                                                                                                                                                                                                                          | C.A.M. No. 5, s. 3.                                                                                                                                                                                                                                            |
| 11 & 12 Geo. 6:<br>c. 5 ... ..      | Ministers of the Crown (Treasury Secretaries) Act, 1947.     | S. 1 (b) repealed ...                                                                                                                                                                                                                                                                                                                                                                                                                                           | 9(15 & 16 Geo. 6), s. 1 (4), sch.                                                                                                                                                                                                                              |
| c. 15 ... ..                        | Overseas Resources Development Act, 1948.                    | Amended ... ..<br>S. 3 amended ... ..<br>S. 4 (1), (2) in part, repealed.<br>S. 5 saved ... ..<br>S. 6 (2) repealed ... ..<br>Ss. 11, 12, 14, 15, 17 amended.<br>S. 18 saved ... ..<br>Sch., paras. 5, 6 amended<br>Sch., para. 9 amended ...                                                                                                                                                                                                                   | 20, s. 1 (1) (2) (4).<br>20, s. 2 (2).<br>20, s. 2 (4).<br>20, s. 1 (4).<br>20, s. 1 (2).<br>20, s. 3 (6).<br>20, ss. 1 (4), 4 (5).<br>20, s. 2 (4).<br>20, s. 3 (6).                                                                                          |
| c. 21 ... ..                        | Army and Air Force (Women's Service) Act, 1948.              | S. 3 (1) extended ...                                                                                                                                                                                                                                                                                                                                                                                                                                           | 8(15 & 16 Geo. 6), s. 4 (4).                                                                                                                                                                                                                                   |
| c. 22 ... ..                        | Water Act, 1948 ...                                          | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                                                                                                                                                                               | S.I. Nos. 142, 1900.                                                                                                                                                                                                                                           |
| c. 24 ... ..                        | Police Pensions Act, 1948                                    | S. 1 (2) amended ... ..<br>extended ... ..<br><br>S. 8 (1) amended ...                                                                                                                                                                                                                                                                                                                                                                                          | 65, s. 43 (1).<br>65, ss. 43 (2), 44 (1).<br>65, s. 43 (3).                                                                                                                                                                                                    |
| c. 26 ... ..                        | Local Government Act, 1948.                                  | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>S. 34 (1) (2) amended ...<br>Pt. VI (ss. 111–119) applied.                                                                                                                                                                                                                                                                                                                                 | S.I. Nos. 142, 1900.<br><br>S.I. No. 2105.<br>7(15 & 16 Geo. 6), s. 1 (5).                                                                                                                                                                                     |

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| 11 & 12 Geo. 6:<br>c. 29 ... ..     | National Assistance Act, 1948.                       | S. 9 (1) modified ( <i>temp.</i> )<br>S. 13 extended ... ..<br>S. 47 amended ... ..<br>S. 64 (1) (definition of "requirements") amended ( <i>temp.</i> ).                                                                                                                                                                                                                          | 31, ss. 4 (2), 5 (1), 22, s. 3 (5), sch. 57, s. 1.<br>31, ss. 4 (2), 5 (1).                                                                                                                                                                                                                                              |
| c. 32 ... ..                        | River Boards Act, 1948                               | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>Extended ... ..<br>Ss. 4 (1) in part, 5 (1) (b) repealed.<br>S. 9 (1) extended ... ..<br>S. 15 extended ... ..<br>Ss. 16, 17 extended ... ..<br>S. 18 (4) modified ... ..<br>S. 22 saved ... ..<br>S. 34 restricted ... ..<br>S. 37 (1), sch. 3 paras. 2 in part, 10 in part, 14 with saving, 15, 16 repealed | S.I. Nos. 142, 1900.<br>64, s. 1 (2), sch. 2 para. 2 (1).<br>64, s. 12 (2), sch. 3.<br>64, s. 1 (2), sch. 2 para. 1 (1).<br>64, s. 1 (2), sch. 2 para. 2 (2).<br>64, s. 1 (2), sch. 2 para. 3.<br>64, s. 1 (2), sch. 2 para. 4 (1) (2).<br>64, s. 11 (5).<br>64, s. 1 (2), sch. 2 para. 4 (3).<br>64, s. 12 (2), sch. 3. |
| c. 33 ... ..                        | Superannuation (Miscellaneous Provisions) Act, 1948. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                                   | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                     |
| c. 38 ... ..                        | Companies Act, 1948 ...                              | S. 1 extended as modified<br>S. 1 (7) amended ... ..<br>Ss. 119-121 extended (Tanganyika).                                                                                                                                                                                                                                                                                         | 65, ss. 41, 44.<br>65, s. 41 (2).<br>S.I. No. 752.                                                                                                                                                                                                                                                                       |
| c. 43 ... ..                        | Children Act, 1948 ...                               | S. 56, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                                                                                                                                            | S.I. Nos. 753, 1900.                                                                                                                                                                                                                                                                                                     |
| c. 45 ... ..                        | Agriculture (Scotland) Act, 1948.                    | S. 68 extended ... ..<br>S. 69 explained ... ..                                                                                                                                                                                                                                                                                                                                    | 18, s. 10 (1).<br>65, ss. 21 (7), 24 (c).                                                                                                                                                                                                                                                                                |
| c. 49 ... ..                        | Finance Act, 1948 ...                                | S. 8 (1) repealed ... ..<br>S. 78 amended ... ..<br>Sch. 8, Part I:<br>group 1 amended ... ..<br>groups 4, 5 amended ... ..<br>group 6 amended ... ..<br>group 11 amended... ..<br>group 12 amended... ..<br>group 14 amended... ..<br>groups 18, 20, 23 amended.<br>group 30 amended... ..<br>group 31 amended... ..<br>group 33 amended... ..<br>group 35 amended... ..          | 43, s. 44 (9), sch. 7.<br>43, s. 39.<br>S.I. No. 1645.<br>43, s. 15.<br>43, s. 15; S.I. No. 1832.<br>43, s. 15.<br>43, s. 15; S.I. No. 397.<br>S.I. No. 271.<br>43, s. 15.<br>S.I. No. 459.<br>43, s. 15.<br>S.I. No. 1357.<br>43, s. 15.                                                                                |

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| 11 & 12 Geo. 6:<br>c. 56 ... ..     | British Nationality Act, 1948.                                        | S. 3 (2) extended ...                                                                                                                                                                                                                                                                                 | S.I. Nos. 1392<br>s. 1 (6), 1393<br>s. 1 (7), 1394<br>s. 1 (7).                                                                                                                           |
| c. 58 ... ..                        | Criminal Justice Act, 1948.                                           | S. 52 extended ... ..                                                                                                                                                                                                                                                                                 | 46, s. 17.                                                                                                                                                                                |
| c. 61 ... ..                        | Isle of Man (Customs) Act, 1948.                                      | Ss. 1, 2, 5 (2) continued until 1.8.52.                                                                                                                                                                                                                                                               | 51, s. 2 (1).                                                                                                                                                                             |
| c. 63 ... ..                        | Agricultural Holdings Act, 1948.                                      | Provisions as to notices to quit excluded.<br>Provisions as to compensation explained.<br>S. 9 (1) (d) amended ...<br>S. 11 excluded ... ..<br>Ss. 24, 25: Power to modify.<br>Ss. 24-26 restricted ... applied as modified<br>Sch. 4, Pt. II, new para. added with consequential temp. mods. to Act. | 60, s. 22 (3).<br>60, s. 22 (4).<br>18, s. 1 (2) (b).<br>60, s. 21 (2).<br>65, ss. 21, 22 (4).<br>60, s. 24.<br>65, ss. 21, 22 (4).<br>S.I. No. 2168.                                     |
| c. 64 ... ..                        | National Service Act, 1948.                                           | S. 8 (2) applied ... ..<br>S. 8 (9) applied ... ..<br>S. 50 modified ... ..<br>S. 51 applied as modified modified ... ..<br>S. 52 applied as modified<br>S. 55 extended ... ..<br>Sch. 1 amended ... ..                                                                                               | 23, s. 3 (5).<br>23, s. 3 (7).<br>23, s. 14 (3).<br>23, s. 8 (1), sch.<br>23, s. 14 (3).<br>23, s. 8 (1), sch.<br>23, ss. 3 (7), 11.<br>S.I. Nos. 320-327, 431, 432, 756-758, 1236, 1390. |
| c. 65 ... ..                        | Representation of the People Act, 1948.                               | S. 10 applied (Min. of Materials).                                                                                                                                                                                                                                                                    | 42, s. 1, sch.                                                                                                                                                                            |
| c. 66 ... ..                        | Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948. | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                                                                     | S.I. Nos. 142, 1900.                                                                                                                                                                      |
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| 12, 13 & 14 Geo. 6:<br>c. 5 ... ..  | Civil Defence Act, 1948                                               | Designation of "designated Minister" varied.                                                                                                                                                                                                                                                          | S.I. Nos. 755, 1900.                                                                                                                                                                      |
| c. 14 ... ..                        | Export Guarantees Act, 1949.                                          | Extended ( <i>retrosp.</i> ) ...                                                                                                                                                                                                                                                                      | 17, s. 1.                                                                                                                                                                                 |
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| c. 41 ... ..                        | Ireland Act, 1949 ... ..                              | ...                                                                                                                                                                                                  | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.<br>46, s. 34 (4) (a).<br>43, s. 44 (9), sch. 7.<br>43, s. 33 (1) (2) (6)<br>43, s. 44 (9), sch. 7.                                                     |
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| c. 47 ... ..                        | Finance Act, 1949 ... ..                              | S. 41 extended ... ..<br>S. 7 (1) (2) (4) repealed ... ..<br><br>S. 31 extended ... ..<br>Sch. 5 repealed ... ..                                                                                     | S.I. No. 967.                                                                                                                                                                                 |
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| c. 55 ... ..                        | Prevention of Damage by Pests Act, 1949.              | Applied as modified (shipping).                                                                                                                                                                      | S.I. Nos. 142, 1900.                                                                                                                                                                          |
| c. 58 ... ..                        | Isle of Man (Customs) Act, 1949.                      | Ss. 1-3 continued until 1.8.52.<br>S. 4 repealed ... ..<br>S. 5 continued until 1.8.52                                                                                                               | S.I. No. 1348.                                                                                                                                                                                |
| c. 59 ... ..                        | Licensing Act, 1949 ... ..                            | Commencement date fixed for Pt. II (except s. 15) (incl. repeal of enactments in Sch. 4 Part II) (1.1.52).<br>Ss. 3 (5), 34 (2) (3), 42 (3) amended.                                                 | S.I. No. 142, 1900.                                                                                                                                                                           |
| c. 60 ... ..                        | Housing Act, 1949 ... ..                              | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).<br>Ss. 3 (1) (2), 50 (1) amended.                                                                                                  | S.I. Nos. 142, 1900.                                                                                                                                                                          |
| c. 63 ... ..                        | Legal Aid and Solicitors (Scotland) Act, 1949.        | S. 22, appointed day fixed (1.11.51).                                                                                                                                                                | S.I. No. 1348.                                                                                                                                                                                |
| c. 64 ... ..                        | Profits Tax Act, 1949 ... ..                          | S. 1. New rates (with transitional provisions) enacted.<br>Sch. applied as modified ( <i>temp.</i> ).                                                                                                | 43, ss. 28 (1) (2), sch. 6.<br>43, ss. 28 (2), sch. 6 para. 1 (4).                                                                                                                            |
| c. 66 ... ..                        | House of Commons (Redistribution of Seats) Act, 1949. | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                     | S.I. Nos. 753, 1900.                                                                                                                                                                          |
| c. 67 .. ...                        | Civil Aviation Act, 1949                              | S. 19, M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>S. 63 (1) amended ... ..                                                                                                  | S.I. Nos. 753, 1900.<br>S.I. Nos. 753, 1900.                                                                                                                                                  |



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| c. 74 ... ..                        | Coast Protection Act, 1949.                             | M/Health functions trans. to M/Housing and Local Govt. (30.1.51).                                                                                                                                                                                             | S.I. No. 142, 1900.                                                                        |
| c. 75 ... ..                        | Agricultural Holdings (Scotland) Act, 1949.             | S. 8 (1) (d) amended ...<br>Ss. 25-27 applied as modified.                                                                                                                                                                                                    | 18, s. 1 (2) (b).<br>65, ss. 21, 22 (4), 24 (b).                                           |
| c. 84 ... ..                        | War Damaged Sites Act, 1949.                            | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                                                                                                                                                              | S.I. Nos. 753, 1900.                                                                       |
| c. 87 ... ..                        | Patents Act, 1949 ...                                   | S. 49 (2), period of emergency extended to 10.12.52.                                                                                                                                                                                                          | S.I. No. 2123.                                                                             |
| c. 88 ... ..                        | Registered Designs Act, 1949.                           | Sch. 1, para. 4 (2), period of emergency extended to 10.12.52.                                                                                                                                                                                                | S.I. No. 2122.                                                                             |
| c. 90 ... ..                        | Election Commissioners Act, 1949.                       | S. 19 (1), definition of "elector" modified.                                                                                                                                                                                                                  | S.I. Nos. 369, 506.                                                                        |
| c. 92 ... ..                        | India (Consequential Provisions) Act, 1949.             | S. 1 (1) extended ...                                                                                                                                                                                                                                         | S.I. No. 1392, s. 1 (6).<br>1393, s. 1 (7).<br>1394, s. 1 (7).                             |
| c. 93 ... ..                        | National Health Service (Amendment) Act, 1949.          | S. 29 (2) repealed (E.) ...<br>repealed (S.) ...                                                                                                                                                                                                              | 53, s. 34 (1), sch. 2.<br>54, s. 36 (1), sch. 2.                                           |
|                                     |                                                         | S. 29 (4) repealed ...                                                                                                                                                                                                                                        | 54, s. 36 (1), sch. 2.                                                                     |
|                                     |                                                         | Sch., 4th para. repealed                                                                                                                                                                                                                                      | 53, s. 34 (1), sch. 2.                                                                     |
| c. 94 ... ..                        | Criminal Justice (Scotland) Act, 1949.                  | S. 53 extended ... ..                                                                                                                                                                                                                                         | 46, s. 17.                                                                                 |
| c. 95 ... ..                        | Nurses (Scotland) Act, 1949.                            | Repealed... ..                                                                                                                                                                                                                                                | 55, s. 35 (1), sch. 5.                                                                     |
| c. 97 ... ..                        | National Parks and Access to the Countryside Act, 1949. | Joint functions of M/Health and M/Housing and Local Govt. to be exercised by M/Housing and Local Govt. alone (1.5.51).<br>S. 114 (1) amended ...                                                                                                              | S.I. Nos. 753, 1900.<br>S.I. Nos. 142, 1900.                                               |
| c. 99 ... ..                        | Married Women (Maintenance) Act, 1949.                  | S. 2 extended ... ..                                                                                                                                                                                                                                          | 56, s. 2 (2).                                                                              |

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| 12, 13 & 14 Geo. 6:<br>c. 101 ... .. | Justices of the Peace Act, 1949.                               | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).<br>Commencement dates fixed for certain provisions. | S.I. Nos. 753, 1900.                                                               |
| c. 102... ..                         | Festival of Britain (Supplementary Provisions) Act, 1949.      | S. 23 (8) (b) extended ...<br>Sch. 5, Pt. II, para. 13 (1), proviso (ii) extended.                                   | S.I. Nos. 1182, 1941.                                                              |
| c. 102... ..                         | Festival of Britain (Supplementary Provisions) Act, 1949.      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | 65, s. 62 (2).<br>65, s. 62 (3).                                                   |
| c. 102... ..                         | Festival of Britain (Supplementary Provisions) Act, 1949.      | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                                               |
| 14 Geo. 6:<br>c. 13 ... ..           | Midwives (Amendment) Act, 1950.                                | Repealed (E.) ... ..                                                                                                 | 53, s. 34 (1) (2), sch. 2.                                                         |
| c. 13 ... ..                         | Midwives (Amendment) Act, 1950.                                | Repealed (S.) ... ..                                                                                                 | 54, s. 36 (1) (2), sch. 2.                                                         |
| c. 15 ... ..                         | Finance Act, 1950 ... ..                                       | S. 1 (1) amended ... ..<br>S. 1 (2) (a) (b) amended ... ..<br>S. 2 (5) extended ... ..<br>Ss. 4, 14, repealed ... .. | 43, s. 1 (1) (a).<br>43, s. 1 (1) (b).<br>43, s. 10 (4).<br>43, s. 44 (9), sch. 7. |
| c. 19 ... ..                         | Isle of Man (Customs) Act, 1950.                               | S. 3 continued until 1.8.52                                                                                          | 51, s. 2 (1).                                                                      |
| c. 22 ... ..                         | London Government Act, 1950.                                   | M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                                     | S.I. Nos. 753, 1900.                                                               |
| c. 24 ... ..                         | Highways (Provision of Cattle-Grids) Act, 1950.                | Commencement date fixed for provisions not already in force (10.5.51).                                               | S.I. No. 762.                                                                      |
| c. 25 ... ..                         | Matrimonial Causes Act, 1950.                                  | Ss. 19-27 excluded ... ..                                                                                            | 65, s. 2 (1) (d).                                                                  |
| c. 28 ... ..                         | Shops Act, 1950 ... ..                                         | Certain provisions continued until 10.12.52. (See s. 7.)                                                             | S.I. No. 1391.                                                                     |
| c. 28 ... ..                         | Shops Act, 1950 ... ..                                         | Sch. 5, para. 1 (f) (i) extended.                                                                                    | 14, s. 1 (5).                                                                      |
| c. 29 ... ..                         | Medical Act, 1950 ... ..                                       | Appointed days fixed ... ..                                                                                          | S.I. No. 658.                                                                      |
| c. 31 ... ..                         | Allotments Act, 1950 ... ..                                    | S. 12, commencement date fixed (1.7.51).                                                                             | S.I. No. 318.                                                                      |
| c. 35 ... ..                         | Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950. | Ss. 7 (3), 18 (2), M/Health functions trans. to M/Housing and Local Govt. (1.5.51).                                  | S.I. Nos. 753, 1900.                                                               |
| c. 35 ... ..                         | Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950. | S. 19 (1) brought into operation (certain specified areas).                                                          | S.I. No. 1358.                                                                     |
| c. 39 ... ..                         | Public Utilities Street Works Act, 1950.                       | Ss. 15 (2) (b), 24 (1) (b), appointed day fixed (26.10.51).                                                          | S.I. No. 1555.                                                                     |

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| 14 & 15 Geo. 6:<br>c. 2 ... ..      | Superannuation Act, 1950                            | Extended ... ..                                                                   | 46, ss. 1 (5) (6) (d), 34 (4) (6), 35.                           |
| c. 7 ... ..                         | Dangerous Drugs (Amendment) Act, 1950.              | Repealed ... ..                                                                   | 48, s. 25, sch.                                                  |
| c. 10 ... ..                        | Reinstatement in Civil Employment Act, 1950.        | Extended to Isle of Man (with modifications).<br>Applied ... ..                   | S.I. No. 433.<br>23, s. 9 (1).                                   |
| c. 22 ... ..                        | Workmen's Compensation (Supplementation) Act, 1951. | S. 1 (b) restricted ... ..<br>S. 5 (2) extended ... ..<br>Ss. 3-5 extended ... .. | 23, s. 8 (2).<br>23, s. 9 (4).<br>4 (15 & 16 Geo. 6), s. 4.      |
| c. 23 ... ..                        | Reserve and Auxiliary Forces (Training) Act, 1951.  | Pt. II (ss. 8-12) extended to Isle of Man (with modifications).                   | S.I. No. 1799.                                                   |
| c. 25 ... ..                        | Supplies and Services (Defence Purposes) Act, 1951. | S. 1 applied with adaptation (Colonial territories).                              | S.I. No. 1241.                                                   |
| c. 30 ... ..                        | Sea Fish Industry Act, 1951.                        | Pt. I (ss. 1-20) extended to N.I.                                                 | S.I. No. 1797.                                                   |
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TO THE

## PUBLIC GENERAL ACTS

AND

## CHURCH ASSEMBLY MEASURES

### OF 1951

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THE  
PUBLIC GENERAL STATUTES

14 & 15 GEO. 6

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**CHAPTER 12**

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 fifty-one.  
[15th February 1951.]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the 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 fifty-one, the sum of forty million pounds.

Issue of  
£40,000,000 out of  
the Consolidated  
Fund for the  
service of the  
year ending  
31st March, 1951.

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 sums, any sum or sums not exceeding in the whole forty million pounds.

Power for  
the Treasury  
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and fifty-one, 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 three 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.

**A**

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

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

Short title.

3. This Act may be cited as the Consolidated Fund Act, 1951.

## CHAPTER 13

An Act to amend the Penicillin Act, 1947, for the purpose of enabling penicillin and certain other substances and preparations to be sold or supplied to and administered on board merchant ships. [15th February 1951.]

**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:—

Exception for merchant ships from s. 1 of the Penicillin Act, 1947.  
10 & 11 Geo. 6.  
c. 29.

1.—(1) Subsection (1) of section one of the Penicillin Act, 1947 (which prohibits the sale or supply of penicillin and other substances and preparations except by the persons and in the circumstances therein specified) shall not apply to the sale or supply of any substance to which the said Act applies or of any preparation of which any such substance is an ingredient or part if the sale or supply is to the owner or master of a ship on board which a supply of medicine and medical stores is required to be kept under section two hundred of the Merchant Shipping Act, 1894, and the substance or preparation is sold or supplied for use on board the ship.

57 & 58 Vict.  
c. 60.

(2) On board any such ship as aforesaid, being a ship which does not carry on board as part of her complement a duly qualified medical practitioner, the master or a person authorised by the master in that behalf may, in accordance with any applicable instructions contained in a book of instructions kept on board in pursuance of the said section two hundred, administer by way of treatment any such substance or preparation as aforesaid, and subsection (2) of section one of the Penicillin Act, 1947 (which prohibits administration by unqualified persons) shall not apply in any such case.

(3) In this section the expression "master" has the same meaning as in the Merchant Shipping Act, 1894.

Citation.

2. This Act may be cited as the Penicillin (Merchant Ships) Act, 1951, and this Act and the Penicillin Act, 1947, may be cited together as the Penicillin Acts, 1947 and 1951.

## CHAPTER 14

An Act to legalize, or remove doubts about the legality of, the opening on Sunday of certain places of public resort to be provided as part of the Festival of Britain, 1951. [15th February 1951.]

**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) Nothing in the Sunday Observance Acts, 1625 to 1780, shall be taken to apply in relation to the opening on Sunday, not earlier than half past twelve in the afternoon—

Sunday opening of exhibitions and gardens.

- (a) of any of the festival exhibitions mentioned in this Act; or
- (b) of the Festival Pleasure Gardens, without the amusements;

whether as respects the opening or use of the place in question or any part thereof, or the admission or attendance of members of the public, or the provision or advertisement of any attraction there.

(2) The exhibitions referred to above are any of the following exhibitions held as part of the Festival of Britain, 1951, under the auspices of the Festival of Britain Council, namely:—

- (a) the South Bank Exhibition (that is to say, the chief exhibition on the south bank of the Thames);
- (b) the Exhibition of Science, South Kensington (that is to say any exhibition dealing wholly or mainly with matters of scientific interest and held in any building of or intended for the Science Museum);
- (c) the 1951 Exhibition of Books, South Kensington (that is to say any book exhibition held in any building of the Victoria and Albert Museum);
- (d) the Exhibition of Architecture, Poplar (that is to say any exhibition dealing wholly or mainly with matters of architectural interest and held in Poplar);
- (e) the Land Travelling Exhibition (that is to say the travelling exhibition being held in the cities of Leeds, Manchester, Birmingham and Nottingham).

(3) For the purposes of paragraph (b) of subsection (1) of this section—

- (a) “the Festival Pleasure Gardens” means any festival gardens provided in Battersea Park on lands enclosed under subsection (1) of section one of the Festival of Britain (Supplementary Provisions) Act, 1949, and includes any vessel moored by the gardens as a representation of Captain Bligh's Bounty;

(b) “the amusements” means any swings or roundabouts or other fairground amusements, but shall not be taken to include any puppet or marionette show, or any such vessel as aforesaid, or any children’s pony-carriage drives, or any special illuminations, or any children’s zoo, or any underground grotto or series of grottos or elevated tree walk if designed for visual or scenic effect, or any boating lake, or any miniature railway adapted wholly or mainly for children to ride in.

(4) Subsection (1) of this section shall not authorise the use of any place on Sunday for a stage play, variety entertainment or circus turn, for a contest or display of boxing or wrestling, or for public dancing.

14 Geo. 6.  
c. 28.

(5) For the purposes of the Shops Act, 1950, the place where any exhibition above referred to is being held, and the festival gardens so referred to, shall be treated as falling within the description “gallery, museum, garden, park or ancient monument under the control of a public authority or university” in subparagraph (1) of paragraph 1 of the Fifth Schedule to the said Act (which subparagraph relates to the sale on Sunday at the places therein mentioned of guide books, postcards etc.).

1 Car. 1. c. 1.  
29 Car. 2. c. 7.  
21 Geo. 3.  
c. 49.

(6) In this section the expression “the Sunday Observance Acts, 1625 to 1780,” means the Sunday Observance Act, 1625, the Sunday Observance Act, 1677, and the Sunday Observance Act, 1780.

Short title.

2. This Act may be cited as the Festival of Britain (Sunday Opening) Act, 1951.

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## CHAPTER 15

### *Local Government (Scotland) Act, 1951*

#### ARRANGEMENT OF SECTIONS

**Section.**

1. Amendment of law relating to limitation of annual expenditure by town councils for certain purposes.
  2. Increase of limit on special district rates.
  3. Financial provision.
  4. Amendment of 10 & 11 Geo. 6. c. 43, s. 259.
  5. Citation.
-



An Act to make provision for increasing the amount which may not be exceeded by town councils in Scotland in respect of certain expenditure; for raising the limit on special district rates leviable by county councils in Scotland for certain purposes; and to restrict the power of county councils and town councils in Scotland to borrow money for certain purposes.

[15th February 1951.]

**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 hundred and ninety-one of the Local Government (Scotland) Act, 1947 (which imposes limits on certain annual expenditure by county and town councils) shall have effect as if—

- (1) in paragraph (a) of subsection (3) for the words "three shillings" there were substituted the words "four shillings and sixpence"; and
- (2) at the end of the proviso to the said subsection (3) there were inserted the following paragraph:—

"(iii) where the Secretary of State is satisfied as regards any town council that the produce of a rate of four shillings and sixpence per pound calculated as aforesaid will not be sufficient to meet the net expenditure mentioned in paragraph (a) of this subsection incurred or likely to be incurred by that town council in any year or years, the Secretary of State shall have power to direct that the said paragraph (a) shall have effect as regards such expenditure of that town council for that year or those years as if for the limit of four shillings and sixpence per pound there were substituted such increased limit or limits as may be specified in the direction."

2. Section two hundred and twenty-five of the Local Government (Scotland) Act, 1947 (which provides for the levying of special district rates) shall have effect as if in the proviso to subsection (1) for the word "ninepence" there were substituted the words "two shillings and sixpence".

3. Any increase in the Exchequer Equalisation Grant payable under Part II of the Local Government Act, 1948, which is attributable to increased expenditure incurred by a town or a county council in pursuance of either of the two foregoing sections shall be paid out of moneys provided by Parliament.

Amendment of law relating to limitation of annual expenditure by town councils for certain purposes.  
10 & 11 Geo. 6. c. 43.

Increase of limit on special district rates.

Financial provision.  
11 & 12 Geo. 6. c. 26.

Amendment of  
10 & 11 Geo. 6.  
c. 43, s. 259.

4.—(1) Subsection (2) of section two hundred and fifty-nine of the Local Government (Scotland) Act, 1947 (which restricts the power of county and town councils to borrow money) shall, during the continuance in force of this section, have effect as if the words “ unless the resolution to borrow has been agreed to by two-thirds of the members of the council present and voting at the meeting at which the resolution is passed ” were omitted.

(2) This section shall continue in force until the thirty-first day of December, nineteen hundred and fifty-three, and no longer unless Parliament otherwise determines.

(3) The Defence (Local Government) (Scotland) Regulations, 1939, made by His Majesty in Council under the Emergency Powers (Defence) Act, 1939, shall cease to have effect.

2 & 3 Geo. 6.  
c. 62.  
Citation.

5. This Act may be cited as the Local Government (Scotland) Act, 1951, and the Local Government (Scotland) Act, 1947, the Local Government Act, 1948, as that Act applies to Scotland, and this Act may be cited together as the Local Government (Scotland) Acts, 1947 to 1951.

## CHAPTER 16

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 fifty-one and one thousand nine hundred and fifty-two. [21st March 1951.]

Most Gracious Sovereign,

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

Issue of  
£13,835,847 out of  
the Consolidated  
Fund for the  
service of the  
year ending  
31st March, 1951.

on the thirty-first day of March, one thousand nine hundred and fifty-one, the sum of thirteen million, eight hundred and thirty-five thousand, eight hundred and forty-seven pounds.

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 fifty-two, the sum of one thousand four hundred and seventy-one million, four hundred and twenty-one thousand, one hundred pounds.

Issue of  
£1,471,421,100 out  
of the Consolidated  
Fund for the service  
of the year ending  
31st March, 1952.

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

Power for  
the Treasury  
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and fifty-two, 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 three 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.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1951.



**CHAPTER 17**

An Act to provide that any power which is or was conferred on the Board of Trade by the Export Guarantees Act, 1949, or by the Export Guarantees Acts, 1939 to 1948, to give guarantees to or for the benefit of a person shall be taken to extend and have extended to the giving to him of certain similar undertakings in relation to the business of any company controlled by him, and to the giving of guarantees and undertakings to or for the benefit of any such company. [21st March 1951.]

**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  
powers of  
Board of Trade  
under 12 & 13  
Geo. 6. c. 14.

1.—(1) For the purposes of the Export Guarantees Act, 1949 (under which the Board of Trade may give, to or for the benefit of persons carrying on business in the United Kingdom, guarantees in connection with overseas transactions), a contract entered into by the Board with any person (whether a company or not) shall, in so far as it provides for the Board to make payments to him in respect of any loss of a company directly or indirectly controlled by him, or in respect of any deficit on an account relating both to activities of such a company and to activities of his, be deemed a contract to indemnify him against loss, and a guarantee within the meaning of that Act.

(2) For the purposes of the Export Guarantees Act, 1949, any guarantee within the meaning of that Act given by the Board to, or for the benefit of a company which is directly or indirectly controlled by another person (whether a company or not) shall be deemed to be given for the benefit also of that person.

(3) In relation to guarantees given and other contracts entered into at any time before the commencement of this Act, the Export Guarantees Act, 1949, shall apply and be deemed to have applied as if this Act had been in force at that time; and in relation to guarantees given and other contracts entered into before the commencement of that Act, any reference in this Act to that Act shall include a reference to the Export Guarantees Acts, 1939 to 1948.

Short title and  
citation.

2. This Act may be cited as the Export Guarantees Act, 1951, and this Act and the Export Guarantees Act, 1949, may be cited together as the Export Guarantees Acts, 1949 and 1951.

**CHAPTER 18***Livestock Rearing Act, 1951*

## ARRANGEMENT OF SECTIONS

## Section

1. Extension of class of land for improvement of which grants may be made under the principal Act.
2. Extension of period for submission of schemes under s. 1 of the principal Act.
3. Increase of amounts available for improvement grants and extension of period for making orders for further increases.
4. Special provisions as to improvement grants for provision of certain cattle-grids.
5. Amendments to First Schedule to the principal Act.
6. Extension of periods for payment of subsidies in respect of hill sheep and cattle.
7. Extension of power to make regulations for control of rams.
8. Exercise of certain powers of Ministers to be subject to Treasury approval.
9. Provisions as to delegation of functions of Minister of Agriculture and Fisheries.
10. Provisions as to exercise of functions of Secretary of State, &c.
11. Expenses and receipts.
12. Short title and interpretation.

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An Act to extend and amend the provisions of the Hill Farming Act, 1946, relating to the rehabilitation of hill farming land, the payment of subsidies in respect of hill sheep and hill cattle and the control of rams in England and Wales; to make fresh provision with respect to the exercise of the functions under that Act of the Minister of Agriculture and Fisheries and the Secretary of State; and for purposes connected with the matters aforesaid. [21st March 1951.]

**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 class of land for the benefit of which improvements may be specified in a scheme which may be approved by the appropriate Minister under section one of the Hill Farming Act, 1946 (hereafter in this Act referred to as "the principal Act") shall, instead of being restricted to hill farming land or other land suitable for use therewith for hill farming purposes, be extended so as to include any land falling within the definition of livestock rearing land set out in subsection (3) of this section and any land suitable for use with such land for livestock rearing purposes as defined by that subsection, and the class of work in respect of the cost of which grants may be made under that

Extension of class of land for improvement of which grants may be made under the principal Act.

section shall be extended so as to include any work done in accordance with a scheme approved under that section as amended by this section; and the class of land subject to rights of common of pasture for the benefit of which improvements may be made under section twelve of the principal Act by the Minister of Agriculture and Fisheries shall, instead of being restricted to hill farming land so subject, be extended so as to include any land so subject falling within the said definition of livestock rearing land.

(2) Accordingly—

- (a) in subsection (3) of section one of the principal Act, for the definitions of hill farming land and hill farming purposes there shall be substituted respectively the definitions of livestock rearing land and livestock rearing purposes set out in the next following subsection; and
- (b) for references in the principal Act (elsewhere than in the said subsection (3)) to hill farming land and hill farming purposes there shall be substituted respectively references to livestock rearing land and livestock rearing purposes, and for references in that Act, in paragraph (d) of subsection (1) of section nine of the Agricultural Holdings Act, 1948, and in paragraph (d) of subsection (1) of section eight of the Agricultural Holdings (Scotland) Act, 1949, to hill farming land improvement schemes there shall be substituted references to livestock rearing land improvement schemes.

(3) In this section—

- (a) the expression “livestock rearing land” means land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land;
- (b) the expression “livestock rearing purposes” means the breeding, rearing and maintenance of sheep or cattle, and includes other activities carried on in connection therewith.

Extension of period for submission of schemes under s. 1 of the principal Act.

2. Ten years from the commencement of the principal Act shall be substituted for five years from the commencement thereof as the period within which schemes may be submitted under subsection (1) of section one of that Act for the approval of the appropriate Minister.

3. In subsection (4) of section two of the principal Act—
- (a) twenty million pounds shall be substituted for four million pounds as the maximum amount that may be paid in the aggregate by way of improvement grants;
  - (b) two million pounds shall be substituted for one million pounds as the amount by which the said maximum amount may be increased by virtue of an order made by the Ministers with the consent of the Treasury and approved by a resolution of the Commons House of Parliament; and
  - (c) ten years from the commencement of that Act shall be substituted for five years from the commencement thereof as the period within which an order providing for increasing the said maximum amount may be made as aforesaid.

Increase of amounts available for improvement grants and extension of period for making orders for further increases.

4.—(1) Where—

Special provisions as to improvement grants for provision of certain cattle-grids.

- (a) a scheme approved under section one of the principal Act provides (either as originally approved or as varied under any of the provisions of that Act in that behalf) for the provision by the appropriate authority in pursuance of the Highways (Provision of Cattle-Grids) Act, 1950, of a cattle-grid; and
- (b) an agreement under section ten of the said Act of 1950 is entered into by the appropriate authority with a person for the making by him to that authority of a contribution towards all or any of the expenditure to be incurred by that authority in connection with the installation of the cattle-grid;

no payment shall be made to the appropriate authority by way of an improvement grant under the principal Act in respect of the cost of any work done by them for a purpose connected with the installation of the cattle-grid, notwithstanding the fact that they are specified in the scheme as the person responsible for doing the work required for that purpose or any item of that work, but an improvement grant under that Act in respect of the cost of any work done for that purpose by the appropriate authority may be made to the person with whom that authority made the agreement, so, however, that the amount of the grant shall, instead of being one half of the cost of that work so far as approved by the appropriate Minister as having been reasonably incurred, be one half of the amount payable by that person under the agreement.

(2) Where, by virtue of the foregoing subsection, an improvement grant in respect of the cost of work done for any purpose connected with the installation of a cattle-grid has been paid to a person, and the amount paid by him to the appropriate authority,

or any part of that amount, becomes repayable, a sum equal to one half of that amount or that part thereof, as the case may be, shall become payable by that person to the Minister who made the grant and may be recovered by that Minister as a simple contract debt.

**(3) In this section—**

- (a)** the expression “appropriate authority” has the same meaning as in the Highways (Provision of Cattle-Grids) Act, 1950; and
- (b)** the expression “cattle-grid” means a grid designed or adapted to prevent the passage of sheep or cattle, and includes any fence or other works necessary for securing the efficient operation of the grid.

Amendments  
to First  
Schedule to  
the principal  
Act.

**5.** The First Schedule to the principal Act (in which are specified the improvements which may be included in schemes for the rehabilitation of livestock rearing land) shall be amended as follows:—

- (a)** in paragraph 3 (which specifies the erection, improvement or re-conditioning of cottages attached or to be attached to a hill farm), for the words “hill farm” there shall be substituted the word “farm”;
- (b)** in paragraphs 7, 8 and 12 (which respectively specify the provision of sheep-dipping accommodation, the provision of sheep and cattle pens and the provision of cattle-grids), after the word “Provision” there shall be inserted the words “or improvement”;
- (c)** for paragraph 9 (which specifies the formation of silos) there shall be substituted the following paragraph:—  
“9. Construction or improvement of silos”;
- (d)** in paragraph 11 (which specifies the restoration of permanent fences), after the word “Restoration”, there shall be inserted the words “or improvement”; and
- (e)** in paragraph 20 (which specifies the removal of bracken, whins, gorse, bushes, scrub, stumps, roots or boulders) for the words “or boulders” there shall be substituted the words “boulders or other like obstructions to cultivation”.

Extension of  
periods for  
payment of  
subsidies in  
respect of hill  
sheep and  
cattle.

**6.** In section thirteen of the principal Act (which empowers the appropriate Minister to make, in accordance with hill sheep schemes, subsidy payments in respect of sheep comprised in flocks on any of the relevant days, that is to say, in the case of a scheme having effect as respects England and Wales or Scotland, such day of December in the year nineteen hundred and forty-six



and in the four next succeeding years as may be specified in the scheme in relation to each of those years and, in relation to a scheme having effect as respects Northern Ireland, such day of January in the year nineteen hundred and forty-seven and in the four next succeeding years as may be so specified, and to make, in accordance with hill cattle schemes, subsidy payments in respect of cattle in respect of the year nineteen hundred and forty-seven and each of the four next succeeding years), for the words "the four next succeeding years", wherever those words occur, there shall be substituted the words "the nine next succeeding years".

7.—(1) The power conferred on the Minister of Agriculture and Fisheries by subsection (1) of section eighteen of the principal Act to make regulations for controlling the keeping of rams and uncastrated ram lambs on land in England or Wales shall extend—

Extension of power to make regulations for control of rams.

(a) to the making of regulations—

(i) providing for the seizure and, if thought desirable, the sale of any ram or uncastrated ram lamb found upon any land in contravention of provisions of regulations having effect by virtue of paragraph (a) or (b) of that subsection;

(ii) enabling the court by or before whom a person is convicted of the offence of permitting the ram or lamb to be upon that land in contravention as aforesaid, if satisfied that he was the owner of the ram or lamb at the time of the seizure, to direct that the whole or part of the proceeds of the sale of the ram or lamb shall be applied in or towards the satisfaction of any fine imposed on that person for that offence; and

(iii) providing, subject as aforesaid, for the return of the ram or lamb or, as the case may be, of the proceeds of the sale thereof to such person as may prove that he was the owner of the ram or lamb at the time of the seizure;

(b) to the making of regulations providing,—

(i) in the case of a person's being, by virtue of provisions of regulations having effect by virtue of paragraph (a) of the said subsection (1), prohibited from permitting a ram or lamb to be on any land in any area because of a refusal to approve the ram or lamb as being suitable for the purpose of breeding from the flocks from time to time on that land or because of the ram or lamb being declared to be not so suitable; and

(ii) in the case of the service upon a person, under provisions of regulations having effect by virtue of paragraph (e) of that subsection, of a requisition for the slaughter or castration of a ram or lamb;

for the inspection of the ram or lamb by one or more referees appointed by the Minister of Agriculture and Fisheries if an application in that behalf is made by the person in question in such manner and within such period as may be specified in the regulations and on payment of such fee, if any, as may be so specified, and, if such an application is so made, for approval to be given, or to continue to be refused, or the declaration or requisition to be confirmed or withdrawn, as the case may be, in accordance with recommendations contained in a report made by the referee or referees.

(2) Where regulations made under subsection (1) of the said section eighteen contain provisions enabling a person upon whom a requisition for the slaughter or castration of a ram or lamb is served under regulations so made to apply for a referee's inspection of the ram or lamb, no such requisition so served shall take effect until either the time within which an application for such an inspection may be made has expired or, if such an application is duly made, until the applicant has been notified of a decision to confirm the requisition.

Exercise of certain powers of Ministers to be subject to Treasury approval.

#### 8. The powers conferred—

- (a) by subsection (4) of section one of the principal Act on the Ministers to make orders modifying the kinds of operations that are to be treated as improvements for the purposes of that Act; and
- (b) by subsection (3) of section fourteen and section seventeen of that Act on the appropriate Minister to make orders prescribing the amounts which may be paid, in accordance with hill sheep schemes and hill cattle schemes, by way of subsidy payments in respect of animals, and to vary or revoke such orders by subsequent orders;

shall be exercised subject to the approval of the Treasury.

Provisions as to delegation of functions of Minister of Agriculture and Fisheries.

9.—(1) Nothing in section thirty-three of the principal Act shall be construed as precluding the Minister of Agriculture and Fisheries (hereafter in this section referred to as “the Minister”) from providing, by regulations under section seventy-two of the Agriculture Act, 1947, for the delegation to a County Agricultural Executive Committee of functions of his under the principal Act, and on the coming into operation of regulations first made under the said section seventy-two for that purpose the following provisions of this section shall have effect.

(2) Any local committees constituted under the said section thirty-three by the Minister for areas in England and Wales shall be dissolved and subsections (1) to (3) and (5) of that section shall cease to have effect as respects England and Wales.

(3) Subsection (6) of section three of the principal Act (which empowers a person specified in an approved livestock rearing land improvement scheme as the person responsible for doing any work to make arrangements with the appropriate local committee constituted under that Act for the doing of the work by that committee instead of that person) shall, in its application to England and Wales, have effect with the substitution, for references to that committee, of references to the County Agricultural Executive Committee within whose area is situated the land for the benefit of which the improvements specified in the scheme are to be made or the greater part of that land, and any arrangements made, by virtue of that subsection, by a person with a local committee for which a County Agricultural Executive Committee is substituted by this subsection shall have effect as if they had been made with the County Agricultural Executive Committee so substituted.

(4) For the purposes of a delegation by the Minister to a County Agricultural Executive Committee of his power to do work under the provisions of the principal Act relating to the making of improvements for the benefit of livestock rearing land that is subject to rights of common of pasture, references in those provisions to work done by the Minister shall include references to work done by that Committee.

(5) Section thirty-four of the principal Act (which confers powers of entry on, and inspection of, land) shall, in its application to England and Wales, have effect with the substitution, for references to a local committee constituted under that Act, of references to—

- (a) a County Agricultural Executive Committee for the time being authorised by virtue of regulations made under section seventy-two of the Agriculture Act, 1947, to exercise functions of the Minister under the principal Act; and
- (b) any sub-committee of such a County Agricultural Executive Committee as aforesaid, being a sub-committee to which the County Agricultural Executive Committee have, by virtue of section seventy-one of the said Act of 1947, delegated any such functions as aforesaid.

**10.**—(1) An Agricultural Executive Committee established by the Secretary of State under section sixty-eight of the Agriculture (Scotland) Act, 1948, shall have the function of assisting the Secretary of State in the exercise, in relation to the area for

Provisions as to exercise of functions of Secretary of State, &c.

which the Committee are established, of his powers under the principal Act, and the said section sixty-eight shall have effect as if that function were a function delegated to the Committee by virtue of regulations made under section sixty-nine of the said Act of 1948.

(2) All local committees constituted by the Secretary of State under section thirty-three of the principal Act are hereby dissolved and subsections (1) to (3) and (5) of that section shall cease to have effect as respects Scotland.

(3) Subsection (6) of section three of the principal Act shall, in its application to Scotland, have effect with the substitution, for references to the appropriate local committee constituted under that Act, of references to the Agricultural Executive Committee within whose area is situated the land for the benefit of which the improvements specified in the livestock rearing land improvement scheme are to be made or the greater part of that land.

(4) Section thirty-four of the principal Act shall, in its application to Scotland, have effect with the substitution, for references to a member or officer of a local committee constituted under that Act, of references to a member of an Agricultural Executive Committee established by the Secretary of State under section sixty-eight of the Agriculture (Scotland) Act, 1948, or of any sub-committee thereof appointed under the said section sixty-eight to deal with matters connected with the principal Act.

Expenses and  
receipts.

**11.—**(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by the Minister of Agriculture and Fisheries which are attributable to the provisions of this Act empowering him to make regulations providing for the inspection of rams and uncastrated ram lambs by referees appointed by him; and
- (b) any increase attributable to this Act in the administrative expenses incurred for the purposes of the principal Act by the Minister of Agriculture and Fisheries and the Secretary of State or either of them.

(2) Any sums recovered under section four of this Act from any person by a Minister shall be paid into the Exchequer.

Short title and  
interpretation.

**12.—**(1) This Act may be cited as the Livestock Rearing Act, 1951.

(2) References in this Act to the principal Act shall, except so far as the context otherwise requires, be construed as referring to that Act as amended by any subsequent enactment, including this Act.

Table of Statutes referred to in this Act

| Short Title                                        | Session and Chapter        |
|----------------------------------------------------|----------------------------|
| Hill Farming Act, 1946 ... ..                      | 9 & 10 Geo. 6. c. 73.      |
| Agriculture Act, 1947 ... ..                       | 10 & 11 Geo. 6. c. 48.     |
| Agriculture (Scotland) Act, 1948 ... ..            | 11 & 12 Geo. 6. c. 45.     |
| Agricultural Holdings Act, 1948 ... ..             | 11 & 12 Geo. 6. c. 63.     |
| Agricultural Holdings (Scotland) Act, 1949 ...     | 12, 13 & 14 Geo. 6. c. 75. |
| Highways (Provision of Cattle-Grids) Act, 1950 ... | 14 Geo. 6. c. 24.          |

## CHAPTER 19

An Act to bring certain works for making good war damage within the definition of development in the Town and Country Planning Act, 1947, and the Town and Country Planning (Scotland) Act, 1947, and within the Third Schedule to each of those Acts; and to extend the period limited by section twenty-three of the first-mentioned Act for serving notices thereunder for the enforcement of conditions subject to which planning permission has been granted.

[21st March 1951.]

**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 relevant provisions of the Town and Country Planning Act, 1947*

1.—(1) Paragraph (a) of the proviso to subsection (2) of section twelve of the Town and Country Planning Act, 1947, in this and the next succeeding section referred to as the "principal Act" (which proviso specifies operations deemed for the purposes of that Act not to involve development) shall not apply to any works for making good war damage which, apart from this provision, would fall within that paragraph.

Inclusion of certain war damage works in definition of development.  
10 & 11 Geo. 6 c. 51.

(2) The principal Act shall have effect as if such works as aforesaid had been specified in paragraph 1 of the Third Schedule to that Act (which specifies certain development as included in existing use for the purposes of that Act):

Provided that this subsection shall not apply to any such works as aforesaid which do not satisfy the conditions of that paragraph as to the cubic content of buildings.

(3) The principal Act shall have effect, and shall be deemed for all purposes to have had effect, as if it had originally been enacted as amended by the preceding subsections:

Provided that, where any works being such as aforesaid have been begun during the period beginning with the appointed day for the purposes of that Act and ending with the thirteenth day of December, nineteen hundred and fifty, they shall, whether completed during that period or not, be treated for the purposes of that Act as if planning permission had been granted in respect thereof unconditionally.

Limit of time  
for serving  
notices for  
enforcement  
of planning  
conditions.

2.—(1) In subsection (1) of section twenty-three of the principal Act (which empowers the local planning authority to serve an enforcement notice where it appears to them that development has been carried out without the grant of a permission required, or that any conditions subject to which such a permission was granted in respect of any development have not been complied with, but requires such a notice to be served within four years of such development being carried out), after the words “within four years of such development being carried out” there shall be inserted the words “or, in case of non-compliance with a condition, within four years after the date of the alleged failure to comply with it”.

(2) Any power conferred by the principal Act to adapt or modify the said subsection (1) in its application to any particular matter shall have effect as if that subsection had originally been enacted as amended by this section, and any adaptation or modification thereof made in exercise of any such power before the passing of this Act shall have effect accordingly.

*Amendment of relevant provisions of the Town and Country Planning  
(Scotland) Act, 1947*

Inclusion of  
certain  
war damage  
works in  
definition of  
development.  
10 & 11 Geo. 6.  
c. 53.

3.—(1) Paragraph (a) of the proviso to subsection (2) of section ten of the Town and Country Planning (Scotland) Act, 1947, in this section referred to as the “principal Act” (which proviso specifies operations deemed for the purposes of that Act not to involve development) shall not apply to any works for making good war damage which, apart from this provision, would fall within that paragraph.

(2) The principal Act shall have effect as if such works as aforesaid had been specified in paragraph 1 of Part I of the Third Schedule to that Act (which specifies certain development as included in existing use for the purposes of that Act):

Provided that this subsection shall not apply to any such works as aforesaid which do not satisfy the conditions of that paragraph as to the cubic content of buildings.

(3) The principal Act shall have effect, and shall be deemed for all purposes to have had effect, as if it had originally been enacted as amended by the preceding subsections of this section:

Provided that, where any works being such as aforesaid have been begun during the period beginning with the appointed day for the purposes of that Act and ending with the thirteenth day of December, nineteen hundred and fifty, they shall, whether completed during that period or not, be treated for the purposes of that Act as if planning permission had been granted in respect thereof unconditionally.

*Citation, etc.*

4.—(1) This Act may be cited as the Town and Country Planning (Amendment) Act, 1951. Short title,  
citation and  
construction.

(2) Sections one and two of this Act shall be construed as one with the Town and Country Planning Act, 1947, and that Act and those sections may be cited together as the Town and Country Planning Acts, 1947 and 1951.

(3) Section three of this Act shall be construed as one with the Town and Country Planning (Scotland) Act, 1947, and that Act and that section may be cited together as the Town and Country Planning (Scotland) Acts, 1947 and 1951.

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## CHAPTER 20

An Act to transfer to the Secretary of State responsibility for the Overseas Food Corporation; to amend the law regulating the functions, constitution and finances of that Corporation; to transfer to the Minister of Food certain rights of that Corporation in relation to the Queensland-British Food Corporation; and for purposes connected with the matters aforesaid.

[21st March 1951.]

**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, the functions of the Minister of Food under the Overseas Resources Development Act, 1948 (in this Act referred to as "the principal Act") shall be transferred to the Secretary of State at the commencement of this Act. Transfer to  
Secretary of  
State of  
responsibility  
for Overseas  
Food  
Corporation.

(2) Subsection (2) of section six of the principal Act (which defines the expression "the responsible Minister" in relation to 11 & 12 Geo. 6.  
c. 15.

the Colonial Development Corporation and the Overseas Food Corporation) shall cease to have effect, and for any reference in the said Act to the responsible Minister there shall be substituted a reference to the Secretary of State.

(3) References to the Minister of Food in any regulation, scheme, deed, agreement or other instrument affecting the Overseas Food Corporation shall, so far as necessary for the purpose or in consequence of the foregoing provisions of this section, be construed as references to the Secretary of State; and any regulation, direction, determination, appointment or other thing made, given or done by the Minister of Food before the commencement of this Act in relation to the said Corporation shall have effect as if made, given or done by the Secretary of State.

(4) The foregoing provisions of this section shall not affect any obligations or rights of the Minister of Food under section five of the principal Act (which made provision for the transfer to the Overseas Food Corporation of certain assets and liabilities of that Minister); and in relation to the financial year ending immediately before the commencement of this Act section eighteen of that Act (which relates to accounting for receipts of the responsible Minister under that Act) shall have effect as originally enacted and not as amended by those provisions.

Functions and  
constitution  
of Overseas  
Food  
Corporation.

2.—(1) The Overseas Food Corporation shall be charged with the duty of securing the investigation, formulation and carrying out of projects for production or processing in colonial territories in East Africa of foodstuffs or agricultural products other than foodstuffs, and for the marketing of foodstuffs or such products.

(2) Subsection (1) of section three of the principal Act shall cease to have effect so far as it regulates the duty of the Overseas Food Corporation; and subsection (2) of that section (which confers powers on the Corporation for the purpose of the discharge of their duty under subsection (1) of that section) shall have effect as if for the reference to the said subsection (1) there were substituted a reference to subsection (1) of this section.

(3) The Overseas Food Corporation shall consist of a chairman and such other members, not being less than two or more than six, as the Secretary of State may from time to time determine.

(4) Subsection (1) of section four of the principal Act (which regulates the constitution of the Overseas Food Corporation) shall cease to have effect and subsection (2) of that section, and the Schedule to the principal Act in its application to the said Corporation, shall have effect as if the words "the deputy chairman", wherever those words occur, were omitted.



3.—(1) It shall be the duty of the Overseas Food Corporation <sup>Financial</sup> so to exercise and perform their functions as to secure, as soon <sup>provisions.</sup> as practicable, that their revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another.

(2) The Secretary of State may out of moneys provided by Parliament pay to the Overseas Food Corporation such sums in respect of expenses of that Corporation as he may with the consent of the Treasury determine.

(3) The revenues of the Overseas Food Corporation for any financial year shall be applied by the Corporation in such manner as the Secretary of State, with the approval of the Treasury, may direct, and any such direction may require the whole or any part of those revenues to be paid into the Exchequer.

(4) Except as provided by this section, no payment shall be required to be made by the Overseas Food Corporation under section thirteen of the principal Act in respect of advances made to that Corporation at any time before the commencement of this Act, and all such advances shall be written off accordingly.

(5) The provisions of subsection (4) of this section shall not apply to any such advances as aforesaid to the extent of any sum due to the Overseas Food Corporation in respect of advances made by that Corporation to the East African Railway and Harbours Administration; and the provisions of that subsection shall be without prejudice to the following provisions of this Act relating to the Queensland Corporation.

(6) Sections eleven, twelve, fourteen, fifteen and seventeen of the principal Act shall cease to have effect in relation to the Overseas Food Corporation; and paragraph 9 of the Schedule to that Act shall have effect in relation to that Corporation as if the words "borrowing in accordance with the provisions of this Act in that behalf" were omitted.

4.—(1) As from the commencement of this Act there shall be transferred to the Minister of Food all rights of the Overseas Food Corporation in respect of advances made by that Corporation to the Queensland Corporation; and the Overseas Food Corporation shall take all such steps within their power as may be necessary for giving full effect to the said transfer. Provisions as to the Queensland Corporation.

(2) The Minister of Food may with the consent of the Treasury make to the Queensland Corporation advances by way of loan on such terms as he thinks fit.

(3) The Minister of Food shall, as soon as practicable after he receives a copy of any annual report published by the Queensland Corporation after the commencement of this Act in accordance with the Queensland Act, or of any statement of accounts of that

Corporation or report by the auditors thereon, which may be prepared or made after the commencement of this Act in pursuance of the Queensland Act, lay a copy before each House of Parliament.

(4) Any expenses of the Minister of Food in making advances under subsection (2) of this section shall be defrayed out of moneys provided by Parliament; and any sums received by that Minister in respect of interest on or repayment of principal of any such advances shall be paid into the Exchequer.

(5) In relation to sums received by the Minister of Food in respect of interest on or repayment of principal of any such advances as are mentioned in subsection (1) of this section, section eighteen of the principal Act (which relates to accounting for receipts of the responsible Minister) shall apply as originally enacted, and not as amended by section one of this Act, as if those sums were sums received by that Minister under section thirteen of that Act.

(6) In this Act "the Queensland Corporation" means the Queensland-British Food Corporation constituted under an Act of the Parliament of Queensland entitled the Queensland-British Food Production Act of 1948, and "the Queensland Act" means that Act.

Citation,  
construction  
and commence-  
ment.

5.—(1) This Act may be cited as the Overseas Resources Development Act, 1951, and this Act and the Overseas Resources Development Acts 1948 and 1949 may be cited together as the Overseas Resources Development Acts, 1948 to 1951.

12, 13 & 14  
Geo. 6. c. 65.

(2) This Act and the Overseas Resources Development Act, 1949, shall be construed as one with the Overseas Resources Development Act, 1948.

(3) This Act shall come into force on the first day of April, nineteen hundred and fifty-one.

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## CHAPTER 21

An Act to authorise the making of orders extending or amending the provisions of the Alkali, &c., Works Regulation Act, 1906, in their application to Scotland; and to make provision for authorising inspectors under that Act in Scotland to inspect any works which are of a character likely to cause the evolution of noxious or offensive gases. [21st March 1951.]

**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 Secretary of State may, after holding an inquiry and after consultation with such local authorities and other interests as appear to him to be concerned, make orders—

Power to make orders extending the provisions of 6 Edw. 7. c. 14.

(a) extending or amending the list of noxious or offensive gases mentioned in section twenty-seven of the Alkali, &c., Works Regulation Act, 1906; and

(b) extending or amending the list of works mentioned in the First Schedule to the said Act;

and any such order may prescribe the qualifications subject to which subsection (1) of section seven of the said Act (in this Act referred to as "the principal Act") shall apply in the case of any noxious or offensive gas, or in the case of any works, included in such order.

(2) The power conferred on the Secretary of State by this section to make orders shall include a power, exercisable in the like manner, to vary or revoke any such order.

(3) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The provisions of subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply to any inquiry held under this section.

10 & 11 Geo. 6. c. 43.

2. Where the Secretary of State is of opinion that any work is of such a character as is likely to cause the evolution of any noxious or offensive gas, he may, notwithstanding that the provisions of the principal Act may not apply to that work, authorise an inspector appointed under that Act to enter and inspect that work, and the provisions of that Act relating to the powers of inspectors shall apply in respect of that work in the case of any inspector so authorised.

Inspection of works likely to cause the evolution of noxious or offensive gases.

3.—(1) This Act may be cited as the Alkali, &c., Works Regulation (Scotland) Act, 1951, and shall be construed as one with the principal Act, as that Act applies to Scotland, and that Act, as it so applies, and this Act may be cited together as the Alkali, &c., Works Regulation (Scotland) Acts, 1906 and 1951.

Short title, construction, commencement and extent.

(2) This Act shall come into operation on the first day of May, nineteen hundred and fifty-one, and shall extend to Scotland only.

**CHAPTER 22***Workmen's Compensation (Supplementation) Act, 1951***ARRANGEMENT OF SECTIONS****Section**

1. Scheme for supplementing workmen's compensation in pre-1924 cases.
2. Limitations on power to provide allowances.
3. Ancillary provisions.
4. Offences.
5. Reciprocal arrangements with Northern Ireland.
6. Short title.

SCHEDULE.—Enactments applied.

An Act to provide for the payment of allowances out of the Industrial Injuries Fund with a view to supplementing workmen's compensation where the accident happened before nineteen twenty-four, and for purposes connected therewith. [21st March 1951.]

**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:—

Scheme for supplementing workmen's compensation in pre-1924 cases.

1.—(1) The Minister of National Insurance (hereafter in this Act referred to as "the Minister") may, by scheme made with the consent of the Treasury, provide for conferring a right to allowances payable out of the Industrial Injuries Fund on persons who are or have since the commencement of this Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the first day of January, nineteen twenty-four.

(2) Subject to the following provisions of this Act, the right to an allowance under this Act or to a payment on account of such an allowance shall be subject to such conditions as may be provided by any scheme made for the purposes of this Act (hereafter in this Act referred to as "a scheme"), and the rate of any such allowance shall be such as may be so provided.

(3) A scheme may vary an earlier scheme, and may do so in such a way as to make allowances payable, or payable at an increased rate, under the earlier scheme in respect of periods before the making of the later scheme, and may also revoke an earlier scheme.

(4) The power to make a scheme shall be exercisable by statutory instrument, but the Minister shall not make a scheme unless

a draft of it has been laid before Parliament and approved by resolution of each House.

(5) For the purposes of this Act—

- (a) the expression “ workmen’s compensation ” means compensation under the Workmen’s Compensation Act, 1906, the Workmen’s Compensation (Silicosis) Act, 1918, or the Workmen’s Compensation Acts, 1897 and 1900, or under any contracting-out scheme duly certified under any of those Acts ;
- (b) a person shall be deemed entitled to weekly payments as mentioned in subsection (1) of this section at any time when he would be so entitled if the amount he is earning or able to earn in some suitable employment or business, or the amount of any payment, allowance or benefit received by him otherwise than by way of workmen’s compensation, or both, were sufficiently reduced ;
- (c) any reference in this Act to the happening of an accident shall, in relation to a case of disease, be construed in the same way as for the purposes of the Acts relating to workmen’s compensation ;
- (d) a payment under the Workmen’s Compensation (War Addition) Acts, 1917 and 1919, shall be treated as a weekly payment by way of workmen’s compensation.

2.—(1) A scheme shall not provide for the payment of an allowance under this Act to a person who is or has since the commencement of this Act been entitled to weekly payments by way of workmen’s compensation in consequence of an accident happening before the first day of January, nineteen twenty-four, except in respect of periods of total or partial incapacity for work resulting from the injury or disease in respect of which he is or has been so entitled (hereafter in this section referred to as “ the relevant injury or disease ”).

**Limitations on  
power to  
provide  
allowances.**

(2) The weekly rate of an allowance under this Act—

- (a) in the case of an allowance payable to a man in respect of a period of total incapacity for work resulting from the relevant injury or disease, being a period during which he is residing with or wholly or mainly maintaining his wife (or is under the provisions of a scheme to be treated as doing so), shall not exceed fifty-six shillings less the amount of his workmen’s compensation ; and
- (b) in the case of an allowance payable to a person in any other circumstances, shall not exceed forty shillings less the amount of his workmen’s compensation, and (except in respect of a period of total incapacity for

work resulting from the relevant injury or disease) shall also not exceed the difference between two-thirds of the amount representing his weekly loss of earnings due to the relevant injury or disease and the amount of that compensation.

(3) For the purpose of the references in the last foregoing subsection to a period of total incapacity for work resulting from the relevant injury or disease, a person who is or has been unable to obtain employment shall be treated as subject to such an incapacity if he is treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease and in such other circumstances as may be provided by a scheme.

(4) For the purposes of paragraph (b) of subsection (2) hereof, the amount representing a person's weekly loss of earnings due to the relevant injury or disease shall be ascertained—

(a) by comparing the standard of remuneration from time to time obtaining in the class of employment in which he was employed at the time when the accident happened with the amount which in general he is earning or able to earn in some suitable employment or business ; but

(b) if at that time he was less than twenty-one years of age, with due regard to the reasonable prospects of advancement at that time of a person of similar age in his grade of employment :

Provided that a scheme may make other provision for ascertaining the amount representing that loss where that class of employment has ceased to exist and in other special cases, and a scheme may also include provision for further defining the amount referred to in paragraph (a) of this subsection and the principles on which it is to be ascertained.

(5) Any reference in this section to the amount of a person's workmen's compensation shall (subject to the following provisions of this section) be taken as referring to the amount (if any) of the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled in respect of the relevant injury or disease :

Provided that—

(a) where in fixing the amount of those weekly payments under the provisions relating thereto regard was had to any payment, allowance or benefit which he might receive during the period of his incapacity from the person liable for the compensation,

and the amount is shown to have been reduced in consequence, the amount of those weekly payments shall for the purposes of this subsection be taken to be the reduced amount so fixed with the addition of the amount of the reduction ; and

(b) where the amount of those weekly payments has not been fixed under the said provisions, it shall be fixed for the purposes of this subsection without regard to any such payment, allowance or benefit as aforesaid.

(6) Where a person is or has since the commencement of this Act been entitled to payments under the Workmen's Compensation (War Addition) Acts, 1917 and 1919, but has before that commencement ceased to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of this section be calculated as if he had not ceased to be entitled to such other payments.

(7) A scheme may provide for modifying the operation of subsections (3) to (5) of this section in relation to a person whose workmen's compensation is or was compensation under a contracting-out scheme in such manner as appears to the Minister to be proper having regard to the provisions of the contracting-out scheme.

(8) Nothing in the foregoing provisions of this section shall be taken to prevent a scheme providing for the payment of more than one allowance to the same person in respect of different injuries or diseases, but the aggregate weekly rate of the allowances payable to a person in respect of the same period shall not exceed fifty-six shillings, where they are payable to a man in respect of a period of total incapacity for work resulting from any relevant injury or disease, being a period during which he is residing with or wholly or mainly maintaining his wife (or is under the provisions of a scheme to be treated as doing so), or forty shillings in any other case.

3.—(1) A scheme may make such incidental or supplementary Ancillary provision as appears to the Minister to be necessary or expedient provisions. for the purposes of this Act.

(2) A scheme shall in particular make provision with respect to the making of claims for allowances, with respect to the determination of questions arising on or in connection with any such claim or the payment of allowances and with respect to any other matters necessary for the proper administration of any scheme ; and subject to any provisions of a scheme for reviewing decisions, the decision in accordance with a scheme of any question arising under a scheme shall be final for the purposes of this Act.

(3) Without prejudice to the generality of subsection (1) of this section, a scheme may make provision—

- (a) for the constitution of a board to be charged with the general administration of any scheme and (subject to any provisions of a scheme) with the determination of questions arising under any scheme, and for enabling the decision of the board on any such question to be proved in legal proceedings by means of a certificate or otherwise ;
- (b) for enabling any class or description of such questions to be determined as if they had arisen under the National Insurance (Industrial Injuries) Act, 1946 ;
- (c) for applying, with or without modifications, subsection (1) of section twenty-eight of that Act (which provides that benefit shall be inalienable) or any regulations under section twenty-seven of that Act (which relates to administration of benefit), or for making provision corresponding thereto ;
- (d) for requiring persons claiming or receiving allowances to furnish information and evidence and to undergo medical or other examination, for summoning persons to attend and give evidence or produce documents at any hearing for the purpose of determining questions arising under a scheme and for authorising the administration of oaths to witnesses at any such hearing ;
- (e) for requiring the repayment to the Industrial Injuries Fund in whole or in part of payments under this Act subsequently found not to have been due, for the deduction of any sums so required to be repaid from payments under this Act or under the National Insurance (Industrial Injuries) Act, 1946, and for the deduction from payments under this Act of any sums which may by virtue of any provision of that Act be recovered by deduction from any payment under that Act.

(4) The Minister may pay to members of any board constituted by a scheme such remuneration or allowances, and may make such other payments in connection with the administration of any scheme (including payments on account of travelling expenses or loss of remunerative time or both to persons required to undergo medical or other examination or to attend any hearing for the purpose of determining questions arising under any such scheme), as he may with the consent of the Treasury determine.

(5) The enactments mentioned in the Schedule to this Act (which respectively relate to the matters referred to in the second column of the Schedule) shall have effect as if any reference in those enactments to the National Insurance (Industrial Injuries)



Act, 1946, included a reference to this Act and any reference therein to benefit under that Act included a reference to allowances under this Act; and any review of, or report on, the operation of that Act made by the Government Actuary or Deputy Government Actuary under section fifty-nine of that Act shall extend also to the operation of this Act during the period covered by the review or report.

(6) Stamp duty shall not be chargeable upon such documents used in connection with business under this Act as may be specified in a scheme.

(7) Notwithstanding anything in this Act, a scheme shall not require a person to submit himself to medical treatment.

4.—(1) If any person, for the purpose of obtaining any allowance or payment under this Act, whether for himself or some other person— Offences.

(a) knowingly makes any false statement or false representation; or

(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

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

(2) A scheme may provide for the recovery on summary conviction of monetary penalties in respect of an offence under this Act, being a contravention of or failure to comply with a provision of a scheme, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

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

(4) Proceedings for an offence under this Act shall not be commenced more than twelve months after the commission of the offence.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused.

Reciprocal  
arrangements  
with Northern  
Ireland.

5.—(1) The Minister may with the consent of the Treasury make reciprocal arrangements for payments under this Act to be made in Northern Ireland out of the same fund as payments under any corresponding legislation of Northern Ireland, and for payments under any such legislation to be made out of the Industrial Injuries Fund, and for making any necessary financial adjustments between the two funds resulting from the arrangements.

(2) In relation to payments out of the Industrial Injuries Fund by virtue of any such arrangements, subsection (1) of the last foregoing section and, to such extent and subject to such modifications as may be provided by a scheme, any provisions of a scheme shall apply as if they were payments under this Act.

(3) In connection with any such legislation of Northern Ireland, any limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to any of the foregoing provisions of this section.

Short title.

6. This Act may be cited as the Workmen's Compensation (Supplementation) Act, 1951.

## SCHEDULE

### ENACTMENTS APPLIED

| <i>Enactment</i>                                               | <i>Subject matter</i>                                              |
|----------------------------------------------------------------|--------------------------------------------------------------------|
| <b>The National Insurance (Industrial Injuries) Act, 1946.</b> |                                                                    |
| Section sixty ... ..                                           | Expenses of Minister and other Government departments.             |
| Section sixty-three ... ..                                     | Proof of age, marriage and death.                                  |
| Section seventy ... ..                                         | Civil proceedings to recover sums due to Industrial Injuries Fund. |
| <b>The National Insurance Act, 1946.</b>                       |                                                                    |
| Section forty-eight ... ..                                     | Recovery of sums by deduction from benefit.                        |
| <b>The National Assistance Act, 1948.</b>                      |                                                                    |
| Section thirteen ... ..                                        | Prevention of duplication of payments.                             |

*Table of Statutes referred to in this Act*

| Short Title                                        | Session and Chapter    |
|----------------------------------------------------|------------------------|
| Workmen's Compensation Act, 1906 ... ..            | 6 Edw. 7. c. 58.       |
| Workmen's Compensation (Silicosis) Act, 1918 ...   | 8 & 9 Geo. 5. c. 14.   |
| Government of Ireland Act, 1920 ... ..             | 10 & 11 Geo. 5. c. 67. |
| National Insurance (Industrial Injuries) Act, 1946 | 9 & 10 Geo. 6. c. 62.  |
| National Insurance Act, 1946 ... ..                | 9 & 10 Geo. 6. c. 67.  |
| National Assistance Act, 1948 ... ..               | 11 & 12 Geo. 6. c. 29. |

**CHAPTER 23***Reserve and Auxiliary Forces (Training) Act, 1951*

## ARRANGEMENT OF SECTIONS

## PART I

## TEMPORARY PROVISIONS FOR CALLING UP FOR TRAINING, ETC.

## Section

1. Calling up of reserves and auxiliaries for training and instructor duties.
2. Procedure for calling up under s. 1.
3. Medical examination of persons to be called up for short-term training.
4. Release from service under s. 1.
5. Application to persons called up of Army Act and Air Force Act, and provisions as to discipline, pay, etc.
6. Penalty for incitement to disobedience.
7. Legal proceedings.

## PART II

## APPLICATION OF PART II OF NATIONAL SERVICE ACT, 1948 TO TRAINING AND SERVICE OF RESERVE AND AUXILIARY FORCES

8. Application of ss. 51 and 52 of 11 & 12 Geo. 6. c. 64 to short-term training under s. 1.
9. Reinstatement rights of persons called up or volunteering for longer periods.
10. Power to apply preceding provisions to other reserve and auxiliary liabilities.
11. Expenses under Part II.
12. Power to extend Part II to Isle of Man.

## PART III

## GENERAL

13. Provision in certain cases for reviving liability of released persons.
  14. Extension of Part I to years 1952-1954.
  15. Short title and interpretation.
- SCHEDULE.—Modifications of ss. 51 and 52 of 11 & 12 Geo. 6. c. 64 and regulations thereunder.

An Act to make temporary provision for the calling up of certain members of His Majesty's military and air forces for the purposes of training, and in connection therewith to provide for the punishment of incitement to dereliction of duty; to extend the provisions of Part II of the National Service Act, 1948; to make provision as to the liabilities of persons released from service for the purpose of again joining any of the armed forces of the Crown; and for purposes connected with the matters aforesaid.

[21st March 1951.]

**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

#### TEMPORARY PROVISIONS FOR CALLING UP FOR TRAINING, ETC.

Calling up of reserves and auxiliaries for training and instructor duties.

1.—(1) Subject to the provisions of this Act, the Service Authority may in the year nineteen hundred and fifty-one call up persons of any of the descriptions specified in the first column of the following table for one period of service in the United Kingdom of a description specified in relation to that description of persons in the second column of that table, being a period (allowance being made for travelling time as hereinafter provided) of a duration not exceeding that specified in the third column of the said table.

TABLE

| Persons liable to be called up                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Description of service | Maximum period of service |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|
| 1. The following members of His Majesty's military forces:—<br>(a) officers of the Regular Army Reserve of Officers, other than officers of the Supplementary Reserve of Officers;<br>(b) officers of the Territorial Army Reserve of Officers;<br>(c) officers holding emergency commissions;<br>(d) persons released under section three or section four of the Armed Forces (Conditions of Service) Act, 1939, being persons who since their release have not, for the purpose of again entering or enlisting in any of the armed forces of the Crown, relinquished their commissions or been discharged;<br>(e) men of the army reserve, not being militiamen. | Training               | 15 days                   |

| Persons liable to be called up                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Description of service     | Maximum period of service |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|
| <p>2. The following members of His Majesty's air forces:—</p> <p>(a) officers of the Royal Air Force Reserve of Officers, other than officers of that reserve who are liable to undergo periodical training;</p> <p>(b) officers of the Royal Air Force Volunteer Reserve, other than persons appointed to commissioned rank in that reserve since the eighteenth day of August, nineteen hundred and forty-six;</p> <p>(c) officers holding emergency commissions, not being persons specified in the last foregoing sub-paragraph;</p> <p>(d) persons released under section five or section six of the Armed Forces (Conditions of Service) Act, 1939, being persons who since their release have not, for the purpose of again entering or enlisting in any of the armed forces of the Crown, relinquished their commissions or been discharged;</p> <p>(e) men of the air force reserve, including the Royal Air Force Volunteer Reserve, not being men who have enlisted in the Royal Air Force Volunteer Reserve, since the eighteenth day of August, nineteen hundred and forty-six or who as men of the air force reserve have since that date received training in aircrew duties.</p> | Training                   | 15 days                   |
| <p>3. Officers and men belonging to fighter squadrons of the Royal Auxiliary Air Force, being persons who have entered or been enlisted or re-engaged in that force since the eighteenth day of August, nineteen hundred and forty-six.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Training                   | 3 months                  |
| <p>4. The following members of His Majesty's air forces:—</p> <p>(a) officers of the Royal Air Force Reserve of Officers or of the Royal Air Force Volunteer Reserve, who as such officers have since the eighteenth day of August, nineteen hundred and forty-six received training in aircrew duties;</p> <p>(b) men of the air force reserve, including the Royal Air Force Volunteer Reserve, who as men of the air force reserve have since the eighteenth day of August, nineteen hundred and forty-six received training in aircrew duties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Training in aircrew duties | 3 months                  |
| <p>5. Members of His Majesty's air forces of the classes specified in sub-paragraphs (a) and (b) of the last foregoing paragraph.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Flying instructor duties   | 18 months                 |

PART I  
—cont.

(2) For the purposes of the foregoing subsection service on any flight of which the point of departure is within the United Kingdom and of which the point of intended return is within the United Kingdom shall be deemed to be service within the United Kingdom.

(3) Where apart from this section a person is under a liability to undergo periodical training, then—

- (a) if he is called up under this section he shall be released from the said liability as respects the year in which he is so called up;
- (b) the maximum period for which he may be called up under any paragraph of the table set out in subsection (1) of this section shall be reduced by the amount of any training which he has previously undergone in the same year in pursuance of the said liability:

Provided that a person shall not, by virtue of paragraph (a) of this subsection, be released from any liability to undergo training for a period of three days or less, and for the purposes of paragraph (b) thereof any training for such a period shall be disregarded.

(4) Subject to the provisions of the last foregoing subsection, nothing in the foregoing provisions of this section shall be construed as derogating from any power to require persons to serve or to undergo training.

(5) In the foregoing provisions of this section—

- (a) the expression “ the United Kingdom ” includes the Isle of Man;
- (b) references to a liability to undergo training are references to any obligation, howsoever arising and whether legally enforceable or not, to undergo training;
- (c) references to officers holding emergency commissions are references to any person whose appointment to an emergency commission has been notified in the London Gazette and who has not relinquished that commission.

(6) The powers conferred by this section do not extend to the calling up of persons serving whole-time in the armed forces of the Crown or of persons serving, in pursuance of section one of the National Service Act, 1948, in an auxiliary force within the meaning of the said section one.

Procedure for  
calling up  
under s. 1.

2.—(1) The Service Authority may cause a notice to be served on any person who is liable to be called up under the foregoing section, stating that he is so called up, specifying the service and period for which he is so called up, and requiring him to present himself at such place, on such day (not earlier than the twenty-first day after the date of the service of the notice), and to such authority, as may be specified in the notice.

(2) Where a notice has been served on any person under this section, the Service Authority may at any time before the day on which he is thereby required to present himself cause to be served on him a supplementary notice varying the previous notice in so far as it specifies the place at which he is required to present himself.

(3) Where a notice has been served on a person under this section and has not been superseded under subsection (5) of this section or cancelled under the next following section, then if he fails, otherwise than by reason of such sickness or other reasonable excuse as may be allowed in the prescribed manner, to present himself in compliance with the notice, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding one month, or to both such fine and such imprisonment:

Provided that it shall be a defence for him to prove that, either before the service of the notice under this section or within seven days after the service thereof, he had applied in the appropriate manner for exemption from liability to be called up under the foregoing section, either generally or as respects any period including the day specified in the notice under this section served on him, and that he had not before that day been notified that the application had been refused.

(4) Any notice under this section may be served on a person by sending it to him by post addressed to him at his last-known address:

Provided that, notwithstanding anything in section twenty-six of the Interpretation Act, 1889, where such a notice has been served on any person by post, service on him shall not be deemed to have been duly effected unless it is proved either that he received the notice or that it was sent by registered post addressed to him at his last-known address.

(5) Every notice under this section served otherwise than by registered post shall require the person on whom it is served to acknowledge receipt thereof within such time as may be specified in the notice; and if acknowledgment is not received—

(a) the Service Authority may cause a further notice under this section to be served on the said person by registered post, requiring him to present himself either on the same day as was specified in the original notice or on such subsequent day as may be specified in the further notice;

(b) if such a further notice is served, it shall have effect in substitution for the original notice.

(6) If, otherwise than by reason of such sickness or other reasonable excuse as may be allowed in the prescribed manner, a person called up by a notice under this section fails to present himself for the service for which he was called up, then without

**PART I**  
—*cont.*

prejudice to the bringing of proceedings against him under subsection (3) of this section a direction may be given to him by a person authorised in that behalf by the Service Authority cancelling the notice.

(7) For the avoidance of doubt it is hereby declared that where a notice under this section is cancelled under any of the provisions of this Part of this Act the person to whom the cancelled notice related shall be liable to be called up under the foregoing section as if he had not been called up by that notice.

Medical  
examination  
of persons  
to be called  
up for short-  
term training.

3.—(1) The Service Authority may in the year nineteen hundred and fifty-one cause to be served on a person of any of the descriptions specified in paragraphs 1 and 2 of the table set out in subsection (1) of section one of this Act, being a person required (subject to the result of his medical examination) for service of a description specified in the said table in relation to persons of his description, a notice requiring him, at such time on such day as may be specified therein, to submit himself for medical examination by a medical board at such place as may be so specified.

(2) Any notice served on a person under the last foregoing subsection may, at his request, be varied by a subsequent notice served on him thereunder.

(3) Where a notice under the last foregoing section has been served on a person, and it is determined by or on behalf of the Service Authority that, having regard to the result of his examination in pursuance of this section or other sufficient evidence, he is not fit for the service for which he was called up by the notice, then as soon as may be that notice shall be cancelled by notification given to the person in question by or on behalf of the Service Authority; but subject as aforesaid as soon as may be after completion of the examination in pursuance of this section of a person on whom a notice under the last foregoing section has previously been served, he shall be notified by or on behalf of the Service Authority that he has been found fit for the service for which he was called up by that notice.

(4) If any person fails to comply with the requirements of a notice served on him under subsection (1) of this section or of any such regulations or directions as are referred to in the next following subsection, then without prejudice to the service on him of a subsequent notice or to the giving to him of a subsequent direction he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, and if a notice has been served on him under the last foregoing section the Service Authority may cause the notice to be cancelled by notification given to the person in question:

Provided that, without prejudice to the cancellation of any notice served under the last foregoing section, in any proceedings



for an offence under this subsection it shall be a defence for the defendant to prove that he was prevented from complying with the notice under subsection (1) of this section, the regulations or directions by circumstances beyond his control:

**PART I**  
—cont.

Provided also that no person shall be convicted of an offence under this subsection unless the court is satisfied that the notice served on him under subsection (1) of this section was served at such time before the date specified therein as to allow the person upon whom it was served reasonable time to comply with the said notice having regard to all the circumstances of the case.

(5) The medical boards for the purposes of this section shall be medical boards constituted for the purposes of section eight of the National Service Act, 1948 (which provides for the medical examination of persons to be called up under that Act), and subsection (2) of the said section eight (which authorises the making of regulations as to the constitution and procedure of medical boards, and in particular for enabling a medical board to direct a further medical examination or to direct the person examined to submit himself for examination by a consultant examiner) and the regulations for the time being in force thereunder shall apply in relation to medical examination for the purposes of this section.

(6) Any notice under subsection (1) of this section, and any notification required or authorised to be given under this section, may be sent by post addressed to the person to whom it relates at his last-known address.

(7) Subsection (9) of section eight, and section fifty-five, of the National Service Act, 1948 (which provide for the payment by the Minister of Labour and National Service of remuneration and allowances to members of medical boards and consultant examiners, for the payment by that Minister of travelling and other allowances to persons undergoing medical examination, and for defraying the expenses of that Minister) shall apply in relation to medical examination for the purposes of this section; but—

(a) the amount determined by the Service Authority and the said Minister, with the consent of the Treasury, to represent the increase attributable to the provisions of this section in the expenses of the said Minister in connection with medical boards and consultant examiners, and with the payment of such travelling and other allowances as aforesaid, shall be reimbursed by the Service Authority out of moneys provided by Parliament;

PART I  
—cont.

(b) the receipts of the said Minister under the last foregoing paragraph shall be applied as appropriations in aid of the moneys provided by Parliament for his expenses under the said Act of 1948.

Release from  
service under  
s. 1.

4.—(1) Subject as hereinafter provided, a person who presents himself for service for which he has been called up under section one of this Act shall be released from that service on the expiration, from the time at which he so presents himself, of a period of time equal to the length of the period of service for which he was called up reduced by his reasonable travelling time:

Provided that he may, if a person authorised in that behalf by the Service Authority so directs, be released at any earlier time.

(2) If, otherwise than by reason of such sickness or other reasonable excuse as may be allowed in the prescribed manner, a person called up under section one of this Act by virtue of paragraph 1 or 2 of the table set out in subsection (1) of that section presents himself on any day later than that on which he was required by the notice to present himself, and is released within twenty-four hours of the time at which he presents himself, then without prejudice to any proceedings which may be brought against him under subsection (3) of section two of this Act he shall be liable to be called up under section one of this Act as if he had not been called up by that notice.

(3) The Service Authorities shall by regulations make provision for determining the reasonable time needed by persons for travelling to the places at which they are required to present themselves on being called up under section one of this Act and for returning from the places at which they are released at the end of the service for which they were so called up; and the reference in subsection (1) of this section to a person's reasonable travelling time shall be construed as a reference to the time which in his case is determined by or under regulations under this subsection to be the reasonable time needed by him for travelling and returning as aforesaid.

(4) If during the period first mentioned in subsection (1) of this section a person called up under section one of this Act ceases to be comprised in any of the descriptions specified in the first column of the table set out in subsection (1) of that section, without becoming comprised in another such description, he shall thereupon be released from the service for which he was so called up.

(5) The power to make regulations conferred by subsection (3) of this section shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5.—(1) A person called up under section one of this Act shall, during the period beginning when he presents himself for the service for which he was so called up and ending with the time at which he is released from that service—

- (a) if called up as a member of His Majesty's military forces, be subject to military law as an officer or as a soldier, as the case may be, and
- (b) if called up as a member of His Majesty's air forces, be subject to the Air Force Act as an officer or as an airman, as the case may be.

PART I  
—cont.  
Application to persons called up of Army Act and Air Force Act, and provisions as to discipline, pay, etc.

(2) The Service Authority may make regulations as to the discipline and pay (including allowances and bounty) of persons called up under section one of this Act, for determining the units or formations in which such persons shall serve, and otherwise for the purposes of this Part of this Act, and in particular for prescribing anything thereby required to be prescribed.

(3) Any regulations under this section shall be laid before both Houses of Parliament as soon as practicable after they are made.

6.—(1) If any person maliciously and advisedly incites persons called up or liable to be called up under this Part of this Act to failure in the performance, or to evasion, of any duties or liabilities under this Part of this Act which they are, or may become, liable to perform or discharge, he shall be guilty of an offence under this section.

Penalty for incitement to disobedience.

(2) If any person, with intent to commit or to aid, abet, counsel, or procure the commission of an offence under the preceding subsection, has in his possession or under his control any document of such a nature that the dissemination of copies thereof among such persons as aforesaid would constitute such an offence, he shall be guilty of an offence under this section.

(3) 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

**PART I**  
—*cont.*

reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that—

- (a) a search warrant shall only be issued in respect of an offence suspected to have been committed within the three months prior to the laying of the information thereof; and
  - (b) if a search warrant under this section has been executed on any premises, it shall be the duty of the officer of police who has conducted or directed the search to notify the occupier that the search has taken place, and to supply him with a list of any documents or other objects which have been removed from the premises, and where any documents have been removed from any other person to supply that person with a list of such documents.
- (4) No woman shall, in pursuance of a warrant issued under the last foregoing subsection, be searched except by a woman.
- (5) Anything seized under this section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this section until the conclusion of those proceedings, and subject as aforesaid, and to the provisions of this section conferring powers on courts dealing with offences, the Police (Property) Act, 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall apply to property which has come into the possession of the police under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (6) A person guilty of an offence under this section shall be liable, on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds, or on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding twenty pounds, or (whether on conviction on indictment or on summary conviction) to both such imprisonment and fine.
- (7) No prosecution in England or Wales under this section shall take place without the consent of the Attorney-General.
- (8) Where a prosecution under this section is being carried on by or under the direction of the Attorney-General, a court of summary jurisdiction shall not deal with the case summarily without his consent.
- (9) Where any person is convicted of an offence under this section, the court dealing with the case may order any documents connected with the offence to be destroyed or dealt with in such other manner as may be specified in the order, but no documents

shall be destroyed before the expiration of the period within which an appeal may be lodged, and if an appeal is lodged no document shall be destroyed until after the appeal has been heard and decided.

PART I  
—cont.

(10) For the purposes of the application of this section to Scotland—

- (a) subsection (3) shall have effect as if for references to a judge of the High Court there were substituted references 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;
- (b) subsection (5) shall not apply provided that anything seized under this section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this section until the conclusion of those proceedings, and subject as aforesaid and to the provisions of any enactment, including this section, conferring powers on courts dealing with offences, any property which has come into the possession of the police under this section shall be returned to the owner, or, if the owner cannot be ascertained, shall be disposed of in such manner as the sheriff, in a summary application made to him, may direct;
- (c) the powers conferred by this section on the sheriff shall not be exercisable by an honorary sheriff substitute.

(11) For the purposes of the application of this section to Northern Ireland—

- (a) for subsection (7) there shall be substituted the following subsection:—
 

“ (7) No prosecution in Northern Ireland under this section shall take place without the consent of the Attorney-General for Northern Ireland ”;
- (b) in subsection (8), for the reference to the Attorney-General, there shall be substituted a reference to the Attorney-General for Northern Ireland; and
- (c) any reference to the rank of inspector of police shall be construed as a reference to the rank of head constable of the Royal Ulster Constabulary.

7. Proceedings for an offence under this Part of this Act may be taken against a person at any place at which he is for the time being. Legal proceedings.

## PART II

APPLICATION OF PART II OF NATIONAL SERVICE ACT, 1948, TO  
TRAINING AND SERVICE OF RESERVE AND AUXILIARY FORCES

Application of  
ss. 51 and 52 of  
11 & 12 Geo. 6.  
c. 64 to short-  
term training  
under s. 1.

8.—(1) Sections fifty-one and fifty-two of the National Service Act, 1948 (which provide respectively for protecting persons liable to training under that Act from dismissal from employment in consequence of such liability, and for protecting the rights to holidays of such persons and adjusting their contracts of service or apprenticeship, where those rights or contracts are affected by such training) and any regulations for the time being in force under either of those sections, shall, subject to the modifications set out in the Schedule to this Act, apply in relation to liabilities to which persons are subject by virtue of paragraph 1 or 2 of the table set out in subsection (1) of section one of this Act.

(2) No liability to which a person is subject by virtue of the said paragraph 1 or 2 shall be deemed to be such an obligation to serve as is mentioned in paragraph (b) of section one of the Reinstatement in Civil Employment Act, 1950 (which section, among other things, confers reinstatement rights on persons entering on whole-time service in pursuance of obligations to serve as commissioned officers when called upon).

Reinstatement  
rights of  
persons called  
up or  
volunteering  
for longer  
periods.

9.—(1) The Reinstatement in Civil Employment Act, 1950 (which applies the provisions of Part II of the National Service Act, 1948 as to reinstatement in civil employment to persons, among others, who have entered upon a period of whole-time service in the armed forces of the Crown in the circumstances mentioned in section one of that Act) shall apply—

(a) to any service to which a person is liable by virtue of paragraph 3, 4 or 5 of the table set out in subsection (1) of section one of this Act, and

(b) to any service for a period of eighteen months for which a naval or marine reserve officer volunteers or has on or after the twenty-ninth day of January, nineteen hundred and fifty-one, volunteered,

as the said Act of 1950 applies to whole-time service in the circumstances specified in paragraph (a) of section one of that Act (which relates to the calling out on permanent service of members of the reserve and auxiliary forces); and section one of that Act shall apply to any such service as is specified in paragraph (a) of this subsection whether it is entered on in consequence of being called up under section one of this Act or in consequence of volunteering.

(2) A certificate of the competent authority as to whether—

(a) a person has volunteered for any service for which he was liable as mentioned in paragraph (a) of subsection (1) of this section, or has entered on such service in pursuance of so volunteering, or

(b) a naval or marine reserve officer has at any time on or after the said twenty-ninth day of January volunteered for service for a period of eighteen months, or has served in pursuance of so volunteering,

PART II  
—cont.

shall be conclusive for the purposes of any proceedings before, or on appeal from, a Reinstatement Committee.

In this subsection the expression “competent authority”, in relation to a person mentioned in paragraph (a) of this subsection, means the Air Council or an officer designated by the Air Council and, in relation to a naval or marine reserve officer, means the Admiralty or an officer designated by the Admiralty.

(3) In the foregoing provisions of this section the expression “naval or marine reserve officer” means an officer of any reserve force of the Royal Navy or the Royal Marines or an officer of reserve to, on the retired or emergency list of, or holding a temporary commission in, the Royal Navy or the Royal Marines.

(4) In accordance with subsection (1) of this section references in subsection (2) of section five of the said Act of 1950 (which makes consequential adaptations of the said Act of 1948) to a person who may be required to enter on whole-time service, and to the date on which a person is required to attend for the purpose of entering thereon, shall include respectively references to any such person as is referred to in paragraph (a) or (b) of subsection (1) of this section who has volunteered for any such service as is specified in the paragraph in question, and to the date on which such a volunteer is to attend for his said service.

10.—(1) If it appears to His Majesty in Council expedient in all the circumstances so to do, His Majesty may by Order in Council make provision for applying, subject to such adaptations or modifications as may be specified in the Order, all or any of the enactments referred to in the foregoing provisions of this Part of this Act in relation to such liabilities (howsoever arising and whether legally enforceable or not) of members of any of His Majesty’s reserve or auxiliary forces, or of any description of such members, as may be so specified.

Power to apply preceding provisions to other reserve and auxiliary liabilities.

(2) An Order in Council under this section may contain such incidental and consequential provisions (including provisions for adapting or modifying any enactment or instrument having effect under an enactment) as may be specified in the Order.

(3) A draft of any Order in Council proposed to be made under this section shall be laid before Parliament, and the draft shall not be submitted to His Majesty except in pursuance of an address presented by each House of Parliament praying that the Order be made.

PART II  
—cont.

(4) Any Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(5) In this section the expression “His Majesty’s reserve or auxiliary forces” means any reserve force of the Royal Navy or the Royal Marines, the Supplementary Reserve of Officers, the army reserve, the Territorial Army, the Royal Air Force Reserve of Officers, the air force reserve, including the Royal Air Force Volunteer Reserve, and the Royal Auxiliary Air Force; and for the purposes of this section an officer of reserve to, or on the emergency list of, the Royal Navy or the Royal Marines shall be treated as a member of His Majesty’s reserve or auxiliary forces.

Expenses  
under Part II.

11. There shall be defrayed out of moneys provided by Parliament any additional expenses which by virtue of this Part of this Act fall to be defrayed out of such moneys under section fifty-five of the National Service Act, 1948.

Power to  
extend Part II  
to Isle of Man.

12.—(1) His Majesty may by Order in Council direct that this Part of this Act shall extend to the Isle of Man, subject to such adaptations and modifications as may be specified in the Order.

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

## PART III

## GENERAL

Provision in  
certain cases  
for reviving  
liability of  
released  
persons.

13.—(1) Where a person provisionally released from naval, military or air force service—

(a) is granted his discharge for the purpose of again entering or enlisting in any of the armed forces of the Crown for a term, and

(b) subsequently, before the completion of that term, is discharged from the force into which he so entered or enlisted,

he shall thereafter be in the same position as if he had not been granted his discharge as mentioned in paragraph (a) of this subsection.

(2) In this section the expression “provisionally released from naval, military or air force service” means released under section one of the Naval and Marine Forces (Temporary Release from Service) Act, 1940, released as mentioned in section two of the Naval Forces (Extension of Service) Act, 1944, or released under section three, four, five or six of the Armed Forces (Conditions of Service) Act, 1939.

Extension  
of Part I  
to years  
1952–1954.

14.—(1) His Majesty may by Order in Council direct that Part I of this Act shall apply in relation to all or any of the years nineteen hundred and fifty-two, nineteen hundred and fifty-three and nineteen hundred and fifty-four as it applies in relation to the year nineteen hundred and fifty-one.



(2) A draft of any Order in Council proposed to be made under this section shall be laid before Parliament, and the draft shall not be submitted to His Majesty except in pursuance of an address presented by each House of Parliament praying that the Order be made.

(3) In sections fifty and fifty-one of the National Service Act, 1948, as applied by virtue of Part II of this Act, words referring directly or indirectly to liability to be called up shall be construed, in relation to a person of a description specified in the table set out in subsection (1) of section one of this Act, on the assumption that the power conferred on His Majesty in Council by this section will be fully exercised.

(4) If any Order in Council is made under this section, references in this Act, or in any enactment or regulations as modified by the Schedule thereto, to Part I of this Act or any provision of the said Part I shall include references to the said Part I or that provision, as the case may be, as extended by the Order.

15.—(1) This Act may be cited as the Reserve and Auxiliary Forces (Training) Act, 1951. Short title and interpretation.

(2) In this Act the expression “the Service Authorities” means the Army Council and the Air Council, and the expression “Service Authority” means the Army Council or the Air Council, as the case may require.

## SCHEDULE

Section 8.

### MODIFICATIONS OF SS. 51 AND 52 OF 11 & 12 GEO. 6. c. 64 AND REGULATIONS THEREUNDER

1. The modifications subject to which sections fifty-one and fifty-two of the National Service Act, 1948, and the regulations under those sections, are applied by virtue of section eight of this Act are the following.

2. The said section fifty-one shall have effect, as applied as aforesaid, as if for the words “in pursuance of Part I of this Act during his term of part-time service” there were substituted the words “in pursuance of Part I of the Reserve and Auxiliary Forces (Training) Act, 1951”.

3. The said section fifty-two and regulations shall have effect, as applied as aforesaid, as if—

- (a) for references to summoning for training in pursuance of a training notice served under Part I of the National Service Act, 1948 there were substituted references to calling up for training in pursuance of section one of this Act, and
- (b) for references, however expressed, to the period of training required by a notice there were substituted references to the period for which a person is prevented from attending his employment in order to comply with a notice calling him up as aforesaid.

*Table of Statutes referred to in this Act*

| Short Title                                                                  | Session and Chapter    |
|------------------------------------------------------------------------------|------------------------|
| Interpretation Act, 1889 ... ..                                              | 52 & 53 Vict. c. 63.   |
| Police (Property) Act, 1897 ... ..                                           | 60 & 61 Vict. c. 30.   |
| Armed Forces (Conditions of Service) Act, 1939...                            | 2 & 3 Geo. 6. c. 68.   |
| Naval and Marine Forces (Temporary Release<br>from Service) Act, 1940 ... .. | 4 & 5 Geo. 6. c. 4.    |
| Naval Forces (Extension of Service) Act, 1944 ...                            | 7 & 8 Geo. 6. c. 13.   |
| National Service Act, 1948 ... ..                                            | 11 & 12 Geo. 6. c. 64. |
| Reinstatement in Civil Employment Act, 1950 ...                              | 14 & 15 Geo. 6. c. 10. |

## CHAPTER 24

### *Army and Air Force (Annual) Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Short title.
2. Army Act and Air Force Act to be in force for specified times.

##### AMENDMENTS OF THE ARMY AND AIR FORCE ACTS

3. Application of Army Act and Air Force Act to the Federation of Malaya.
4. Amendments of Army Act and Air Force Act with respect to affirmations in lieu of oaths.
5. Amendments of s. 91 of Army Act and Air Force Act.
6. Amendment of s. 85 of Army Act.
7. Amendments of provisions of Army Act relating to service property, &c.
8. Amendment of s. 183 of Army Act.

SCHEDULE.—Provisions of the Army Act and the Air Force Act wherein “affirmation” is to be substituted for “declaration”.

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force.  
[26th April 1951.]

**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 five hundred and twenty-seven thousand:

And whereas it is adjudged necessary that a body of air forces should be continued for the purposes aforesaid, and that the whole number of such forces should consist of two hundred and seventy thousand:

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 fifty-one 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) Short title Act, 1951.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say:—

- (a) within Great Britain and Northern Ireland, the Channel Islands and the Isle of Man, from the thirtieth day of April, nineteen hundred and fifty-one, to the thirtieth day of April, nineteen hundred and fifty-two, both inclusive; and

(b) elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, nineteen hundred and fifty-one, to the thirty-first day of July, nineteen hundred and fifty-two, 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 the 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.

#### AMENDMENTS OF THE ARMY AND AIR FORCE ACTS

Application of  
Army Act and  
Air Force Act  
to the Federa-  
tion of Malaya.

3.—(1) After section one hundred and eighty-seven AA of the Army Act there shall be inserted the following section:—

“ 187AB.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to the Federation of Malaya.

(2) References in this Act to a colony shall be construed as including references to the Federation of Malaya.

(3) In the following provisions of this Act, namely, the provisions relating to crimes and punishments, paragraphs (b) and (j) of subsection (1) of section one hundred and sixty-three, section one hundred and eighty-four and paragraph (17) of section one hundred and ninety, references to His Majesty's forces, His Majesty's naval forces, His Majesty's military forces and His Majesty's air forces shall be construed as including respectively references to forces raised in the Federation of Malaya, naval forces so raised, military forces so raised and air forces so raised.

(4) In the following provisions of this Act, namely, the provisions relating to crimes and punishments, sections fifty-seven and one hundred and fifty-eight and paragraph (a) of subsection (1) of section one hundred and sixty-three, references to His Majesty's service shall be construed as including references to the naval, military or air force service of the Federation of Malaya.”

(2) After section one hundred and eighty-seven AA of the Air Force Act there shall be inserted a section in other respects similar to the section hereinbefore set out but modified by the substitution, in subsection (3), for the words “ section one hundred and eighty-four and paragraph (17) of section one hundred and ninety”, of the words “ and section one hundred and eighty-four ”.

4.—(1) Section fifty-two of the Army Act and section fifty-two of the Air Force Act shall each have effect with the substitution, for subsection (4) thereof (which specifies the circumstances in which, for purposes connected with a court-martial, a person may make a solemn declaration instead of taking an oath) of the following subsection:—

Amendments  
of Army Act  
and Air Force  
Act with  
respect to  
affirmations in  
lieu of oaths.

“(4) If a person by this Act required either as a member of, or person in attendance on, or witness before, a court-martial to take an oath, objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, he shall be permitted to make a solemn affirmation in the prescribed form instead of taking an oath.”;

and accordingly, in the provisions of the Army Act and the Air Force Act specified in the Schedule to this Act, for the word “declaration” there shall be substituted the word “affirmation”, and paragraph (28) of section one hundred and ninety of each of those Acts shall have effect with the omission of the words “or declaration”, in both places where they occur, and of the words “or declare”.

(2) In subsections (5) and (6) of section seventy of the Army Act, and in subsections (5) and (6) of section seventy of the Air Force Act (which make provision for the taking on oath of evidence before courts of inquiry and on the investigation of charges) after the words “on oath”, wherever they occur, there shall be inserted the words “or solemn affirmation”, and after the words “administer oaths”, wherever they occur, there shall be inserted the words “and take affirmations”.

(3) Section one hundred and twenty-six of the Army Act and section one hundred and twenty-six of the Air Force Act (which penalize persons not subject to military law or the Air Force Act who misconduct themselves before courts-martial) shall each have effect with the substitution, for sub-paragraph (i) of paragraph (b) of subsection (1) thereof, of the following sub-paragraph:—

“(i) Refuses to take an oath or make a solemn affirmation legally required by a court-martial to be taken or made; or”.

5.—(1) In paragraph (a) of subsection (3) of section ninety-one of the Army Act (which makes provision, as respects soldiers of unsound mind who have homes in Northern Ireland, for their reception into hospitals in Northern Ireland on the application of the Army Council or an officer deputed by them) for the words “apply for the soldier’s reception into that hospital”, there shall be substituted the words “by order direct that the soldier shall be received into that hospital”, and in paragraph (a) of subsection (3) of section ninety-one of the Air Force Act

Amendments  
of s. 91 of  
Army Act and  
Air Force Act.

(which makes corresponding provision as respects airmen of unsound mind who have homes in Northern Ireland) for the words "apply for the airman's reception into that hospital", there shall be substituted the words "by order direct that the airman shall be received into that hospital".

(2) In subsection (4) of section ninety-one of the Army Act and in subsection (4) of section ninety-one of the Air Force Act, for the words from "and an application under paragraph (a) of subsection (3) of this section", to the end of the subsection, there shall be substituted the words "and an order under paragraph (a) of subsection (3) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made by a judicial authority under subsection (2) of section sixteen of the Mental Health Act (Northern Ireland), 1948".

Amendment of  
s. 85 of Army  
Act.

6.—(1) For section eighty-five of the Army Act there shall be substituted the following section:—

" 85.—(1) A soldier of the regular forces who has completed the prescribed period (which shall not be less than fifteen years) of continuous service from the date of his original term of enlistment may give notice to his commanding officer of his desire to continue in His Majesty's service in the regular forces, after the completion of twenty-two years' service, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the completion of twenty-two years' service, be continued as a soldier of the regular forces for the period specified in the notice, in all respects as if his term of service were still unexpired.

(2) Where a soldier of the regular forces will, at the end of his original term of enlistment, have completed not less than twenty-two years' service, and will have completed that service otherwise than by virtue of having, during that term, been re-engaged under section eighty-four of this Act, he may, at any time during the last twelve months of that term, give notice to his commanding officer of his desire to continue in His Majesty's service in the regular forces, after the end of that term, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the end of that term, be continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if his original term of enlistment were still unexpired.

(3) A soldier of the regular forces for the time being continued in service under subsection (1) or (2) of this section may, within the prescribed period immediately preceding the date on which the period for which he is so continued will end, give notice to his commanding officer of his desire to continue further in His Majesty's service after that date for

such period, not exceeding five years, as may be specified in the notice; and if the competent military authority approve, he may, after that date, be further continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if the term for which he was previously continued in service were still unexpired.

(4) The last preceding subsection shall apply to soldiers of the regular forces continued in service thereunder as it applies to such soldiers continued in service under subsection (1) or (2) of this section.

(5) A soldier of the regular forces continued in service under this section may, notwithstanding that he is so continued, claim his discharge at the expiration of the period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

(6) References in this section to periods of service shall, except so far as the context otherwise requires, be construed as including references to periods served in the reserve, but as not including—

(a) periods of whole-time or part-time service within the meaning of Part I of the National Service Act, 1948; or

(b) in relation to a soldier to whom an order made under the proviso to section seventy-six of this Act applies or has applied, any period during which he was under eighteen years of age.

(7) In this section the expression ‘prescribed’ means prescribed by regulations made by the Army Council.”

(2) Where, before the thirtieth day of April, nineteen hundred and fifty-one, a soldier of the regular forces has duly given notice, under the section of the Army Act replaced by the foregoing provisions of this section, of his desire to continue in His Majesty’s service in the regular forces, then, if the competent military authority for the purposes of Part II of that Act has, before that day, approved his continuance in service or approves it on or after that day, he may be continued in service, and shall have the like right to claim his discharge, in all respects as if that section of the Army Act had not been so replaced.

7.—(1) For the purpose of substituting the word “service” Amendments of provisions of Army Act relating to service property, &c. for the word “regimental” and the words “regimental or garrison”, wherever that word or those words occur in the Army Act in qualification of institution, necessaries, books, band, mess or property, the provisions of that Act hereinafter specified shall be amended as follows:—

(a) in section seventeen and paragraph (4) of section one hundred and thirty-seven, for the words “public, regimental or garrison property”, there shall be substituted the words “public or service property”;

- (b) in paragraph (4) of section eighteen and paragraph (4) of section twenty-four, for the words “any regimental band, regimental or garrison mess, or regimental or garrison institution”, there shall be substituted the words “any service mess or band or to any service institution”;
- (c) in paragraph (1) of section twenty-four, paragraph (1) of section twenty-six, subsection (1) of section seventy-two, subsection (2) of section seventy-three, subsection (1) of section one hundred and twelve, paragraph (4) of section one hundred and thirty-eight, proviso (1) to subsection (5) of section one hundred and forty-four, subsection (1) of section one hundred and forty-five and paragraphs (g) and (h) of subsection (1) of section one hundred and sixty-three, for the word “regimental” there shall be substituted the word “service”, and in subsection (1) of section one hundred and fifty-six, for the word “regimental”, where it first occurs, there shall be substituted the word “service”.

(2) Where a charge sheet framed in respect of an offence under any of the provisions of the Army Act mentioned in the foregoing subsection contains the word “regimental” or the word “garrison” or the words “regimental or garrison” it shall have effect as if there were substituted therefor the word “service”.

(3) In subsection (1) of section one hundred and fifty-six of the Army Act, for the words “stores in regimental charge” there shall be substituted the words “stores in the charge of a body of His Majesty’s military forces (other than Dominion forces)”.

(4) For paragraph (17) of section one hundred and ninety of the Army Act there shall be substituted the following paragraph:—

“(17) The expression ‘service’, when qualifying institution, necessaries, books, band, mess or property, means belonging to, or connected with, His Majesty’s military forces (other than Dominion forces) or any body of His Majesty’s military forces (other than Dominion forces).”

Amendment of  
s. 183 of  
Army Act.

8. Paragraphs (a) and (b) of the proviso to section one hundred and eighty-three of the Army Act (which preclude the reduction to the ranks of an instructor, Army Educational Corps, but empower the Army Council to dismiss such an instructor) are hereby repealed.



## SCHEDULE

## Section 4.

PROVISIONS OF THE ARMY ACT AND THE AIR FORCE ACT WHEREIN  
"AFFIRMATION" IS TO BE SUBSTITUTED FOR "DECLARATION"

| <i>Provisions in which<br/>substitution is to be made</i>   | <i>Subject matter</i>                                                                                                                                                                          |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Paragraph (2) of section<br>twenty-eight.                   | Penalization of persons subject to military law or the Air Force Act who refuse to be sworn or to make a solemn declaration.                                                                   |
| Section twenty-nine ...                                     | Penalization of persons so subject who give false evidence.                                                                                                                                    |
| Subsection (6) of section<br>forty-six.                     | Right of a soldier or airman to demand that, where a charge against him is to be dealt with summarily, the evidence against him shall be taken on oath or solemn declaration.                  |
| Subsection (4) of section<br>forty-seven.                   | Right of an officer below the rank of lieutenant-colonel or squadron-leader, and of a warrant officer, to make the like demand where a charge against him is to be dealt with summarily.       |
| Subsection (1) of section<br>seventy-two.                   | Requirement that, where a soldier or airman has been absent without leave for twenty-one days, a court of inquiry shall be assembled to inquire into the matter on oath or solemn declaration. |
| Subsection (2) of section<br>one hundred and<br>twenty-six. | Penalization of persons not subject to military law or the Air Force Act who give false evidence before a court-martial.                                                                       |



## CHAPTER 25

An Act to extend, for defence purposes and purposes relating to world peace and security, the Supplies and Services (Transitional Powers) Act, 1945, and Defence Regulations and other instruments having effect by virtue of that Act; and to make provision for the stopping up or diversion of highways for such purposes and for matters incidental thereto.

[26th April 1951.]

**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:—

Purposes of Supplies and Services (Transitional Powers) Act, 1945, to include defence and maintenance of world peace.

1.—(1) The purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, shall be deemed to include, and always to have included, the purposes of—

- (a) providing or securing supplies and services required for the defence of any part of His Majesty's dominions or any territory under His Majesty's protection or in which he has jurisdiction, or for the maintenance or restoration of peace and security in any part of the world, or for any measures arising out of a breach or apprehended breach of peace in any part of the world; and
- (b) preventing supplies or services being disposed of in a manner prejudicial to the defence of any part of His Majesty's dominions or any such territory as aforesaid or to peace and security in any part of the world or to any such measures as aforesaid;

and any reference in any other provision of the said Act, or in any Defence Regulation having effect by virtue of the said Act, or in any order or other instrument made under any such Regulation, to the purposes specified in the said subsection (1) shall be construed accordingly.

(2) Nothing in the said Act or in this section shall be held to authorise the suppression or suspension of any newspaper, periodical, book or other publication.

Stopping up of highways for defence purposes.

2.—(1) The Minister of Transport, if he is satisfied that it is urgently necessary for any of the purposes specified in paragraph (a) of subsection (1) of the preceding section so to do, may by order provide for the stopping up or diversion of any highway passing through—

- (a) any land used or appropriated for use in His Majesty's service, or

- (b) any land used or appropriated for the performance of any services designated by a Secretary of State or the Admiralty or the Minister of Supply, being services appearing to him or them to be essential for any of the purposes aforesaid, or
- (c) any land adjoining or lying close to any such land as aforesaid.

(2) Not less than twenty-one days before making any such order, the Minister of Transport shall publish in at least one local newspaper circulating in the area in which the highway is situated and in the London Gazette a notice stating the effect of the order, and shall serve a copy of the notice on every local authority in whose area the highway is situated and on any water, hydraulic power, gas or electricity undertakers having any cables, mains, pipes or wires laid along, across or under the highway, and shall cause a copy thereof to be displayed in a prominent position at both ends of so much of the highway as is proposed to be stopped up or diverted.

A notice may be served under this subsection on any such undertakers by delivering it to their secretary or clerk at their registered or principal office, or sending it in a prepaid letter addressed to their secretary or clerk at that office.

(3) Where an order has been or is proposed to be made under subsection (1) of this section, the powers conferred by Regulations fifty and fifty-one of the Defence (General) Regulations, 1939, shall be available for the purpose of providing or improving an alternative route or carrying out any other work required in connection with the stopping up or diversion of the highway, and references in those Regulations to the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, shall, without prejudice to the preceding section, be construed as including references to that purpose.

(4) The power to make orders under subsection (1) of this section shall cease to be exercisable on the expiry of the Supplies and Services (Transitional Powers) Act, 1945:

Provided that any such order in force immediately before the expiry of that Act shall, unless previously revoked, continue in force for a further period of two years.

(5) At any time while an order under subsection (1) of this section is in force, the Minister of Transport may, if he is satisfied that it is necessary in the public interest so to do, by order provide for the permanent stopping up or diversion of the highway or any part thereof.

(6) Any order made under the last preceding subsection shall be made in accordance with the provisions of the Sixth Schedule to the Town and Country Planning Act, 1947, and subsections (2), (3), (4), (5), (6) and (9) of section forty-nine of that Act (which

contain powers to provide or improve other highways and to acquire land for that purpose) and the said Sixth Schedule to that Act shall have effect as if any reference to an order made under the said section forty-nine or under subsection (1) thereof included a reference to an order made under the last preceding subsection; and any other provisions of the said Act shall, so far as they are applicable in relation to an order made under the said section forty-nine, apply in like manner to an order made under the last preceding subsection.

(7) If, while an order under subsection (1) of this section is in force, notice is published in accordance with the said Sixth Schedule of a proposal to make an order under subsection (5) of this section for the permanent stopping up or diversion of the highway or any part thereof, the period for which the first-mentioned order is to continue in force (unless previously revoked) shall be extended, if it would otherwise come to an end at an earlier date—

- (a) until the order under subsection (5) becomes operative, or
- (b) if the proposal for making that order is abandoned, until six months after the abandonment.

As soon as any such proposal is abandoned, the Minister of Transport shall publish a notice to that effect in the London Gazette, and the date of the publication of the notice shall be deemed to be the date of the abandonment.

(8) Any person authorised by the Minister of Transport or a local authority may, on producing (if so required) some duly authenticated document showing his authority, enter on any land for the purpose of surveying it in connection with the provision or improvement of any highway under an order made or proposed to be made under subsection (5) of this section, and any person who wilfully obstructs a person acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds:

Provided that no person shall in the exercise of such powers demand admission as of right to any land which is occupied, unless twenty-four hours' notice of the intended entry has been given to the occupier.

(9) In this section the expression "local authority" means the council of a county, a borough or an urban district, and the expression "highway" includes a part of a highway.

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

- (a) for the references to the Town and Country Planning Act, 1947, and to section forty-nine thereof there shall be substituted references to the Town and Country Planning (Scotland) Act, 1947, and to section forty-six thereof;

- (b) for the references to the London Gazette there shall be substituted references to the Edinburgh Gazette;
- (c) the expression "local authority" means a county council or a town council.

(11) This section, in its application to Northern Ireland, shall have effect subject to the following provisions:—

- (a) for the references to the Minister of Transport there shall be substituted references to the Secretary of State;
- (b) for the references to the London Gazette there shall be substituted references to the Belfast Gazette;
- (c) for subsection (6) there shall be substituted such provisions of a similar effect as may be made by Order in Council, and for the reference in subsection (7) to the Sixth Schedule to the Town and Country Planning Act, 1947, there shall be substituted a reference to the said provisions;
- (d) without prejudice to section sixty-three of the Government of Ireland Act, 1920, the Secretary of State may by order provide for authorising the Ministry of Commerce for Northern Ireland to exercise on his behalf, to such extent and subject to such conditions as may be specified in the order, any functions exercisable by the Secretary of State by virtue of this subsection, and, if the power to make orders under subsection (5) of this section is exercisable by the Ministry of Commerce, any order made in the exercise thereof shall be deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland) 1925, applies.

(12) Any power to make an Order in Council or order under this section shall include a power to vary or revoke the Order in Council or order by a subsequent Order in Council or order, and the power to make orders under subsection (5) of this section shall, except where exercised by the Ministry of Commerce for Northern Ireland, be exercisable by statutory instrument.

3. Any expenses incurred by any Minister of the Crown or Government department in consequence of the passing of this Act shall, except in so far as they fall to be otherwise defrayed under any other enactment, be defrayed out of moneys provided by Parliament, and any increase attributable to the passing of this Act in any sums falling to be paid under any other enactment out of moneys provided by Parliament shall be so paid. Expenses.

4. His Majesty may by Order in Council provide for extending any of the provisions of this Act, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the countries or territories to which any provisions of Extension of Act to colonies and other territories.

the Supplies and Services (Transitional Powers) Act, 1945, extend by virtue of subsection (4) of section five of that Act, and any such Order may be varied or revoked by a subsequent Order.

Short title.

5. This Act may be cited as the Supplies and Services (Defence Purposes) Act, 1951.

*Table of Statutes referred to in this Act*

| Short Title                                                  | Session and Chapter    |
|--------------------------------------------------------------|------------------------|
| Government of Ireland Act, 1920 ... ..                       | 10 & 11 Geo. 5. c. 67. |
| Supplies and Services (Transitional Powers) Act, 1945 ... .. | 9 & 10 Geo. 6. c. 10.  |
| Town and Country Planning Act, 1947 ... ..                   | 10 & 11 Geo. 6. c. 51. |
| Town and Country Planning (Scotland) Act, 1947               | 10 & 11 Geo. 6. c. 53. |

**CHAPTER 26**

*Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951*

ARRANGEMENT OF SECTIONS

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PROHIBITION OF CERTAIN METHODS OF TAKING AND DESTROYING FISH

Section

1. Prohibition of poaching.
2. Methods of fishing.
3. Illegal fishing by two or more persons acting together.
4. Prohibition against using explosive and other noxious substances for the destruction of fish.
5. Penalties for contraventions of ss. 3 and 4.
6. Taking of dead salmon or trout.
7. Illegal possession of salmon or trout.
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PART II

POWERS OF WATER BAILIFFS AND OTHERS

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- 18. Penalties.
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PART V  
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- 21. Application to River Esk.
- 22. Provisions as to River Tweed.
- 23. Expenses payable out of moneys provided by Parliament.
- 24. Interpretation.
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- 26. Short title and extent.

## SCHEDULES:

- First Schedule.—Consequential and Minor Amendments.
- Second Schedule.—Enactments repealed.

An Act to amend the law in regard to the protection of salmon and freshwater fish in Scotland, including the whole of the River Tweed, and for purposes connected therewith. [10th May 1951.]

**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

PROHIBITION OF CERTAIN METHODS OF TAKING AND  
DESTROYING FISH

1. If any person without legal right, or without written permission from a person having such right, fishes for or takes salmon in any waters including any part of the sea within one mile of low water mark, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds, and to the forfeiture of any fish illegally taken by him or in his possession at the time of the offence. Prohibition of poaching.

2.—(1) No person shall fish for or take salmon in any inland water, except by rod and line or by net and coble: Methods of fishing.

Provided that any right of fishing for salmon in existence at the commencement of this Act may continue to be exercised as if the Act had not been passed.

(2) No person shall fish for or take freshwater fish in any inland water except by rod and line:

Provided that—

- (a) in any pond or loch where all the proprietors are so agreed a right of fishing may be exercised by net; and

PART I  
—cont.

(b) in any inland water a proprietor or occupier may fish for or take freshwater fish, other than trout, by net or trap.

(3) Nothing in this section shall be construed as prohibiting the use of a gaff, tailer or landing-net as auxiliary to the taking of salmon or freshwater fish by rod and line.

(4) If any person contravenes this section he shall be guilty of an offence against this Act.

Illegal fishing by two or more persons acting together.

3. If two or more persons acting together do any act which would constitute an offence against either of the foregoing sections of this Act, every such person shall be liable to the penalties set forth in section five of this Act.

Prohibition against using explosive and other noxious substances for the destruction of fish.

4. If any person—

(a) uses any explosive substance with intent to take or destroy fish in any waters (including the sea up to the limit of territorial waters); or

(b) puts any poison or other noxious substance in or near any such waters with intent to take or destroy fish; or

(c) uses any electrical device with intent to stun or destroy salmon or freshwater fish in any such waters;

he shall be guilty of an offence against this Act.

Penalties for contraventions of ss. 3 and 4.

5. Any person guilty of a contravention of either of the two last foregoing sections shall be liable—

(a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment;

(b) on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Taking of dead salmon or trout.

6. Without prejudice to the operation of section three of the Diseases of Fish Act, 1937, if any person, other than a water bailiff or constable in the exercise of their respective duties, or a person authorised in that behalf by the Secretary of State, or a district board, or a person with a right to fish therein, or the agent of any such person, takes or removes dead salmon or trout from any waters, including any part of the sea within one mile of low water mark, he shall be guilty of an offence against this Act.



7.—(1) If any person is found in possession of any salmon or trout, or any instrument, explosive, poison or other noxious substance which could be used in the taking of salmon or trout, in circumstances which afford reasonable ground for suspecting that he has obtained possession of such salmon or trout, or such instrument, explosive, poison or substance as the result or for the purpose of his committing an offence against any of the provisions of sections one to four of this Act, that person may be charged with unlawful possession as aforesaid of such salmon or trout, or of such instrument, explosive, poison or substance.

PART I  
—cont.

Illegal possession of salmon or trout.

(2) Where the court is satisfied that a person charged under the last foregoing subsection obtained possession of salmon or trout, or of any instrument, explosive, poison or other noxious substance as the result or for the purpose of his committing an offence against any of the provisions of sections one to four of this Act, that person may be convicted of unlawful possession as aforesaid and dealt with in like manner as if he had been convicted of the said offence.

(3) It shall be lawful to convict a person charged under this section on the evidence of one witness.

8. Without prejudice to the operation of section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section five of the Summary Jurisdiction (Scotland) Act, 1908, any person who attempts to commit or does any act preparatory to the commission of an offence against this Part of this Act shall be guilty of an offence against this Act, and shall be punishable in like manner as for the said offence.

Attempts to commit offences.

9. A person shall not be guilty of any contravention of this Part of this Act in respect of any act if he does the act for some scientific purpose, or for the purpose of protecting, improving or developing stocks of fish and has obtained the previous permission in writing of the Secretary of State, or, where such act relates to salmon, of the district board if the act is done in a district where there is a district board.

Saving for acts done for scientific, &c., purposes.

## PART II

### POWERS OF WATER BAILIFFS AND OTHERS

10.—(1) Any water bailiff within his district may do all or any of the following things—

Powers of water bailiffs.

- (a) examine any dam, fixed engine or obstruction, or any lade, and for that purpose enter on any land ;
- (b) stop and search any boat which is used in fishing or any boat which there is reasonable cause to suspect of containing salmon or trout ;

**PART II**  
—*cont.*

- (c) search and examine nets or other instruments used in fishing or any basket, pocket or other receptacle capable of carrying fish, which there is reasonable cause to suspect of containing salmon or trout illegally taken ;
- (d) seize any fish, instrument or article, boat or vehicle liable to be forfeited in pursuance of this Act.

(2) Any water bailiff may exercise in any district adjoining that of the district board by which he was appointed any power which he may lawfully exercise in the district of such board.

(3) The production by a water bailiff of the instrument of his appointment purporting to be signed on behalf of the district board by whom he was appointed, or of any badge or other device indicating his appointment and purporting to be issued by such board, shall be a sufficient warrant for the exercise of any power conferred on such water bailiff by or in pursuance of this Act or of the Salmon Fisheries (Scotland) Acts, 1828 to 1868.

(4) Any constable may exercise in relation to any water any of the powers specified in subsection (1) of this section.

(5) Any person appointed by the Secretary of State in that behalf may exercise in relation to any water any of the powers specified in subsection (1) of this section, and the production of the instrument of his appointment purporting to be signed by or on behalf of the Secretary of State shall be a sufficient warrant for the exercise of any such power.

(6) If any person refuses to allow a water bailiff, constable, or any person acting in pursuance of the last foregoing subsection to exercise any power conferred on him by or in pursuance of this Act or of the Salmon Fisheries (Scotland) Acts, 1828 to 1868, or obstructs a water bailiff, constable, or any such person as aforesaid in the exercise of any such power, he shall be guilty of an offence against this Act.

(7) For the purposes of this section—

- (a) any reference to the Salmon Fisheries (Scotland) Acts, 1828 to 1868, shall in relation to the River Tweed include a reference to the Tweed Fisheries Act, 1857, and the Tweed Fisheries Amendment Act, 1859, and
- (b) “land” includes land covered by water, but does not include a dwelling-house or any yard, garden, out-houses and pertinents belonging thereto or usually enjoyed therewith.

Powers of  
search.

**11.**—(1) A sheriff or any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect any offence against any of the provisions of sections three and

four of this Act to have been committed and that evidence of the commission of the offence is to be found on any premises or in any vehicle, may grant a warrant authorising any water bailiff, constable or person appointed by the Secretary of State in pursuance of the last foregoing section at any time or times within one week from the date thereof to enter, if necessary by force, the said premises and every part thereof or the said vehicle for the purposes of detecting the offence.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, as the case may be.

(3) Where a constable has reasonable grounds for suspecting that an offence against any of the provisions of sections three and four of this Act has been committed and that evidence of the commission of the offence is to be found in any vehicle, but that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such vehicle, the said constable may stop and search that vehicle and any person who is found in, or whom he has reasonable grounds to believe to have recently left or to be about to enter the said vehicle.

(4) Where a water bailiff has reasonable grounds for suspecting that an offence against section three or section four of this Act has been committed and that evidence of the commission of the offence is to be found in any vehicle on any private land adjoining any water within his district or any district adjoining thereon the said water bailiff may search that vehicle.

(5) Any person appointed by the Secretary of State in pursuance of the last foregoing section may exercise in relation to any water the powers conferred upon a water bailiff by virtue of this section.

(6) No female shall in pursuance of any search authorised by this section be searched except by a female.

**12.—**(1) If any person shall be found committing any offence against the provisions of Part I of this Act, the provisions of section twenty-nine of the Salmon Fisheries (Scotland) Act, 1868 (which relate to the apprehension of offenders), or, where the offence relates to the River Tweed, the provisions of section thirty-eight of the Tweed Fisheries Act, 1857, shall apply in respect of that person as if he had been found committing any of the offences referred to in the said section twenty-nine or in the said section thirty-eight.

(2) No person other than a water bailiff, constable or person appointed by the Secretary of State in pursuance of section ten

**PART II**  
—cont.

of this Act shall have power by virtue of the said section twenty-nine to seize and detain any person who shall be found committing an offence against the said Act of 1868; and accordingly the said section twenty-nine shall have effect as if for the reference to person where that word first occurs there were substituted a reference to a water bailiff, constable or person appointed by the Secretary of State as aforesaid.

(3) No person other than a water bailiff, constable or person appointed as aforesaid shall have power by virtue of section thirty-eight of the Tweed Fisheries Act, 1857, to seize and detain any person who shall be found committing an offence against that Act, or the Tweed Fisheries Amendment Act, 1859; and accordingly the said section thirty-eight shall have effect as if for the reference to other person there were substituted a reference to a constable or such person as aforesaid.

**PART III****MISCELLANEOUS**

The weekly  
close time.

**13.**—(1) No person shall fish for or take salmon during Sunday.

(2) No person shall fish for or take salmon (except during Saturday or Monday by rod and line) during the weekly close time.

(3) The weekly close time shall extend from the hour of twelve noon on Saturday to the hour of six on the following Monday morning.

(4) If any person contravenes this section he shall be guilty of an offence against this Act.

Inquiry into  
working of  
weekly close  
time.

**14.**—(1) In the year nineteen hundred and fifty-eight or such earlier year not earlier than nineteen hundred and fifty-six as the Secretary of State may determine the Secretary of State shall, in consultation with such associations and persons as he may think fit, investigate the operation of the provisions of this Act relating to the weekly close time.

(2) The Secretary of State shall cause a report of the result of any investigation under this section to be laid before Parliament.

Power of  
Secretary of  
State to  
conduct  
inquiries and  
to obtain  
information.

**15.**—(1) For the purpose of protecting and developing stocks of salmon and trout the Secretary of State shall have power—

(a) to conduct inquiries and investigations into questions of practical or scientific importance to salmon and freshwater fisheries, and for such purpose to enter on and

conduct such operations as may be necessary in any fishery, provided always that no damage shall be done to such fishery and that no interference shall be caused to the rights of the owner or occupier of such fishery ;

- (b) to collect such statistics relating to the number of salmon caught in any salmon fishery and the species, description and weight, and method and date of capture of such salmon as may be deemed necessary, and to require any proprietor or occupier of a salmon fishery to furnish him with such statistics relating to such matters in such form and at such times as he may order ; and
- (c) to publish such statistics in such manner as may seem to him proper so as to show the catch by—
- (i) rod and line fishing,
  - (ii) net fishing within estuary limits, and
  - (iii) net fishing outside estuary limits,
- in any district :

Provided that such statistics shall not be published in such form as to disclose the actual numbers of salmon caught in any one fishery within the period of ten years preceding such publication.

(2) Any proprietor or occupier who wilfully refuses or neglects to comply with any order made in pursuance of the last foregoing subsection, or makes any statement in relation to such an order which is false in a material particular, shall be guilty of an offence against this Act.

**16.**—(1) No person shall consign or send by any common or other carrier any salmon, sea trout or trout unless the package containing the salmon, sea trout or trout is marked conspicuously on the outside thereof with the word “salmon”, “sea trout” or “trout”, as the case may be, and the name and address of the sender. Packages of salmon or trout to be marked.

(2) Any of the following persons, that is to say—

- (a) any person appointed for the purpose by the Secretary of State ;
- (b) any officer of a district board acting within the district of that board or in any adjoining district ; or
- (c) any constable ;

may open any package consigned or sent, or brought to any place to be consigned or sent, and suspected to contain salmon, sea trout or trout, and if any such package is found to contain salmon, sea trout or trout and is not marked in accordance with this section, or if there is reasonable cause to suspect that the

**PART III**  
—cont.

salmon, sea trout or trout contained in any marked package is being dealt with contrary to law, may detain the package and the contents thereof pending proceedings for an offence against this Act. If, before the conclusion of such proceedings, any salmon, sea trout or trout so detained becomes unfit for human food, any such person as aforesaid may destroy the same or cause the same to be destroyed.

(3) If any person contravenes this section or refuses to allow any person acting under the authority thereof to exercise the powers conferred thereby, or obstructs any such person in the exercise of those powers, he shall be guilty of an offence against this Act.

Rates to be  
levied.

17. Any enactment which imposes a limit on the maximum annual rate or assessment which may be levied by a district board shall, in so far as it imposes such a limit, cease to have effect.

**PART IV****LEGAL PROCEDURE**

Penalties.

18.—(1) Subject to the following provisions of this section a person guilty of an offence against this Act for which no penalty is expressly provided shall be liable—

(a) on summary conviction to

(i) a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment; and

(ii) in the case of a continuing offence to a further fine not exceeding ten pounds for every day during which the offence is continued; or

(b) on conviction on indictment to

(i) a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; and

(ii) in the case of a continuing offence to a further fine not exceeding twenty pounds for every day during which the offence is continued.

(2) A conviction of any offence against this Act may be treated as a previous conviction for the purposes of the last foregoing subsection.

(3) A conviction of an offence under any enactment repealed by this Act shall for the purposes of this Act be treated as if it had been a conviction under this Act.

**19.**—(1) Any person who is convicted of an offence against Part I or section thirteen of this Act in respect of which no provision for any forfeiture is expressly made shall be liable to the forfeiture of any fish illegally taken by him or in his possession at the time of the offence and of any instrument or article by which the offence is committed. PART IV  
—cont.  
Forfeitures.

(2) Without prejudice to the operation of the last foregoing subsection any person who is convicted on indictment of an offence against Part I or section thirteen of this Act shall be liable to the forfeiture of any vehicle or boat used by him to assist in the commission of the offence.

(3) Any vehicle or boat forfeited under the last foregoing subsection shall be disposed of as the court may direct.

**20.** Where under this Act any fish is seized as liable to forfeiture the person by whom it is seized may sell it and the net proceeds of the sale shall be liable to forfeiture in the same manner as the fish sold: Disposal of  
fish seized  
under the Act.

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.

## PART V

### LOCAL AND SUPPLEMENTAL

**21.** The provisions of this Act shall not apply to so much of the River Esk, including its banks and tributary streams, as is situated in Scotland. Application to  
River Esk.

**22.**—(1) Section nineteen of and Schedule G to the Salmon Fisheries (Scotland) Act, 1868 (which section and Schedule relate respectively to penalties for destroying salmon fry and disturbing spawning beds, and to the construction and alteration of dams and lades) shall apply to the River Tweed with the substitution for references to a district and a district board respectively of references to the River Tweed and the Board of Commissioners of the River Tweed, and with any other necessary modifications. Provisions  
as to  
River Tweed.

(2) This Act (including the foregoing subsection) and the Freshwater Fish (Scotland) Act, 1902, shall apply to so much of the River Tweed as is situated outwith Scotland as if it were situated in Scotland:

Provided that—

- (a) offences committed in England (including English territorial waters) whether against this Act or against any other enactment mentioned in the foregoing provisions of this section shall be proceeded against and punished

PART V  
—cont.

in England, and in the case of an offence committed in territorial waters proceedings may be taken in any place where the person charged may be found ; and

- (b) in relation to a person found committing an offence to which the foregoing paragraph applies section thirty-eight of the Tweed Fisheries Act, 1857, shall have effect with the substitution for the words from “ before any justice ” onwards of the words “ before any justice having jurisdiction to deal with the case, who shall proceed against such offender according to law ”.

Expenses payable out of moneys provided by Parliament.

23. Any expenses of the Secretary of State under this Act shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

Interpretation.

24.—(1) For the purposes of this Act unless the context otherwise requires—

“ Boat ” includes any craft or vessel used in fishing ;

“ Dam ” means any weir, dam, dyke, cauld, mill dam or other structure constructed in the bed of any stream, river or loch for the purpose of controlling, impounding or diverting water therefrom ;

“ District ” includes all inland waters within the limits of the district as defined by the Salmon Fisheries (Scotland) Act, 1868, and for three miles seaward beyond low-water mark, and the River Tweed shall be deemed to be a district ; and

“ District board ” means a board constituted under the Salmon Fisheries (Scotland) Acts, 1828 to 1868, and shall include a reference to the Board of Commissioners of the River Tweed ;

“ Enactment ” means any Act of Parliament whether public, general, local or private ;

“ Estuary limits ” means limits which divide each river including its mouth or estuary from the sea as fixed by any enactment, byelaw or the decision of a court ;

“ Fixed engine ” means any engine, net or trap used for the taking of salmon, other than a sweep net which when in use is hauled through the water continuously and is not allowed to be stationary in the water or to drift with the current ;

“ Freshwater fish ” means any fish living in fresh water, including trout, and eels and the fry of eels, but exclusive of salmon and of any kind of fish which migrate between the open sea and tidal waters ;



- “Inland waters” includes all rivers above estuary limits and their tributary streams, and all waters, watercourses and lochs whether natural or artificial draining into the sea ;
- “Lade” includes any artificial channel through which water is diverted from any inland water in which salmon or trout are present ;
- “Package” includes any box, basket, barrel, case, receptacle, sack, bag, container, wrapper or other thing in which salmon or trout is placed for the purpose of carriage, consignment or exportation ;
- “The River Tweed” means “the River” as defined by the Tweed Fisheries Amendment Act, 1859, and any by-law amending that definition ;
- “Rod and line” means single rod and line with such bait or lure as is lawful at the passing of this Act ;
- “Salmon” includes all migratory fish of the species *Salmo salar* and *Salmo trutta* and commonly known as salmon and sea trout respectively or any part of any such fish ;
- “Trout” means non-migratory trout of the species *Salmo trutta* living in fresh waters or estuaries ;
- “Vehicle” includes any conveyance other than a vehicle used for the purposes of a passenger transport service within the meaning of the Transport Act, 1947.
- “Water bailiff” means any water bailiff or other duly appointed officer of a district board.

(2) Nothing contained in this Act shall render legal any method of fishing which was or would have been illegal at the date of the commencement of this Act.

(3) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

**25.**—(1) The enactments mentioned in the first column of the First Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments consequential upon the foregoing provisions of this Act or relating to matters of minor detail). Minor amendments and repeals.

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

**26.**—(1) This Act may be cited as the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951. Short title and extent.

(2) Save as in this Act otherwise expressly provided this Act shall extend only to Scotland.

## SCHEDULES

## Section 25

## FIRST SCHEDULE

## CONSEQUENTIAL AND MINOR AMENDMENTS

| Act to be Amended                                                               | Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Tweed Fisheries Act, 1857.<br/>20 &amp; 21 Vict. c. cxlviii.</p>         | <p>In section thirty-eight, after the words " of this Act " there shall be inserted " or of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951 ".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>The Salmon Fisheries (Scotland) Act, 1868.<br/>31 &amp; 32 Vict. c. 123.</p> | <p>In section nine, paragraph (2) shall be omitted.</p> <p>In section twenty-six, after the words " this Act " there shall be inserted the words " or the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951 ".</p> <p>In section twenty-seven, after the words " recited Acts " there shall be inserted the words " or the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951 ".</p> <p>In section forty-one, after the word " Eighteenth " there shall be inserted the word " Nineteenth ", and after the word " thereof " there shall be inserted the words " and Schedule G thereto, and so much of the fifteenth section as relates to the contravention of that Schedule ".</p> <p>In Schedule G, in paragraph 6, for the words " the Down Stream Face of " there shall be substituted the words " or at, " and in paragraph 7 the words " than at present exists " shall be omitted.</p> |
| <p>The Freshwater Fish (Scotland) Act, 1902.<br/>2 Edw. 7. c. 29.</p>           | <p>In section one, after the words " said dates, shall " there shall be inserted the words " on summary conviction ".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>The Trout (Scotland) Act, 1933.<br/>23 &amp; 24 Geo. 5. c. 35.</p>           | <p>In section seven, in subsection (1), for the words from " and the Trout (Scotland) Acts " to the end of the subsection there shall be substituted the words " the Freshwater Fish (Scotland) Act, 1902, and this Act may be cited together as the Trout (Scotland) Acts, 1902 and 1933 ".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**SECOND SCHEDULE**

Section 25.

**ENACTMENTS REPEALED**

| Session and Chapter       | Short Title                                | Extent of Repeal                                                                                                                                                                                                                                        |
|---------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 44 Geo. 3. c. xlv.        | The Solway Act, 1804 ... ..                | Section nine so far as it relates to salmon, and section sixteen.                                                                                                                                                                                       |
| 9 Geo. 4. c. 39.          | The Salmon Fisheries (Scotland) Act, 1828. | Sections one and three.                                                                                                                                                                                                                                 |
| 4 Vict. c. xviii.         | The Annan Fisheries Act, 1841              | The whole Act.                                                                                                                                                                                                                                          |
| 7 & 8 Vict. c. 95.        | The Salmon Fisheries (Scotland) Act, 1844. | The whole Act.                                                                                                                                                                                                                                          |
| 8 & 9 Vict. c. 26.        | The Trout (Scotland) Act, 1845             | The whole Act.                                                                                                                                                                                                                                          |
| 20 & 21 Vict. c. cxlviii. | The Tweed Fisheries Act, 1857              | Sections thirty-seven, thirty-nine, fifty, fifty-five, fifty-six, fifty-nine, sixty-three, sixty-four, sixty-eight, sixty-nine, seventy-five and seventy-six.<br>In section seventy-nine, the words "not exceeding twenty pounds per centum per annum". |
| 22 & 23 Vict. c. lxx.     | The Tweed Fisheries Amendment Act, 1859.   | Sections seven, fourteen and fifteen.                                                                                                                                                                                                                   |
| 23 & 24 Vict. c. 45.      | The Trout (Scotland) Act, 1860             | The whole Act.                                                                                                                                                                                                                                          |
| 25 & 26 Vict. c. 97.      | The Salmon Fisheries (Scotland) Act, 1862. | Section seven so far as it relates to the weekly close time, and section twenty-six.<br>Section twenty-seven.                                                                                                                                           |
| 31 & 32 Vict. c. 123.     | The Salmon Fisheries (Scotland) Act, 1868. | Section seventeen.<br>In section eighteen the words from the beginning of that section to the word "fishing."<br>Sections twenty-five and twenty-eight.<br>In section twenty-nine, the word "Seventeenth".                                              |
| 40 & 41 Vict. c. 65.      | The Fisheries (Dynamite) Act, 1877.        | The whole Act.                                                                                                                                                                                                                                          |
| 2 Edw. 7. c. 29           | The Freshwater Fish (Scotland) Act, 1902.  | Sections two and three.<br>In section five, the words from "and shall" to the end of that section.                                                                                                                                                      |

*Table of Statutes referred to in this Act*

| Short Title                                      | Session and Chapter            |
|--------------------------------------------------|--------------------------------|
| Tweed Fisheries Act, 1857 ... ..                 | 20 & 21 Vict. c. cxlviii.      |
| Tweed Fisheries Amendment Act, 1859 ... ..       | 22 & 23 Vict. c. lxx.          |
| Salmon Fisheries (Scotland) Act, 1868 ... ..     | 31 & 32 Vict. c. 123.          |
| Criminal Procedure (Scotland) Act, 1887 ... ..   | 50 & 51 Vict. c. 35.           |
| Freshwater Fish (Scotland) Act, 1902 ... ..      | 2 Edw. 7. c. 29.               |
| Summary Jurisdiction (Scotland) Act, 1908 ... .. | 8 Edw. 7. c. 65.               |
| Diseases of Fish Act, 1937 ... ..                | 1 Edw. 8 & 1 Geo. 6.<br>c. 33. |
| Transport Act, 1947 ... ..                       | 10 & 11 Geo. 6. c. 49.         |

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## CHAPTER 27

An Act to amend sections twenty-six and twenty-seven  
of the Fire Services Act, 1947. [10th May 1951.]

**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 s. 26.  
10 & 11 Geo. 6.  
c. 41.

1.—(1) The powers conferred by section twenty-six of the Fire Services Act, 1947 (which enables the Secretary of State to make orders for bringing into operation a Firemen's Pension Scheme or for varying that Scheme) shall include power to make an order revoking any previous order under that section (whether made before or after the commencement of this Act) and bringing into operation a fresh scheme thereunder.

(2) Any reference in the said Act or this Act to the Firemen's Pension Scheme shall be construed, unless the context otherwise requires, as including a reference to any fresh scheme made under the said section twenty-six as amended by this section.

(3) Subsection (2) of the said section twenty-six (which specifies matters for which provision may be made by the Firemen's Pension Scheme) shall have effect as if for the words "employment specified under paragraph (b) of this subsection", where those words occur in paragraph (d) of that subsection and where they occur for the second time in paragraph (e) of that subsection, there were substituted the words "employment which is treated for the purposes of the Scheme as if it were employment as a member of a fire brigade maintained in pursuance of this Act".

2.—(1) Subject to the provisions of section twenty-seven of the Fire Services Act, 1947, the Firemen's Pension Scheme may provide that in relation to persons of such classes as may be prescribed by the Scheme, being persons to whom awards may be made thereunder in respect of any employment, the provisions of the Scheme shall have effect to the exclusion of any provision for pension, allowance or gratuity in respect of that employment contained in or in force under any other enactment. Amendment of s. 27.

(2) Subsection (1) of the said section twenty-seven (which excludes statutory pension schemes other than the Firemen's Pension Scheme in the case of any employment as a member of a fire brigade maintained in pursuance of that Act) shall cease to have effect on the date on which the first provision included in the said Scheme in pursuance of this section takes effect; and in relation to any period before that date the said subsection (1) shall apply, and shall be deemed always to have applied, only to persons being firemen as defined by the Firemen's Pension Scheme as originally made, or required to be treated thereunder as if they were firemen as so defined.

(3) Where by virtue of subsection (2) of this section any person would be liable to pay contributions under or by virtue of any enactment other than the Firemen's Pension Scheme in respect of any such period as is mentioned in that subsection, he may, by notice in writing given within three months after the expiration of that period to the authority to whom those contributions would be so payable, elect that the said section twenty-seven shall apply in his case in relation to that period as originally enacted and not as amended by the said subsection (2).

(4) Subsection (5) of the said section twenty-seven (which saves the operation of the National Insurance (Industrial Injuries) Act, 1946, and the National Insurance Act, 1946) shall have effect as if the reference therein to subsection (1) of that section included a reference to subsection (1) of this section. 9 & 10 Geo. 6.  
c. 62.  
9 & 10 Geo. 6.  
c. 67.

3.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other enactment. Financial provisions.

(2) Any receipts of the Secretary of State under the Fire Services Act, 1947, as amended by this Act shall be paid into the Exchequer.

4.—(1) This Act may be cited as the Fire Services Act, 1951, and this Act and the Fire Services Act, 1947, may be cited together as the Fire Services Acts, 1947 and 1951. Citation, construction commencement and extent.

C\*

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including (unless the context otherwise requires) this Act.

(3) This Act shall come into force one month after the passing of this Act.

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

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## CHAPTER 28

An Act to make temporary provision for the protection of occupiers of residential property in Scotland under leases of not less than thirty-one years.

[10th May 1951.]

**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:—

Continuation  
of certain  
leases.

1.—(1) Where, in terms of any lease to which this section applies, the lease falls within the period of two years beginning with the commencement of this Act, the lease shall, subject as hereinafter provided, have effect as if for such lease there were substituted the date when the said period expires.

(2) This section applies to any lease for not less than thirty-one years of property in Scotland if, immediately before the lease, the tenant or a member of his family is living in the property or a part thereof in pursuance of the lease.

Power of  
tenant to  
exclude  
operation of  
foregoing  
section.

2.—(1) Where the tenant under any such lease as is mentioned in subsection (1) of the foregoing section gives to the landlord, within the time hereinafter specified, notice in writing that he does not desire that the lease shall be continued under the said subsection (1), that subsection shall not have effect regarding such lease.

(2) Notice for the purposes of the last foregoing subsection shall be given not later than forty days before the lease, or, if the lease occurs not more than forty days after the commencement of this Act, such notice shall be given not later than forty days after such commencement.

(3) Where a lease has been continued under subsection (1) of section one of this Act, and the tenant gives to the landlord notice in writing that he desires that the said subsection (1)

shall no longer apply to the lease, the lease shall come to an end on such date not earlier than forty days after the giving of the notice as may be specified therein.

3.—(1) While, in pursuance of a lease of property in Scotland for not less than thirty-one years and terminating at an ish falling within the period specified in subsection (1) of section one of this Act, the tenant or a member of his family is living in the property or part thereof, it shall not be lawful for the landlord during the aforesaid period—

Restrictions on enforcement of irritancy, etc.

- (a) to enforce any irritancy of the lease whether legal or conventional; or
- (b) to exercise any power conferred by the lease to resume possession of the land or any part thereof; or
- (c) to bring any action of damages against the tenant for failure to comply with any term or condition of the lease,

and any proceedings to enforce such irritancy or to recover possession in pursuance of such power or to recover such damages brought at any time between the twenty-first day of November nineteen hundred and fifty and the commencement of this Act and not finally disposed of before the commencement of this Act shall be sisted until the expiry of the period specified in subsection (1) of section one of this Act or until there is no longer living in the property or any part thereof the tenant or a member of his family, whichever first occurs, without prejudice, however, to the making of any order as to expenses.

(2) Nothing in the last foregoing subsection shall apply in relation to any lease where the tenant has given notice to the landlord under subsection (1) or subsection (3) of section two of this Act, or where the tenant is in breach of any obligation with regard to the payment of rent or to the insurance of the buildings comprised in the lease.

4. This Act shall apply where there is an interest belonging to His Majesty in right of the Crown or to a Government department or held on behalf of His Majesty for the purposes of a Government department in like manner as where no such interest subsists.

Application to Crown.

5. For the purposes of this Act—

Interpretation.

- (a) any reference to the ish shall, in relation to a lease continued by tacit relocation, be construed as a reference to the date to which the lease has, at the commencement of this Act, been so continued; and

(b) any reference to a tenant living in a property or a part thereof in pursuance of a lease shall include a reference

(i) to a minister or full-time lay missionary of any religious denomination living in the property or a part thereof by virtue of his office as such minister or missionary; and

(ii) in the case of a tenancy vested in trustees or forming part of the estate of a deceased person, to a person beneficially interested under the trust or in the estate and living in the property or a part thereof.

Citation.

6. This Act may be cited as the Long Leases (Temporary Provisions) (Scotland) Act, 1951.

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## CHAPTER 29

An Act to indemnify the Reverend James Godfrey MacManaway from any penal consequences incurred under the House of Commons (Clergy Disqualification) Act, 1801, by sitting or voting as a member of the Commons House of the Parliament of the United Kingdom or as a member of the House of Commons of Northern Ireland. [10th May 1951.]

**W**HEREAS the Reverend James Godfrey MacManaway was declared elected on the eleventh day of February, nineteen hundred and forty-nine, as a member of the House of Commons of Northern Ireland, and on the twenty-fourth day of February, nineteen hundred and fifty, as a member of the Commons House of the Parliament of the United Kingdom:

And whereas on the seventeenth day of October, nineteen hundred and fifty, the Judicial Committee of His Majesty's Privy Council, upon a reference made by Order in Council pursuant to an Address presented by the Commons House of the Parliament of the United Kingdom, advised His Majesty that the said James Godfrey MacManaway, having been ordained as a priest according to the use of the Church of Ireland, was disabled by the House of Commons (Clergy Disqualification) Act, 1801, from sitting and voting in that House and a resolution to that effect was agreed to by that House on the 19th day of October nineteen hundred and fifty:



And whereas by virtue of the Government of Ireland Act, 1920, 10 & 11 Geo. 5. the said Act of 1801 applies in relation to the House of Commons c. 67. of Northern Ireland as it applies in relation to the Commons House of the Parliament of the United Kingdom and the said James Godfrey MacManaway gave notice of resignation from the House of Commons of Northern Ireland as from the twenty-second day of January nineteen hundred and fifty-one:

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. The said James Godfrey MacManaway is hereby freed, <sup>Indemnity.</sup> discharged and indemnified from all penal consequences whatsoever which he may have incurred by reason of the fact that being disabled in that behalf by the House of Commons (Clergy Disqualification) Act, 1801, and by that Act as applied by the Government of Ireland Act, 1920, he sat or voted at any time before the passing of this Act as a member of the Commons House of the Parliament of the United Kingdom or as a member of the House of Commons of Northern Ireland.

2.—(1) This Act may be cited as the Reverend J. G. <sup>Citation and extent.</sup> MacManaway's Indemnity Act, 1951.

(2) It is hereby declared that this Act extends to Northern Ireland.

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## CHAPTER 30

### *Sea Fish Industry Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### ORGANIZATION, ETC. OF WHITE FISH INDUSTRY

##### *Establishment of Authority, Scottish Committee and Advisory Council*

##### Section

1. Constitution and general functions of White Fish Authority.
2. The Scottish Committee of the Authority.
3. The White Fish Industry Advisory Council.

##### *Powers and duties of Authority*

4. Particular powers and duties of the Authority.
5. Power to make regulations about handling, etc., of white fish, and for other purposes.
6. Schemes for reorganization, development or regulation of the industry.

*Registration and licensing***Section**

7. Registration of persons engaged in the white fish industry.
8. Licensing of fishing vessels.

*Inquiries, information, notices, etc.*

9. Power of the Authority to hold inquiries.
10. Provisions as to inquiries held by Ministers.
11. General provisions as to keeping of books, furnishing information, etc.
12. Powers of entry, etc.
13. Restrictions on disclosure of information.
14. Form and service of notices.

*Finance*

15. Finances of the Authority and expenses of the Advisory Council.
16. Accounts and reports of the Authority.
17. Exchequer loans, grants and payments.

*Supplementary*

18. General provisions about offences.
19. Interpretation.
20. Extension of Part I to Northern Ireland.

**PART II****MISCELLANEOUS AMENDMENTS OF PREVIOUS ACTS**

21. Fishery harbours.
22. Amendment of 23 & 24 Geo. 5. c. 45, s. 1.
23. Amendment as to size limits for fish.
24. Amendment of 25 & 26 Geo. 5. c. 9 as to disclosure of information to Ministers.
25. Appointment of sea-fishery officers.
26. Qualification of officers of the fishery in Scotland under 48 Geo. 3. c. 110, s. 10.
27. Amendment of 7 Edw. 7. c. 41, s. 2.
28. Repeal of 2 & 3 Geo. 6. c. 20, s. 3 and 4 & 5 Geo. 6. c. 1.

**PART III****SUPPLEMENTARY**

29. Short title and repeal.

**SCHEDULES:**

First Schedule—Incidental provisions as to the White Fish Authority and the Scottish Committee.

Second Schedule—Incidental provisions as to the White Fish Industry Advisory Council.

Third Schedule—Authority's regulations and schemes (preliminary procedure).

Fourth Schedule—List of fishery harbours in England and Wales.

Fifth Schedule—Enactments repealed.

An Act to make provision for the reorganization, development and regulation of the white fish industry; to amend the law relating to fishery harbours, the catching and landing of sea fish and other matters affecting or connected with the sea fishing and whaling industries; to abolish the Scottish Fisheries Advisory Council; and for purposes connected therewith  
[10th May 1951.]

**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

### ORGANIZATION, ETC., OF WHITE FISH INDUSTRY

#### *Establishment of Authority, Scottish Committee and Advisory Council*

1.—(1) There shall be constituted an authority to be called “the White Fish Authority” (hereafter in this Act referred to as “the Authority”) which shall have the functions of reorganizing, developing and regulating the white fish industry, and of keeping generally under review matters relating to that industry, and such other functions as are mentioned in this Act; and the White Fish Commission provided for by the Sea Fish Industry Act, 1938, shall not be reconstituted.

Constitution and general functions of White Fish Authority.

(2) The Authority shall consist of five members appointed by the Ministers, and of the five one shall be appointed by the Ministers to be chairman and one to be deputy chairman of the Authority.

(3) The Authority, for the purpose of their general functions of reorganizing, developing and regulating the white fish industry, shall have regard to the interest of consumers in a plentiful supply of white fish at reasonable prices, as well as to the interests of the different sections of the white fish industry.

(4) The Ministers may, after consultation with the Authority, give the Authority such directions of a general character as to the exercise and performance by the Authority of their functions as appear to the Ministers to be requisite in the national interest and the Authority shall give effect to any such directions.

The Ministers shall publish in such manner as they think fit any direction given by them under this subsection as soon as

**PART I**  
**—cont.**

practicable after it is given, unless in their opinion it is against the national interest to do so.

(5) The incidental provisions contained in Part I of the First Schedule to this Act shall have effect in relation to the Authority.

**The Scottish  
Committee of  
the Authority.**

2.—(1) There shall be constituted a committee (hereafter in this Act referred to as “the Scottish Committee”) for the purpose of giving advice to the Authority about the exercise and performance of their functions as respects Scotland, and matters particularly affecting Scotland, and of exercising such of the Authority’s functions as respects Scotland, and matters particularly affecting Scotland, as may from time to time be delegated to the committee by the Authority.

(2) Subject to this Act, the Scottish Committee shall consist of a chairman, who shall be such member of the Authority as may from time to time be appointed by the Ministers, and four other members so appointed.

(3) The incidental provisions contained in Part II of the First Schedule to this Act shall have effect in relation to the Scottish Committee.

**The White Fish  
Industry  
Advisory  
Council.**

3.—(1) For the purpose of giving advice to the Authority about the exercise and performance of their functions generally, there shall be constituted a council to be called the White Fish Industry Advisory Council (hereafter in this Act referred to as “the Advisory Council”).

(2) The Advisory Council shall consist of a chairman who shall be such member of the Authority as may from time to time be appointed by the Authority, and of such other members as may be appointed by the Ministers to represent the interests of the different sections of the white fish industry and any such other interests (including those of persons employed in the industry) as the Ministers may consider to be affected.

(3) Before appointing to the Advisory Council a member to represent any such interests as aforesaid, the Ministers shall consult such bodies, if any, as appear to them to be representative of the interests concerned.

(4) The Authority shall appoint a person employed by them to act as secretary to the Advisory Council.

(5) The incidental provisions contained in the Second Schedule to this Act shall have effect in relation to the Advisory Council.

*Powers and duties of Authority*PART I  
—cont.

4.—(1) For the purpose of their general functions of reorganizing, developing and regulating the white fish industry, the Authority shall have power to do all or any of the following things:—

Particular  
powers and  
duties of the  
Authority.

- (a) to carry on research and experiment either alone or in collaboration with others and for that purpose provide or acquire, equip and operate vessels or plants, and to give financial assistance to others carrying on research or experiment ;
- (b) to encourage persons engaged in the white fish industry to make voluntary arrangements on a co-operative basis for the selling of white fish or the buying of materials and other requisites for the industry (including in particular gear, fuel and stores for fishing vessels), and to give financial or other assistance in bringing any such arrangements into operation ;
- (c) to undertake as agents, in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry, the first sale of white fish landed in Great Britain and, where it appears to the Authority likely to promote efficiency and economy, to undertake as principals the buying and selling of such materials and requisites as aforesaid ;
- (d) to promote the export of white fish by establishing, or by encouraging and giving financial or other assistance for the establishment of, selling agencies and storage facilities outside the United Kingdom, and by other means ;
- (e) to provide or acquire and equip fishing vessels to be operated under charter from the Authority ;
- (f) to provide or acquire, equip and operate plants for processing white fish in Great Britain in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry ;
- (g) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving—
  - (i) fishing vessels or their gear ; or
  - (ii) plants for processing white fish in Great Britain ;

PART I  
—cont.

- (h) to give financial assistance by way of grant for the maintenance while taking a course of specialized training or education of persons engaged or employed in the white fish industry or intending to be so ;
- (j) to encourage, by means of publicity and by advice and instruction, the improvement of conditions in the white fish industry and the greater consumption of white fish.

(2) For the purpose of their general functions of reorganizing, developing and regulating the white fish industry, the Authority may take or acquire shares or similar interests in any company, where a substantial part of the company's business consists or is to consist in carrying on any activities which the Authority have power to carry on under the foregoing subsection or in operating fishing vessels for the catching and landing of white fish.

(3) The Authority may themselves operate any fishing vessel for the catching and landing of white fish where they acquire control of the vessel under or in consequence of any agreement relating to financial assistance given or to be given by them and they are for the time being unable to dispose of the vessel or make other arrangements on terms satisfactory to them.

(4) It shall be the duty of the Authority, if so required by any Minister of the Crown, to act as his agent in matters relating to white fish.

Power to make regulations about handling, etc., of white fish, and for other purposes.

5.—(1) With a view to improving the marketing and distribution of white fish, and the condition in which white fish are offered for sale, the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, may make regulations for all or any of the following purposes:—

- (a) for regulating the handling and stowage of white fish on fishing vessels registered in Great Britain, and for regulating the handling of white fish during or at any time after landing ;
- (b) for timing landings of white fish so as to secure regularity in the supply and prevent congestion in harbours, and for that purpose requiring fishing vessels proposing to land their catch in Great Britain to land or delay landing it if so directed in accordance with the regulations ;
- (c) for regulating the sale of white fish, including the conditions of sale other than the price ;
- (d) for prescribing standards of quality for white fish, and limiting the purposes for which fish of any of the standards may be used.

(2) Without prejudice to the generality of the foregoing subsection, the regulations may include provision for securing economy or speed in handling white fish in markets and in the transportation of white fish, and the regulations—

(a) may for the purposes of paragraph (a) of that subsection regulate—

(i) the construction and equipping of holds in fishing vessels ;

(ii) the construction, size, layout and equipping of the parts of fishing vessels used for processing white fish ;

(iii) the equipping of vehicles used for transporting white fish ;

(iv) the size and material of containers of white fish ;

(b) may for the purposes of paragraph (c) of that subsection require disputes with respect to, or arising out of, any sale to be settled by arbitration in accordance with the regulations ;

(c) may contain such incidental and supplementary provisions as appear to the Authority to be necessary or expedient for the purposes of the regulations.

(3) For the purposes of proviso (a) to subsection (1) of section fifty-two of the Transport Act, 1947 (which excepts from the condition under that subsection as to the limit within which vehicles may be operated under A licences and B licences, among other cases, those where goods of a special character have to be carried in specially designed vehicles), any requirements imposed by regulations under subsection (1) of this section as to the carriage of white fish shall be disregarded.

(4) The Authority may also make regulations for prescribing anything required or authorized by this Part of this Act to be prescribed.

(5) Regulations made by the Authority under this Part of this Act may be made so as to apply either generally or to particular cases or classes of case and may make different provision for different cases or classes of case, and in particular regulations under subsection (1) of this section may—

(a) make different provision for different areas or for fish of different descriptions ;

(b) provide for granting exemptions (subject or not to conditions) for the purposes of paragraph (a) of that subsection.

PART I  
—cont.

(6) Regulations made by the Authority under this Part of this Act shall be of no effect unless confirmed by order of the Ministers, made by statutory instrument, and any such instrument shall be subject to annulment by resolution of either House of Parliament.

(7) The provisions of the Third Schedule to this Act shall have effect with respect to the making and confirmation of such regulations.

(8) If any person contravenes the provisions of any regulations under subsection (1) of this section, he shall be guilty of an offence against this Part of this Act, and if a contravention of any such provision occurs in relation to any fishing vessel every person who is an owner, charterer or skipper of the vessel at the time of the contravention shall be guilty of such an offence.

Schemes for  
reorganization,  
development  
or regulation  
of the industry.

6.—(1) If it appears to the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, that it is necessary or expedient to bring into force a scheme having statutory effect for the reorganization, development or regulation of the white fish industry or any section of it, the Authority may submit to the Ministers a scheme containing any provisions which the Authority in their discretion think expedient for that purpose (including provisions conferring further functions on the Authority).

(2) If the Ministers are satisfied, having regard to the interest of consumers in a plentiful supply of white fish at reasonable prices as well as to the interests of the different sections of the white fish industry, that the bringing into force of the scheme will conduce to the better organization, development or regulation of the white fish industry or the section of it to which the scheme relates, and that it is expedient that the scheme should have effect, then (subject to subsection (8) of this section) they may confirm the scheme by order made by statutory instrument, and thereupon the scheme shall have effect.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to the submission to the Ministers and confirmation of schemes.

(4) A scheme may include provisions making persons guilty of an offence against this Part of this Act, where there is a contravention of the scheme.

(5) Any scheme may be varied or revoked by a subsequent scheme.

(6) The Ministers may (subject to subsection (8) of this section) by order made by statutory instrument revoke a scheme if it appears to them, after consultation with such bodies, if any,



as appear to them to be representative of the interests concerned and with the Authority, 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 the scheme shall be without prejudice to anything previously done under the scheme or to the making, submission or confirmation of a new scheme.

PART I  
—cont.

(7) Any scheme varying or revoking a previous scheme, and any order of the Ministers revoking a scheme, may include provision for any transitional or other consequential matters, including in particular the winding up of any body constituted by the scheme varied or revoked and the disposal of any assets of any body so wound up which remain after the payment of its debts and liabilities and of the costs and expenses of the winding up.

(8) The Ministers shall not make an order confirming or revoking a scheme unless a draft of the order has been laid before Parliament and approved by resolution of each House.

#### *Registration and licensing*

7.—(1) The Authority may keep such registers as they think fit of persons engaging in the white fish industry by carrying on any prescribed business, and the Authority on application made by any person to be registered as a person carrying on a prescribed business, and on payment of such fee not exceeding five shillings as may be prescribed (if any), shall register him in the appropriate register as a person carrying on that business.

Registration  
of persons  
engaged in  
the white fish  
industry.

(2) Subject to any prescribed exemptions, no person shall after the expiration of the prescribed period engage in the white fish industry by carrying on a prescribed business unless he is registered under this section in the appropriate register as a person carrying on that business, and any person contravening this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) The Authority may include in any register kept under this section particulars of the places where the persons registered carry on their business and the number of fishing vessels or vehicles kept for use in the business.

(4) A person shall, on making application to be registered in any register kept under this section, and also on being required to do so by notice given to him by the Authority at any time while his name appears in any such register, furnish to the Authority such information as the Authority may require for the purpose of their powers under this section, and any person registered in any such register as carrying on a prescribed business shall, whenever required to do so as aforesaid, make to the

PART I  
—CONT.

Authority a written declaration stating whether or not he is carrying on that business as a nominee of another person and, if so, giving the name of that other person.

(5) The Authority, on being satisfied that a person whose name is entered in any register kept under this section as a person carrying on a prescribed business has ceased to carry on that business, shall delete that entry in the register.

(6) Registration in any register kept under this section in the name or style under which a business is carried on (whether or not the entry includes the names of those carrying it on) shall operate, so far as relates to that business, as the registration of any person who has given the Authority written notice that he is the person or one of the persons for the time being carrying it on; and the entry relating to the business shall be deleted under the last foregoing subsection if, but only if, the Authority are satisfied that the business is no longer carried on under that name or style by a person who has given them such a notice or is no longer such as to require registration in that register.

(7) Any register kept under this section shall be kept at the Authority's office and, so far as is practicable, a duplicate of it shall be kept at the office used by the Scottish Committee in Scotland; and the register and duplicate shall at all reasonable times be open to public inspection.

Licensing of  
fishing  
vessels.

8.—(1) As from the prescribed date, no fishing vessel registered in Great Britain shall be used in the white fish industry unless there is in force in respect of the vessel a licence granted by the Authority under this section, and if this subsection is contravened in the case of any fishing vessel every person who is an owner or charterer of the vessel shall be guilty of an offence against this Part of this Act:

Provided that this subsection shall not apply to fishing vessels which do not exceed forty feet in length measured from the fore part of the head of the stem to the after part of the head of the stern post, or to other fishing vessels of any class prescribed for the purpose of this proviso.

(2) On application made by any person who is an owner or charterer of a fishing vessel for a licence under this section in respect of the vessel, and on his giving the Authority such particulars of the persons who are to be owners or charterers of it during the currency of the licence and such other information as the Authority may require for the purposes of this subsection, and on payment of such fee not exceeding one pound as may be prescribed (if any), the Authority shall grant the application:

Provided that the Authority may, if in all the circumstances of the case they think fit to do so, refuse to grant the licence in any

case where they are satisfied that a person about whom an order under subsection (7) of this section has been made is to be concerned (whether as owner, charterer, skipper or otherwise) with the management of the vessel, but where they do so shall give the applicant notice of that fact informing him of the effect of the next following subsection.

PART I  
—cont.

(3) Where the Authority have refused an application for a licence under this section, any of the Ministers, after giving the applicant (if he so desires) an opportunity to be heard by a person appointed by that Minister and after taking into consideration the report of any such person and any written representations made by the applicant, may direct the Authority to grant the licence and the Authority shall comply with the direction.

(4) A licence granted under this section shall be granted so as to have effect (subject to the provisions of this section) for a year or such less period as may be specified in the licence, but shall be valid only if and so long as no person is an owner or charterer of the vessel other than—

- (a) those named to the Authority when the licence was applied for ; and
- (b) where any of them dies, anyone to whom his interest passes under his will or the law relating to the administration and distribution of property on death (including his personal representatives).

(5) A licence granted under this section may be granted subject—

- (a) to such conditions as the Authority think fit to impose—
  - (i) for preventing over-fishing ;
  - (ii) in a case to which the proviso to subsection (2) of this section applies, for securing that no person about whom an order has been made under subsection (7) of this section will be concerned in the management of the vessel in respect of which the licence is granted ;
- (b) to such conditions as the Ministers may require to be imposed for securing compliance with any agreements made by or on behalf of any Minister of the Crown or His Majesty's Government, or with any legal obligations in relation to the vessel imposed on any of the persons concerned in its management otherwise than by this Part of this Act ;
- (c) to such other conditions as may be authorized by any scheme.

(6) If any condition of a licence granted under this section in respect of any vessel is contravened, every person who is an

PART I  
—cont.

owner, charterer or skipper of the vessel at the time of the contravention shall be guilty of an offence against this Part of this Act.

(7) Where a person is convicted of an offence under the last foregoing subsection, and the court is satisfied that conditions of licences under this section have been persistently disregarded in the case of any fishing vessels while he has been concerned in their management (whether as owner, charterer, skipper or otherwise), the court may make an order directing that a licence under this section need not be granted as of right in respect of a fishing vessel where he is to be concerned in its management.

(8) Where, at the date of an order made under the last foregoing subsection on a person's conviction, he is concerned in the management of any fishing vessels, the order may direct that any licences granted under this section before that date in respect of those vessels, or such of those licences as may be specified in the order, shall be void as from the date of the order or such later date or dates as may be so specified (but without prejudice to any application for a new licence); and where a person other than the person convicted is aggrieved by any such direction he shall have the same right to appeal against the direction as the person convicted has to appeal against the whole of his sentence.

(9) Where a licence granted under this section ceases to be in force (otherwise than by the expiration of the period for which it was granted), the person having possession of it shall within fourteen days surrender it to the Authority and if he fails to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

(10) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other enactment by or under which fishing vessels are required to be licensed.

(11) References in this section to the owner of a vessel do not apply to the Authority.

*Inquiries, information, notices, etc.*

Power of the  
Authority to  
hold inquiries.

9.—(1) The Authority may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.

(2) If the Ministers are satisfied that, for the purposes of any inquiry into a particular matter under the powers conferred by this section, it is 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 Authority held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Authority are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Authority as if it were

a tribunal established in accordance with that Act and as if that Act had been applied to the Authority in the manner provided for by that Act:

PART I  
—cont.

Provided that the said Act shall in its application to the Authority 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 Authority, if and so far as it is, in the opinion of the Authority, necessary so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given;”.

(3) The last foregoing subsection shall apply in relation to any inquiry held on behalf of the Authority by the Scottish Committee with the substitution of references to the committee for references to the Authority.

(4) Any order under this section shall be made by statutory instrument and a draft of any such instrument shall be laid before Parliament.

10.—(1) For the purpose of any inquiry which, in relation to any scheme or to any regulations under this Part of this Act, is held by direction of the Ministers, 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 possession or 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  
held by  
Ministers

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.

(3) In the application of this section to Scotland, for any reference to a summons there shall be substituted a reference to an order.

PART I  
—cont.

General provisions as to keeping of books, furnishing information, etc.

**11.—(1)** Any person engaged in the white fish industry shall keep such books and records as may be prescribed, and the Authority may from time to time give to any such person a notice requiring him to produce any such books or records to an officer authorised by the Authority or to furnish to the Authority such returns and other information specified in the notice as the Authority may require for the discharge of their functions.

(2) At any time during the currency of a licence granted under this Act the person having possession of it shall, on being required to do so by an officer authorised as aforesaid and on the officer, if so required, showing his certificate, produce the licence to that officer; and any person concerned in the management of a fishing vessel in respect of which there is in force a licence so granted—

- (a) on being required to do so by such an officer and on the officer, if so required, showing his certificate, shall furnish to the officer the name and address of the person having possession of the licence;
- (b) on being required to do so by a notice given to him by the Authority, shall furnish to the Authority that name and address.

(3) If any person required by or under this section, or section seven or eight of this Act, or a scheme, to produce or furnish any document or information in his possession or control fails to comply with the requirement, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds; and if in furnishing any information for the purposes of any of the sections aforesaid or of a scheme a person knowingly or recklessly makes any statement or representation which is false in a material particular, or if with intent to deceive a person produces or furnishes for the purposes aforesaid any document or information which is false in a material particular, 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.

Powers of entry, etc.

**12.—(1)** An officer authorised by the Authority shall, on showing (if so required) his certificate, have a right at all reasonable hours to go on board any fishing vessel registered in Great Britain, or enter any premises not used only as a private dwelling-house or any vehicle,—

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the vessel, premises or vehicle any contravention of regulations under subsection (1) of section five of this Act, or of a scheme, or of the conditions of a licence granted under this Act; and

(b) generally for the purpose of the enforcement of any such regulations, scheme or conditions ;  
and to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require to do for the purposes aforesaid.

(2) If a justice of the peace on sworn information in writing—

(a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid ; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier ; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent ;

the justice may by warrant under his hand authorise such an officer as aforesaid to enter the premises, if need be by force, and the warrant shall continue in force for a period of one month.

(3) Any officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.

(4) Any officer authorised by the Authority may purchase samples of any white fish.

(5) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(6) If a person exposing any white fish for sale refuses to sell to an officer authorized by the Authority to purchase samples the quantity which he requires as a sample, after the officer has shown his certificate and has tendered the price for that quantity, or if a person having for the time being charge of any white fish refuses to allow an officer authorized by the Authority to take samples to take the quantity which he requires as a sample, after the officer has shown his certificate, then that person shall be deemed for the purposes of the last foregoing subsection to have wilfully obstructed the officer :

Provided that where any white fish is exposed for sale in an unopened container, no person shall be required to sell it except in the unopened container in which it is contained.

**PART I**  
**—cont.**

(7) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff.

**Restrictions on  
disclosure of  
information.**

**13.—(1)** No information with respect to any particular undertaking which has been obtained under or by virtue of this Part 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 Part of this Act or the execution of any scheme or of any regulations under this Part of this Act:

Provided that nothing in this subsection shall apply to any disclosure of information made by the Authority to the Ministers or any of them, or to any disclosure of information made for the purposes of any proceedings pursuant to this Part of this Act (including arbitrations), or any criminal proceedings, or for the purposes of any report of such proceedings as aforesaid.

(2) If any person discloses any information in contravention of this section, 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 fifty pounds or to both, 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.

(3) This section shall apply, in place of section twenty-six of the Sea Fish Industry Act, 1938, to information obtained under or by virtue of Part I of that Act as if obtained under or by virtue of this Part of this Act.

**Form and  
service of  
notices.**

**14.—(1)** Any notice to be given by the Authority under this Part of this Act, or under any scheme or any regulations under this Part of this Act, shall be in writing.

(2) Any notice to be given as aforesaid to any person shall be deemed to have been duly given if it is addressed to him either by name or by a sufficient description of the character in which it is given to him, and is delivered at the proper address, and in the case of a notice to be given to the skipper of a fishing boat shall be deemed to have been duly given to him if it is given to, or to the agent of, the owner or the charterer (if any) of the boat, together with a written request that it be transmitted to the skipper:

Provided that this subsection shall not be taken to prejudice any other method of giving the notice.

(3) For the purposes of this section, the proper address of any person to whom a notice is to be given as aforesaid shall be the address furnished by him for the purpose or, if no address has been so furnished, his last known address.



*Finance*PART I  
—cont.

15.—(1) There shall be established, under the control and management of the Authority, a fund to be known as the White Fish Industry Fund, and (except as provided by this Part of this Act) all receipts and expenditure of the Authority shall be paid into and out of that fund.

Finances of the Authority and expenses of the Advisory Council.

(2) The Authority shall have power, for the purpose of financing the discharge of their functions,—

- (a) to raise by means of a general levy imposed by them on persons engaged in the white fish industry a sum not exceeding for any financial year one penny for every stone of white fish landed in Great Britain in that year, and to raise by means of special levies imposed on such persons for the purposes of schemes such additional sums as the schemes authorize ;
- (b) subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, to borrow up to such amount as the Treasury may approve, so long as the amount outstanding at any time of the sums borrowed does not exceed fifteen million pounds ;
- (c) to charge fees for services rendered and such other matters as may be authorised by schemes ;

and shall also have power to accept payments voluntarily made to them by any person for the purpose of promoting all or any of the objects of the Authority.

(3) Any levy imposed by the Authority under this section shall be payable by such persons engaged in the white fish industry, in such proportions and at such times as may be prescribed or, in the case of a special levy, as may be provided by a scheme ; and the amount payable by any person on account of any levy so imposed shall be a debt from him to the Authority and recoverable accordingly.

(4) The Authority may make such payments in respect of the expenses of the Advisory Council as the Ministers and the Treasury may approve.

16.—(1) The Authority shall keep proper accounts with respect to the White Fish Industry Fund, and shall prepare in respect of each financial year a statement of accounts in such form and giving such information as may be directed by the Ministers with the approval of the Treasury.

Accounts and reports of the Authority.

(2) The accounts shall be audited and the statement certified by persons to be appointed in respect of each financial year by the Ministers, and the auditors shall be furnished by the Authority with copies of the said statement and shall report to the Ministers on the accounts and the said statement.

**PART I**  
—cont.

(3) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland.

(4) As soon as the accounts have been audited, the auditors shall send the Ministers copies of the statement of accounts and their certificate on it, and of their report.

(5) As soon as possible after the end of any financial year, the Authority shall also prepare and submit to the Ministers a report of their proceedings in that year.

(6) The Ministers shall lay before Parliament copies of the Authority's report for any financial year, together with copies of the statement of accounts and auditors' certificate and of the auditors' report for that year.

Exchequer  
loans, grants  
and payments.

17.—(1) The Ministers may advance to the Authority, on such terms as the Treasury may approve, any sums required to be borrowed by the Authority during the ten years beginning with the passing of this Act for a purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced does not exceed ten million pounds.

(2) During the said ten years the Ministers shall have power with the approval of the Treasury to make grants to the Authority up to a total of one million pounds in respect of any expenditure of the Authority on research or experiment.

(3) There shall be paid out of moneys provided by Parliament—

(a) such remuneration (whether by way of salaries or by way of fees) and such allowances to the members of the Authority or of the Scottish Committee, and such allowances to the members of the Advisory Council, as the Ministers, with the approval of the Treasury, may determine;

(b) such sums as may from time to time be required by the Ministers for making advances or grants under this section;

(c) such expenses as may be incurred under this Part of this Act by the Ministers in relation to any inquiry held thereunder by their direction, and such other administrative expenses as may be so incurred by them.

(4) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall be paid into the Exchequer.

PART I  
—cont.

(5) Where the exercise by the Authority of any of their powers involves the expenditure of money advanced to them by the Ministers under subsection (1) of this section, the powers shall not be exercised except in accordance with arrangements approved by the Ministers and the Treasury, and the Authority's statement of accounts for any financial year shall deal specially with the application during that year of any money so advanced.

### Supplementary

18.—(1) A person guilty of an offence against this Part of this Act for which no fine is provided by the foregoing provisions of this Act shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding twenty-five pounds or, if he has been previously convicted of the like offence, to a fine not exceeding one hundred pounds.

General  
provisions  
about  
offences.

(2) Subject to the following provisions of this section, the expression "the like offence" in the foregoing subsection—

- (a) in relation to an offence under section five or section eight of this Act means any offence under that section ;
- (b) in relation to a contravention of a scheme means any contravention of that scheme or of a scheme amended by or amending that scheme or re-enacted by or re-enacting it (with or without modifications).

(3) Subject as aforesaid, where a person is convicted of any offence punishable under subsection (1) of this section, he shall, in addition to the fine mentioned in that subsection, be liable—

- (a) if the offence was committed in relation to any white fish, to a fine not exceeding the value of that fish ; and
- (b) if the offence was using a fishing vessel in contravention of subsection (1) of section eight of this Act, to a fine not exceeding the value of the fish caught by the vessel while so used :

Provided that if it appears to the court that the person convicted is the owner of the fish, the court may instead of imposing a fine under this subsection order the fish to be forfeited.

(4) Subject as aforesaid, where an offence against this Part of this Act is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding the following amount, that is to say, for every day on which the offence is so continued one fifth of the maximum fine to which he was liable on the earlier conviction (disregarding any additional fine to which he was liable under the last foregoing subsection).

PART I  
—cont.

(5) Regulations under subsection (1) of section five of this Act or a scheme may modify the foregoing provisions of this section in relation to offences under any provision of the regulations or scheme—

- (a) by reducing the maximum amount of any fine ;
- (b) by excluding subsection (3) of this section ;
- (c) by limiting the meaning of the expression “ the like offence ” in subsection (1) of this section.

(6) Where an offence against this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, 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.

(7) Proceedings under the Summary Jurisdiction Acts for an offence against this Act which is alleged to have been committed at sea may be taken before the court having jurisdiction in any place where the person charged may be found.

## Interpretation

19. For the purposes of this Part of this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ certificate ”, in relation to an officer authorised by the Authority to exercise any power conferred by this Act, means any duly authenticated document showing his authority to do so ;

“ contravene ” includes fail to comply with and “ contravention ” has a corresponding meaning ;

“ fish ” includes shellfish ;

“ fishing vessel ” means a vessel of whatever size and in whatever way propelled, which is for the time being registered in Great Britain and employed in the business of catching and landing sea fish, or not being so registered is employed in the business of catching and landing in Great Britain sea fish ;

“ the Ministers ” means the Minister of Agriculture and Fisheries, the Secretary of State concerned with the sea fishing industry in Scotland and the Minister of Food ;

“ prescribed ” means prescribed by regulations of the Authority ;

- “ processing ” (in relation to fish) includes preserving or preparing fish, or manufacturing products from fish, by any method for human or animal consumption ;
- “ scheme ” means a scheme under section six of this Act ;
- “ white fish ” means fish (whether fresh or preserved) of any kind found in the sea, except—
- (a) herring ;
  - (b) any of the salmon species ; or
  - (c) any species of trout which migrates to and from the sea ;

PART I  
—cont.

and references to white fish shall be construed as including references to parts of white fish ;

- “ white fish industry ” means the white fish industry in Great Britain ; and a person shall be deemed to engage in the white fish industry if he carries on the business of operating fishing vessels for the catching or landing of white fish, or if he carries on in Great Britain the business of selling white fish by wholesale or by retail or of processing white fish (including the business of a fish fryer).

20.—(1) His Majesty may, by an Order in Council made in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland, direct that this Part of this Act shall extend to Northern Ireland, and any such Order in Council may be varied or revoked by a subsequent Order in Council made in pursuance of such a resolution as aforesaid.

Extension of  
Part I to  
Northern  
Ireland.

(2) While this Part of this Act extends to Northern Ireland by virtue of any such Order in Council, it shall have effect (without prejudice to the validity of anything previously done thereunder) as if—

- (a) any reference to the Ministers were a reference to the Ministers (as defined by the last foregoing section) and the Secretary of State concerned with the sea fishing industry in Northern Ireland ;
- (b) any reference to Great Britain were a reference to the United Kingdom ;
- (c) any reference to the London and Edinburgh Gazettes included a reference to the Belfast Gazette ;
- (d) in the provisions relating to the Scottish Committee any reference to Scotland included a reference to Northern Ireland ;

and that committee shall include in addition to the five members provided for by section two of this Act a member appointed by the Ministers after consultation with such department of the government of Northern Ireland as may appear to them to be appropriate.

D

PART I  
—cont.

(3) In the application of this Part of this Act to Northern Ireland by virtue of any such Order in Council, it shall have effect subject to such exceptions, adaptations and modifications as may be provided for by the Order in Council.

(4) Subject to the foregoing provisions of this section, this Part of this Act shall not extend to Northern Ireland.

## PART II

## MISCELLANEOUS AMENDMENTS OF PREVIOUS ACTS

Fishery  
harbours.

**21.**—(1) Where, under or by virtue of any such Act or order relating to the construction, improvement, management or maintenance of any harbour as is hereafter mentioned in this section, anything is required or authorized to be done by, to or before the Minister of Transport, or by, to or before the Minister of Agriculture and Fisheries, then subject to this section that Act or order shall be taken as requiring or authorizing it to be done by, to or before whichever of those Ministers is the appropriate Minister for the time being in the case of that harbour, and any provision of the Act or order which refers or is to be taken as referring to either of those Ministers or to the Ministry of Transport or of Agriculture and Fisheries shall be construed accordingly.

(2) For the purposes of the foregoing subsection, the appropriate Minister shall be the Minister of Agriculture and Fisheries in the case of any harbour if, but only if, the harbour is for the time being a fishery harbour.

(3) The Acts and orders referred to in subsection (1) of this section are any order made before the passing of this Act under the General Pier and Harbour Act, 1861 (including that Act as amended by the General Pier and Harbour Act, 1861, Amendment Act, or the Fishery Harbours Act, 1915), any Act confirming a provisional order so made and any local Act passed before this Act:

Provided that in the case of a local Act divided into Parts the said subsection (1) shall not apply to any of the Parts which does not relate to the matters referred to in that subsection.

(4) In section two of the Fishery Harbours Act, 1915, there shall cease to have effect so much of paragraph (1) as excepts sections seven to sixteen of the General Pier and Harbour Act, 1861, Amendment Act, from the provision made by that paragraph for the Minister of Agriculture and Fisheries to act instead of the Minister of Transport in the case of a fishery harbour; but section two of the said Act of 1915—

(a) shall not affect the operation, in relation to works wholly or partly below high water mark of ordinary spring tides, of sections seven to ten of the second-mentioned

Act (which relate to the approval of plans, the restoration or removal of disused works and similar matters), or the operation of section eleven of that Act (which relates to the display of lights for the guidance of shipping); and

- (b) shall apply to sections fourteen to sixteen of that Act (which relate to the revision of the rates taken by the undertakers at a harbour and to the undertakers' accounts and their auditing) if the undertakers are concerned only with a fishery harbour or harbours, but not otherwise.

Any transfer by virtue of this subsection from one of the said Ministers to the other of functions under the said sections seven to sixteen shall be without prejudice to the validity of anything done before the transfer.

(5) Where there is in a harbour a pleasure pier which is not used or adapted for use as a landing place for goods or passengers, and is under the jurisdiction of undertakers other than the harbour authority, nothing in section two of the said Act of 1915 or in subsection (1) of this section shall affect the operation of any Act or order in relation to those undertakers or to their undertaking or works.

(6) The foregoing provisions of this section shall come into force on the expiration of three months from the passing of this Act, and do not apply to harbours in Scotland or in Northern Ireland.

(7) In this section the expression "harbour" includes any haven, cove or other landing place, and the expression "fishery harbour" means a small harbour which in the opinion of the Minister of Transport and the Minister of Agriculture and Fisheries is principally used by the fishing industry.

(8) The harbours in England and Wales which at the beginning of the year nineteen hundred and fifty-one were fishery harbours are named in the Fourth Schedule to this Act, and a harbour shall not be deemed to have become or to have ceased to be a fishery harbour since the beginning of that year for the purposes either of this section or of the Fishery Harbours Act, 1915 (the main effect of which is to provide that, in the case of fishery harbours, orders under the said Act of 1861 are to be made by the Minister of Agriculture and Fisheries instead of the Minister of Transport) until it is declared to have done so by an order under this section.

(9) Except as may be provided by any order under this section, subsection (1) of it shall not affect the operation, in relation—

- (a) to matters involving or arising out of any interference with tidal lands or tidal waters or the space over or

PART II  
—cont.

under them, or with access to tidal lands or tidal waters, or to matters connected with the safety or guidance of shipping ;

(b) to the coast guard, or to lifeboats or life saving apparatus, appliances or equipment ;

(c) to railways or tramways ;

of any provision of an Act or order referred to in that subsection (not being a provision as to the making, revocation or validity of bye-laws), nor take away from officers of the Ministry of Transport rights exercisable for the purpose of functions conferred otherwise than by the Acts or orders so referred to.

(10) Provision may be made by an order under this section—

(a) for excepting from the operation of subsection (1) of this section any such functions of the Minister of Agriculture and Fisheries or the Minister of Transport as may be specified in the order and any such provisions relating to those functions or matters connected therewith as may be so specified ;

(b) for any transitional matters arising on any transfer of functions under that subsection.

(11) Any order under this section may be varied or revoked by a subsequent order.

(12) Orders under this section shall be made by statutory instrument by the Minister of Agriculture and Fisheries and the Minister of Transport acting jointly.

Amendment of  
23 & 24 Geo. 5.  
c. 45, s. 1.

**22.**—(1) Subsection (3) of section one of the Sea-Fishing Industry Act, 1933 (which provides that no order regulating the landing of foreign caught sea fish shall be made under that section unless orders made under sections two, three and four of that Act are in force), shall (subject to the next following subsection) cease to have effect on the day appointed under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, for the commencement of the licensing powers conferred by that subsection (which relates to the licensing of British fishing boats in the North Sea).

(2) The Ministers may by order made by statutory instrument direct that the said subsection (3) shall cease to have effect on a date earlier than the day appointed as aforesaid, but not earlier than the date on which, in the opinion of the Ministers, adequate provision is or will be made either—

(a) for preventing over-fishing by vessels registered in Great Britain ; or



(b) for regulating the marketing of white fish landed in Great Britain.

PART II  
—cont.

(3) In this section—

(a) the expression “ the Ministers ” means the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and in Northern Ireland, the Minister of Agriculture and Fisheries and the Minister of Food ;

(b) the expression “ white fish ” has the same meaning as in Part I of this Act.

**23.**—(1) Orders under subsection (1) of section four of the Sea-Fishing Industry Act, 1933, as amended by the Sea Fish Industry Act, 1938 (which penalizes anyone who in Great Britain lands, sells, exposes or offers for sale, or has in his possession for the purpose of sale, sea-fish of less than the prescribed size), may prescribe a different size in relation to landing from that prescribed for other purposes. Amendment as to size limits for fish.

(2) Where an order under the said subsection (1) prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then except in so far as provision to the contrary is made by such an order a person who in Great Britain lands a part of a fish of that description shall, subject to the proviso to that subsection (which relates to scientific research), be deemed to contravene that subsection if the part is of a smaller size than the one so prescribed.

(3) Section four B of the said Act of 1933 as so amended (which provides for the extension of the said section four to the Channel Islands and Isle of Man) shall have effect as if any reference to the said section four included a reference to subsections (1) and (2) of this section.

**24.** Subsection (2) of section twelve of the Herring Industry Act, 1935 (which restricts the disclosure of information obtained by virtue of that Act), shall have effect as if after the word “ behalf ” there were inserted the words “ or to the Minister of Food, the Minister of Agriculture and Fisheries, or the Secretary of State ”. Amendment of 25 & 26 Geo. 5. c. 9 as to disclosure of information to Ministers.

**25.** The Minister of Agriculture and Fisheries and the Secretary of State shall each have power to appoint officers to be British sea-fishery officers, and accordingly any reference in any enactment to British sea-fishery officers shall be construed as referring to officers appointed under this section as well as to the officers mentioned in subsection (2) of section eleven of the Sea Fisheries Act, 1883. Appointment of sea-fishery officers.

PART II  
—cont.

Qualification  
of officers of  
the fishery in  
Scotland under  
48 Geo. 3.  
c. 110, s. 10.

Amendment  
of 7 Edw. 7.  
c. 41, s. 2.

**26.** That part of the proviso to section ten of the Herring Fishery (Scotland) Act, 1808, which deals with the qualification of persons to be appointed officers of the fishery shall cease to have effect.

**27.** Section two of the Whale Fisheries (Scotland) Act, 1907 (which authorises the Secretary of State to issue licences under that Act, subject to certain conditions specified in the said section), shall have effect—

(a) with the substitution, for paragraph (4) of the said section, of the following paragraph:—

“(4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer:

Provided that on the application of the holder of a licence the Secretary of State may, if after due inquiry he is satisfied that any additional whaling steamer or steamers are necessary for the full and proper working of the factory or station referred to in the said licence, authorise such holder, by special permission endorsed on his licence, to use or employ such number of additional steamers, not being more than three, as the Secretary of State may think fit;”  
and

(b) with the substitution, in paragraph (5) of the said section, for the words “date mentioned in the immediately preceding subsection,” of the words “first day of January one thousand nine hundred and seven.”

Repeal of  
2 & 3 Geo. 6.  
c. 20, s. 3 and  
4 & 5 Geo. 6.  
c. 1.

**28.** Section three of the Reorganisation of Offices (Scotland) Act, 1939 (which provides for the constitution of a Scottish Fisheries Advisory Council), and the Scottish Fisheries Advisory Council Act, 1940 (which removes the limit on the number of members of the said Council imposed by subsection (2) of the said section three), shall cease to have effect.

## PART III

## SUPPLEMENTARY

Short title  
and repeal.

**29.**—(1) This Act may be cited as the Sea Fish Industry Act, 1951.

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

## SCHEDULES

## FIRST SCHEDULE

Sections 1  
and 2.INCIDENTAL PROVISIONS AS TO THE WHITE FISH  
AUTHORITY AND THE SCOTTISH COMMITTEE

## PART I

## THE WHITE FISH AUTHORITY

*Constitution of the Authority*

1. The Authority shall be a body corporate, with a common seal and power to hold land without licence in mortmain.

2. Every member of the Authority 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 Authority may resign his office by a notice given under his hand to the Ministers, and a member of the Authority who ceases to hold office shall be eligible for re-appointment to the Authority:

Provided that a person shall not hold office as a member of the Authority for more than five years under any one appointment.

3. A person shall be disqualified for membership of the Authority, if and so long as he is a member of the Commons House of Parliament.

4. 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 Authority, that that person will have no such financial or commercial interest as is likely to affect him in the discharge of his functions as such a member, and also to satisfy themselves from time to time, with respect to any person who is a member of the Authority, that he has no such interest as aforesaid; 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 Authority*

5. Unless and until the Authority otherwise determine, three shall be a quorum at any meeting of the Authority.

6. The Authority shall have power to act notwithstanding a vacancy among the members thereof.

7. If at any meeting of the Authority the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

8. All acts done at any meeting of the Authority shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Authority, be as valid as if that defect had not existed.

1ST SCH  
—cont.

9. Minutes shall be kept of the proceedings of the Authority, 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 a meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

10.—(1) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter.

(2) A general notice given in writing by a member of the Authority to the officer designated by them for the purpose to the effect that he is a member or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.

11. Subject to the foregoing provisions of this Schedule, the Authority shall have power to regulate its own procedure.

#### *Incidental Duties and Powers of the Authority*

12. The Authority 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 Authority may enter into such agreements, acquire such property, and do such things (including the employment from time to time of technical and professional agents), as may, in the opinion of the Authority, 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.

14. The Authority may with the approval of the Treasury make arrangements for providing pensions to or in respect of any of their officers or servants, and any such arrangements may include the establishment and administration, by the Authority or otherwise, of a pension scheme with or without a pension fund, and may provide for receipts and expenses of the Authority attributable to their establishment and administration of a pension scheme being dealt with under the scheme instead of being paid into and out of the White Fish Industry Fund.

*Application of Seal*1ST SCH.  
—cont.

15. The application of the common seal of the Authority to any document shall be attested by at least one member of the Authority and by the person for the time being acting as secretary to the Authority.

*Instruments executed or issued by the Authority*

16. 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 Authority by any person generally or specially authorised by them for that purpose.

17. Any document purporting to be a document duly executed or issued under the seal of the Authority or on behalf of the Authority shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

## PART II

## THE SCOTTISH COMMITTEE

*Constitution etc. and Expenses of the Scottish Committee*

18. Paragraphs 2 to 11 of this Schedule shall apply in relation to the Scottish Committee with the substitution of references to the committee for references to the Authority.

19. The Scottish Committee may for the purpose of giving advice to the Authority incur on the Authority's behalf such expenses as may be generally or specially authorised by the Authority, and any such expenses, as well as expenses incurred by the committee in exercising any of the Authority's functions, shall be deemed for the purposes of this Act to be expenses of the Authority.

*The Scottish Seal*

20. In addition to the common seal above referred to, the Authority shall have a seal (hereafter in this Schedule referred to as "the Scottish seal") for use in any case where a document is to be sealed on their behalf by the Scottish Committee.

21. Paragraph 15 of this Schedule shall not apply to the Scottish seal, and the application of the Scottish seal to any document shall be attested by at least one member of the Scottish Committee and by the person for the time being acting as secretary to the committee.

## SECOND SCHEDULE

Section 3.

INCIDENTAL PROVISIONS AS TO THE WHITE FISH INDUSTRY  
ADVISORY COUNCIL

1. Every member of the Advisory Council other than the chairman 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 such member of the council may resign his office by a written notice given under his hand to the Ministers, and a member of the council who ceases to hold office shall be eligible for re-appointment.

D\*

2ND SCH.  
—cont.

2. Unless and until the Advisory Council otherwise determines, the quorum of the council shall be such number as may be fixed by the Ministers.
3. The Advisory Council shall have power to act notwithstanding any vacancy among the members thereof.
4. Subject to any directions which may be given by the Ministers, the Advisory Council shall have power to regulate its own procedure.

Sections 5  
and 6.

### THIRD SCHEDULE

#### AUTHORITY'S REGULATIONS AND SCHEMES (PRELIMINARY PROCEDURE)

1. At least twenty-eight days before making any regulations or submitting any scheme the Authority shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other manner as they think best adapted for informing persons affected, a notice of the Authority's intention to do so—

- (a) specifying the place where the draft regulations or scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied ; and
- (b) stating that the Authority are prepared to receive and consider any objection to the proposed regulations or scheme which may be made to the Authority in writing within such period after the date of the publication of the notice, not being less than twenty-eight days, as may be specified in the notice ;

and the Authority shall, before making the regulations or submitting the scheme, 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 regulations or scheme to the Ministers, the Authority shall transmit to them any objection thereto which has been duly made to the Authority and has not been withdrawn, and the Ministers shall consider any objections so transmitted to them.

3. The order confirming any regulations or scheme shall set out the regulations or scheme ; but before making any such order or, in the case of a scheme, before laying a draft of the order before Parliament, the Ministers may, after holding such inquiries (if any) as they think fit, make such modifications in the regulations or scheme as they may, after consultation with the Authority, consider desirable :

Provided that, if the Ministers decide to make any such modifications, they shall cause notice of the proposed modifications to be published in such manner as they think best adapted for informing persons affected.

## FOURTH SCHEDULE

Section 21.

## LIST OF FISHERY HARBOURS IN ENGLAND AND WALES

|                                 |                      |                      |
|---------------------------------|----------------------|----------------------|
| <i>Northumberland</i>           | <i>Sussex</i>        | <i>Devon (North)</i> |
| Holy Island                     | Rye                  | Clovelly             |
| Seahouses (North<br>Sunderland) | Hastings             |                      |
| Beadnell                        | Eastbourne           | <i>Carmarthen</i>    |
| Newton-by-the-Sea               | Selsey               | Ferryside            |
| Craster                         |                      |                      |
| Boulmer                         | <i>Isle of Wight</i> | <i>Pembroke</i>      |
| Alnmouth                        | Sandown              | Saundersfoot         |
| Newbiggin-by-Sea                |                      | Tenby                |
| Cullercoats                     | <i>Hampshire</i>     | Stackpole Quay       |
|                                 | Mudford              | Solva                |
| <i>Yorkshire</i>                | (Christchurch)       | Porthclais           |
| Redcar                          |                      | Porthgain            |
| Saltburn                        | <i>Dorset</i>        |                      |
| Staithes                        | Swanage              | <i>Cardigan</i>      |
| Runswick Bay                    | Chapman's Pool       | New Quay             |
| Whitby                          | Lulworth Cove        | Aberayron            |
| Robin Hood Bay                  |                      | Aberystwyth          |
| Scarborough                     |                      |                      |
| Filey                           | <i>Devon (South)</i> | <i>Merioneth</i>     |
| Flamborough North               | Axmouth              | Aberdovey            |
| Landing                         | Beer                 | Barmouth             |
| Flamborough South               | Budleigh Salterton   |                      |
| Landing                         | Lympstone            | <i>Caernarvon</i>    |
| Bridlington                     | Topsham              | Pwllheli             |
| Withernsea                      | Brixham              | Rhiw (Port Nigel)    |
|                                 | Hope Cove            | Abersoch             |
| <i>Norfolk</i>                  |                      | Aberdaron            |
| Thornham Harbour                | <i>Cornwall</i>      | Bardsey Island       |
| Brancaster Staithe              | Looe                 | Nevin                |
| Burnham Overy                   | Polperro             | Trevor               |
| Wells                           | Mevagissey           | Conway               |
| Morston Creek                   | Gorran Haven         |                      |
| Blakeney                        | Portloe              | <i>Flint</i>         |
| Cley                            | Portscatho           | Rhyl                 |
| Sheringham                      | Coverack             |                      |
| Cromer                          | Cadgwith             | <i>Cheshire</i>      |
|                                 | Mullion              | Parkgate             |
| <i>Suffolk</i>                  | Porthleven           | Hoylake              |
| Southwold                       | Newlyn               |                      |
| Aldeburgh                       | Mousehole            | <i>Lancashire</i>    |
| Bawdsey Haven                   | Penberth             | Southport            |
|                                 | Porthgwarra          | Lytham               |
| <i>Essex</i>                    | Sennen Cove          | Morecambe            |
| Leigh on Sea                    | St. Ives             |                      |
|                                 | Port Isaac           |                      |
| <i>Kent</i>                     |                      |                      |
| Hythe                           |                      |                      |
| Dungeness                       |                      |                      |

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## Section 29.

**FIFTH SCHEDULE**  
**ENACTMENTS REPEALED**  
**PART I**  
*Acts of Parliament*

| Session and chapter    | Short title                                         | Extent of repeal                                                                                                                                                                                                                                                  |
|------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 48 Geo. 3. c. 110.     | The Herring Fishery (Scotland) Act, 1808.           | In the proviso to section ten, the words from "no person shall be appointed" to "the said lords commissioners; and".                                                                                                                                              |
| 5 & 6 Geo. 5. c. 48.   | The Fishery Harbours Act, 1915.                     | As from the expiration of three months from the passing of this Act, paragraph (1) of section two from the word "except" onwards.                                                                                                                                 |
| 23 & 24 Geo. 5. c. 45. | The Sea-Fishing Industry Act, 1933.                 | As from the date provided for by section twenty-two of this Act, subsection (3) of section one.                                                                                                                                                                   |
| 1 & 2 Geo. 6. c. 30.   | The Sea Fish Industry Act, 1938.                    | Sections one to thirty-seven; subsection (1) of section thirty-nine; in section sixty the words "Part I or"; subsection (3) of section sixty-one; subsection (1) of section sixty-two, except in so far as it defines "local fisheries committee"; the Schedules. |
| 2 & 3 Geo. 6. c. 20.   | The Reorganisation of Offices (Scotland) Act, 1939. | Section three.                                                                                                                                                                                                                                                    |
| 4 & 5 Geo. 6. c. 1.    | The Scottish Fisheries Advisory Council Act, 1940.  | The whole Act.                                                                                                                                                                                                                                                    |

**PART II**  
*Defence Regulations*

| Session and chapter | Short title                                                | Extent of repeal                                                     |
|---------------------|------------------------------------------------------------|----------------------------------------------------------------------|
| —                   | The Defence (Agriculture and Fisheries) Regulations, 1939. | Regulations fifteen to seventeen and twenty-one; the Third Schedule. |



Table of Statutes referred to in this Act

| Short Title                                              | Session and Chapter    |
|----------------------------------------------------------|------------------------|
| Herring Fishery (Scotland) Act, 1808 ... ..              | 48 Geo. 3. c. 110.     |
| General Pier and Harbour Act, 1861 ... ..                | 24 & 25 Vict. c. 45.   |
| General Pier and Harbour Act, 1861, Amendment Act ... .. | 25 & 26 Vict. c. 19.   |
| Sea Fisheries Act, 1883 ... ..                           | 46 & 47 Vict. c. 22.   |
| Whale Fisheries (Scotland) Act, 1907 ... ..              | 7 Edw. 7. c. 41.       |
| Fishery Harbours Act, 1915 ... ..                        | 5 & 6 Geo. 5. c. 48.   |
| Tribunals of Inquiry (Evidence) Act, 1921 ... ..         | 11 & 12 Geo. 5. c. 7.  |
| Sea-Fishing Industry Act, 1933 ... ..                    | 23 & 24 Geo. 5. c. 45. |
| Herring Industry Act, 1935 ... ..                        | 25 & 26 Geo. 5. c. 9.  |
| Sea Fish Industry Act, 1938 ... ..                       | 1 & 2 Geo. 6. c. 30.   |
| Reorganisation of Offices (Scotland) Act, 1939 ... ..    | 2 & 3 Geo. 6. c. 20.   |
| Scottish Fisheries Advisory Council Act, 1940 ... ..     | 4 & 5 Geo. 6. c. 1.    |
| Transport Act, 1947 ... ..                               | 10 & 11 Geo. 6. c. 49. |
| White Fish and Herring Industries Act, 1948 ... ..       | 11 & 12 Geo. 6. c. 51. |

CHAPTER 31

An Act to authorise the making and recovery of charges in respect of certain dental and optical appliances under the National Health Service Act, 1946, and the National Health Service (Scotland) Act, 1947; to make provision for the accommodation and treatment outside Great Britain of persons suffering from respiratory tuberculosis; to remit stamp duty on receipts given in respect of such charges as aforesaid; and to amend the National Assistance Act, 1948, in relation to requirements for services under the said Acts of 1946 and 1947. [10th May 1951.]

**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) Notwithstanding anything in section one of the National Health Service Act, 1946 or section one of the National Health Service (Scotland) Act, 1947, but subject to the following provisions of this section, charges of the amounts specified in the Schedule to this Act may be made and recovered, in such manner as may be prescribed by regulations under those Acts respectively, in respect of the supply under Part II or Part IV of those Acts respectively of such dental or optical appliances as are described in the said Schedule. Charges in respect of certain dental and optical appliances. 9 & 10 Geo. 6. c. 81. 10 & 11 Geo. 6. c. 27.

(2) No charge shall be made under this section in respect of any appliance supplied under the said Part II to a patient for the time being resident in a hospital.

(3) Regulations made for the purposes of subsection (1) of this section may be made so as to take effect—

- (a) in the case of appliances supplied under the said Part II, where the examination or testing of sight under the said Part II leading to the supply of those appliances, or the first such examination or testing, takes place on or after the date on which the regulations come into force;
- (b) in the case of dental appliances supplied under the said Part IV, where the contract or arrangement between the person by whom and the person to whom the appliances are supplied is made on or after that date;
- (c) in the case of optical appliances supplied under the said Part IV, where the testing of sight leading to the supply of those appliances, or the first such testing, takes place on or after that date.

(4) Regulations made for the purposes of subsection (1) of this section in relation to appliances provided as part of the general dental services or the supplementary ophthalmic services under the said Part IV may provide for the reduction of the sums which otherwise would be payable by an Executive Council to the persons by whom those services are provided by the amount of any charges authorised by this section in respect of those appliances.

(5) The provisions of this section shall be in addition to and not in substitution for any provision of the National Health Service Acts, 1946 and 1949 or the National Health Service (Scotland) Acts, 1947 and 1949 authorising the making and recovery of charges in respect of services provided under those Acts.

(6) References in this section to the supply of appliances shall be construed as including references to the replacement of appliances; but (without prejudice to any charge authorised by any such provision as is mentioned in the last foregoing subsection) no charge shall be made under this section in respect of the replacement of dentures or lenses where the replacement is required in consequence of loss or damage.

Power to  
amend  
Schedule.

2.—(1) His Majesty may by Order in Council direct that the Schedule to this Act shall have effect as if for the charges specified therein there were substituted such charges (not being in any case greater than the charges so specified) as may be prescribed by the Order.

(2) Any Order in Council under this section may be revoked or varied by a subsequent Order in Council thereunder.

(3) A draft of any Order in Council proposed to be submitted to His Majesty under this section shall be laid before Parliament, and the draft shall not be so submitted except in pursuance of an Address presented by each House of Parliament praying that the Order be made.

3. The Minister of Health and the Secretary of State may respectively make arrangements for providing, as part of the hospital and specialist services under Part II of the National Health Service Act, 1946 or Part II of the National Health Service (Scotland) Act, 1947, accommodation and treatment outside Great Britain for persons suffering from respiratory tuberculosis.

Provision of accommodation and treatment abroad for respiratory tuberculosis.

4.—(1) Stamp duty shall not be chargeable on any receipt given in respect of charges authorised to be made and recovered in pursuance of this Act.

Consequential provisions.

(2) Notwithstanding anything in section sixty-four of the National Assistance Act, 1948, the expression "requirements" in that Act shall include requirements for services in respect of which charges are for the time being authorised in pursuance of this Act or of section sixteen of the National Health Service (Amendment) Act, 1949; and subsection (1) of section nine of the National Assistance Act, 1948 (which precludes the making of assistance grants to meet the requirements of persons engaged in remunerative full-time work) shall not apply in relation to requirements for such services as aforesaid.

11 & 12 Geo. 6. c. 29.  
12, 13 & 14 Geo. 6. c. 93.

(3) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable under the National Health Service Acts, 1946 and 1949, the National Health Service (Scotland) Acts, 1947 and 1949 or the National Assistance Act, 1948 out of moneys so provided; and any sums received by the Minister of Health or the Secretary of State under this Act shall be paid into the Exchequer.

5.—(1) Subject to the provisions of this section, the following provisions of this Act, that is to say sections one and two, section four (except so far as it relates to expenditure under section three) and the Schedule, shall continue in force until the first day of April nineteen hundred and fifty-four and shall then expire.

Duration of certain provisions.

(2) If at any time while the said provisions are in force, an Address is presented to His Majesty by each House of Parliament praying that the said provisions be continued in force for a further period of one year from the time at which they would otherwise expire, His Majesty may by Order in Council direct that the said provisions shall continue in force for that further period.

52 & 53 Vict.  
c. 63.

(3) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiry of the said provisions as if they had then been repealed.

Short title,  
citation and  
extent.

6.—(1) This Act may be cited as the National Health Service Act, 1951 and this Act, so far as it applies to England and Wales, and the National Health Service Acts, 1946 and 1949 may be cited together as the National Health Service Acts 1946 to 1951, and this Act, so far as it applies to Scotland, and the National Health Service (Scotland) Acts, 1947 and 1949 may be cited together as the National Health Service (Scotland) Acts, 1947 to 1951.

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

(3) Subsection (3) of section eighty of the National Health Service Act, 1946 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

Sections 1, 2, 5.

## SCHEDULE

### CHARGES FOR DENTAL AND OPTICAL APPLIANCES

| <i>Description of Appliance</i>        | <i>Authorised Charge</i>                                                                                                |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Dentures—                              |                                                                                                                         |
| One denture—                           | £ s. d.                                                                                                                 |
| 1, 2 or 3 teeth ... ..                 | 2 0 0                                                                                                                   |
| 4 to 8 teeth ... ..                    | 2 5 0                                                                                                                   |
| More than 8 teeth... ..                | 2 10 0                                                                                                                  |
| More than one denture ...              | The aggregate of the amounts prescribed by this Schedule in respect of each denture, or £4 5s., whichever is the lower. |
| Glasses other than children's glasses— |                                                                                                                         |
| Lenses, per lens ... ..                | s. d.<br>10 0                                                                                                           |
| Frames ... ..                          | The current specified cost.                                                                                             |

#### *Interpretation*

In this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

“ children's glasses ” means glasses for which a standard type of children's frame as described in the Statement of Fees and Charges is used;

“current specified cost”, in relation to frames supplied under Part IV of the National Health Service Act, 1946 or Part IV of the National Health Service (Scotland) Act, 1947, means the sum specified in the Statement of Fees and Charges as the sum payable for frames of that description by the person to whom they are supplied (including, in the case of the Statement in force at the commencement of this Act, any sum so specified as payable by the Council), and in relation to frames supplied under Part II of those Acts respectively means a sum equal to the sum specified as aforesaid or, in the case of frames of a description for which no sum is so specified, such sum as may be determined by or in accordance with directions given by the Minister of Health or the Secretary of State, as the case may be;

and for the purposes of this provision “the Statement of Fees and Charges” means the Statement of Fees and Charges prepared under Regulation 3 of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948 or under Regulation 3 of the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, as the case may be, or any corresponding regulation for the time being in force.

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## CHAPTER 32

An Act to amend the British North America Act, 1867.  
[31st May 1951.]

**W**HEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

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. The British North America Act, 1867, is amended by adding thereto immediately after section ninety-four thereof the following heading and section:—

### “ OLD AGE PENSIONS

94A. It is hereby declared that the Parliament of Canada may from time to time make laws in relation to old age pensions in Canada, but no law made by the Parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a Provincial Legislature in relation to old age pensions.”

Amendment  
as to legislation  
respecting old  
age pensions.  
30 & 31 Vict.  
c. 3.

Short title  
and citation.

2. This Act may be cited as the *British North America Act, 1951*, and the *British North America Acts, 1867 to 1949*, and this Act may be cited together as the *British North America Acts, 1867 to 1951*.

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## CHAPTER 33

An Act to repeal the *Witchcraft Act, 1735*, and to make, in substitution for certain provisions of section four of the *Vagrancy Act, 1824*, express provision for the punishment of persons who fraudulently purport to act as spiritualistic mediums or to exercise powers of telepathy, clairvoyance or other similar powers.

[22nd June 1951.]

**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:—

Punishment  
of fraudulent  
mediums, &c.

1.—(1) Subject to the provisions of this section, any person who—

- (a) with intent to deceive purports to act as a spiritualistic medium or to exercise any powers of telepathy, clairvoyance or other similar powers, or
- (b) in purporting to act as a spiritualistic medium or to exercise such powers as aforesaid, uses any fraudulent device,

shall be guilty of an offence.

(2) A person shall not be convicted of an offence under the foregoing subsection unless it is proved that he acted for reward; and for the purposes of this section a person shall be deemed to act for reward if any money is paid, or other valuable thing given, in respect of what he does, whether to him or to any other person.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(4) No proceedings for an offence under this section shall be brought in England or Wales except by or with the consent of the Director of Public Prosecutions.

(5) Nothing in subsection (1) of this section shall apply to anything done solely for the purpose of entertainment.

2. The following enactments are hereby repealed, that is to say—

- (a) the Witchcraft Act, 1735, so far as still in force, and 9 Geo. 2. c. 5.  
 (b) section four of the Vagrancy Act, 1824, so far as it extends to persons purporting to act as spiritualistic mediums or to exercise any powers of telepathy, clairvoyance or other similar powers, or to persons who, in purporting so to act or to exercise such powers, use fraudulent devices. 5 Geo. 4. c. 83.

3.—(1) This Act may be cited as the Fraudulent Mediums Act, 1951. Short title  
and extent.

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

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## CHAPTER 34

### *National Insurance Act, 1951*

#### ARRANGEMENT OF SECTIONS

Section

1. Alteration of Exchequer contributions to National Insurance Fund.
2. Widows' benefit.
3. Increase of benefit for children.
4. Retirement pensions.
5. Increased guardian's allowance.
6. Relaxation of conditions for increase of benefit in respect of wife engaged in gainful occupation.
7. Re-entry into regular employment after retirement.
8. Appointed day, and supplementary provisions.
9. Regulations and orders.
10. Short title, citation and construction.

SCHEDULE.—Amendments consequential on the payment of benefit in respect of children other than the elder or eldest.

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An Act to provide for reducing the payments out of moneys provided by Parliament into the National Insurance Fund; for increasing the rate of widowed mothers' allowances under the National Insurance Act, 1946, and of retirement pensions under the said Act; for increasing benefits under the National Insurance Acts, 1946 to 1949, in respect of children; for increasing the amounts by which retirement pensions under the National Insurance Act, 1946, may be increased by the payment of contributions after pensionable age, for reducing the extent to which deductions from widows' benefits and retirement pensions under the said Act are to be made in respect of earnings, for relaxing the conditions for an increase of sickness benefit or a retirement pension under the said Act in respect of a wife engaged in gainful occupation, and for modifying the provisions of the said Act under which persons are treated as having retired; and for purposes connected with the matters aforesaid.

[22nd June 1951.]

**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:—

Alteration of  
Exchequer  
contributions  
to National  
Insurance  
Fund.

1.—(1) As from the first day of October, nineteen hundred and fifty-one, for subsection (3) of section two of the National Insurance Act, 1946 (hereafter in this Act referred to as "the principal Act"), which provides for the payment of sums out of moneys provided by Parliament, there shall be substituted the following subsection—

"(3) Subject to the provisions of this Act, there shall be paid out of moneys provided by Parliament, in such manner and at such times as the Treasury may determine, for each contribution as an employed, self-employed or non-employed person paid by a person of any description set out in the first column of Part V of the said First Schedule, and for each employer's contribution paid in respect of a person of any such description, the sum (hereafter in this Act referred to as 'the Exchequer supplement') respectively set out in the said Part V in relation to a contribution of that class and a person of that description.

For the purpose of this subsection, the number of contributions of any class paid in any period shall be estimated in such manner as the Treasury may determine."



(2) For Part V of the First Schedule to the principal Act (which sets out the amounts of the Exchequer supplement) there shall be substituted, as from the said first day of October, the following Part:—

**PART V**  
**EXCHEQUER SUPPLEMENT**

| Description of person by or in respect of whom contribution is paid | Amount of Supplement                |    |                             |    |                                          |    |                                         |    |
|---------------------------------------------------------------------|-------------------------------------|----|-----------------------------|----|------------------------------------------|----|-----------------------------------------|----|
|                                                                     | For contribution as employed person |    | For employer's contribution |    | For contribution as self-employed person |    | For contribution as non-employed person |    |
|                                                                     | s.                                  | d. | s.                          | d. | s.                                       | d. | s.                                      | d. |
| Men over the age of 18...                                           |                                     | 8  |                             | 8  |                                          | 8  |                                         | 8  |
| Women over the age of 18                                            |                                     | 6  |                             | 6  |                                          | 6  |                                         | 6  |
| Boys under the age of 18                                            |                                     | 4  |                             | 4  |                                          | 4  |                                         | 4  |
| Girls under the age of 18                                           |                                     | 3  |                             | 3  |                                          | 3  |                                         | 3  |

(3) The requirement under the said subsection (3) of section two as originally enacted to pay out of moneys provided by Parliament, in addition to the Exchequer supplements, the sum of forty-eight million pounds for the year ending with the thirty-first day of March, nineteen hundred and fifty-two, shall take effect as a requirement to pay the sum of twenty-four million pounds for the period of six months ending with the thirtieth day of September, nineteen hundred and fifty-one, and that requirement shall continue in force notwithstanding subsection (1) of this section.

2.—(1) Paragraph 6 of Part I of the Second Schedule to the principal Act (which specifies a weekly rate of thirty-three shillings and sixpence for a widowed mother's allowance) shall be amended, as from the appointed day, by substituting for the entry of thirty-three shillings and sixpence in the second column thereof an entry of forty shillings. Widows' benefit.

(2) As from the appointed day, the weekly rate of a widowed mother's allowance shall, for any period during which she has a family which includes two or more children each of whom was at the husband's death a child of his family or is a son or daughter of theirs, be increased by the sum of two shillings and sixpence in respect of each of those children other than the elder or eldest.

In this subsection the expression "the husband", in relation to a woman who has been married more than once, refers only to her last husband.

(3) For subsection (3) of section seventeen of the principal Act (which requires the weekly rate of a widowed mother's allowance or a widow's pension to be reduced by the amount

of any earnings of the widow in excess of thirty shillings a week there shall, as respects any week commencing on or after the appointed day for which the widow is entitled to a widowed mother's allowance or a widow's pension, be substituted the following subsection:—

- “(3) Where the earnings of the widow have exceeded—
- (a) sixty shillings for the week preceding any week for which she is entitled to a widowed mother's allowance,
  - or
  - (b) forty shillings for the week preceding any week for which she is entitled to a widow's pension,

the weekly rate of the allowance or pension shall for the week for which she is so entitled be reduced by one shilling for each complete shilling of the excess:

Provided that the total amount of the reduction under this subsection of the weekly rate of a widowed mother's allowance for any week shall not exceed thirty shillings or, in a case where the allowance (apart from any increase in respect of any child or children other than the elder or eldest) is payable at a weekly rate of less than forty shillings, such smaller sum as may be prescribed.”

Increase of  
benefit for  
children.

3.—(1) Part I of the Second Schedule to the principal Act (which specifies in the third column thereof, in relation to certain benefits, the amount of seven shillings and sixpence as the amount by which the weekly rate of benefit is, in a case where the beneficiary's family includes a child or children, to be increased in respect of that child or the elder or eldest of those children) shall be amended, as from the appointed day, by substituting for the entries of seven shillings and sixpence in the third column thereof entries of ten shillings.

(2) Subsection (1) of section twenty-three of the principal Act (which provides for increasing the weekly rate of certain benefits by the amount specified as aforesaid in the third column of Part I of the Second Schedule to that Act) shall be amended, as from the appointed day, by adding at the end thereof the words “and, for any such period for which the family includes two or more of those children, be increased in respect of each of those children other than the elder or eldest by the amount set out in the fourth column of Part I of the said Schedule”.

(3) As from the appointed day, Part I of the said Schedule shall be amended by inserting between the third and fourth columns thereof an additional column which shall be headed “Increase for each additional child (where payable)”, and the amount of two shillings and sixpence shall be entered in that column so as to relate to all the rates of benefit to which the entries in the third column relate and also to the rate of a widowed mother's allowance.

The heading of the third column of the said Part I shall be amended by substituting for the word "child" the words "only child or elder or eldest child".

For any reference in any enactment (other than the said section twenty-three of the principal Act as amended by this section), or in any regulations or other instrument made under any enactment before the passing of this Act, to the fourth column of the said Part I there shall be substituted a reference to the fifth column thereof.

(4) Subsection (1) of section seventeen of the National Insurance (Industrial Injuries) Act, 1946 (which provides for increasing the weekly rate of the injury benefit or, in certain cases, disablement pension, where the beneficiary's family includes a child or children, by seven shillings and sixpence in respect of that child or the elder or eldest of those children) shall be amended, as from the appointed day, by substituting for the words "seven shillings and sixpence" the words "ten shillings", and by adding at the end of that subsection the words "and, for any such period during which the family includes two or more of those children, by two shillings and sixpence in respect of each of those children other than the elder or eldest".

(5) Subsection (1) of section twenty-one of the National Insurance (Industrial Injuries) Act, 1946 (which provides for the payment of death benefit by way of a weekly allowance of seven shillings and sixpence to any person whose family includes a child or children of the deceased's family, in respect of that child or the elder or eldest of those children) shall be amended, as from the appointed day, by substituting for the words "seven shillings and sixpence" the words "ten shillings" and by inserting after those words the words "and, for any such period during which the family includes two or more of those children, an allowance at the weekly rate of two shillings and sixpence in respect of each of those children other than the elder or eldest".

(6) The amendments set out in the Schedule to this Act, being amendments consequential on the payment of benefit under the principal Act and the National Insurance (Industrial Injuries) Act, 1946, in respect of children other than the elder or eldest, shall have effect as from the appointed day.

4.—(1) As from the appointed day, for the weekly rates of sixteen shillings and twenty-six shillings specified for retirement pensions in paragraph 9 of Part I of the Second Schedule to the principal Act, there shall be substituted, in the case of any beneficiary who, being a woman, is over the age of sixty-five or, being a man, is over the age of seventy, weekly rates of twenty shillings and thirty shillings, respectively; and accordingly for Retirement pensions.

the said paragraph 9 there shall be substituted, as from the appointed day, the following paragraph:—

| Description of benefit                                                                                                 | Weekly rate | Increase for only child or elder or eldest child (where payable) | Increase for each additional child (where payable) | Increase for adult dependant (where payable) |
|------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------|
|                                                                                                                        | s. d.       | s. d.                                                            | s. d.                                              | s. d.                                        |
| <b>9. Retirement pension—</b>                                                                                          |             |                                                                  |                                                    |                                              |
| (a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive—                      |             |                                                                  |                                                    |                                              |
| (i) if she is under the age of sixty-five ... ..                                                                       | 16 0        | 10 0                                                             | 2 6                                                | —                                            |
| (ii) if she is over the age of sixty-five ... ..                                                                       | 20 0        | 10 0                                                             | 2 6                                                | —                                            |
| (b) in any other case—                                                                                                 |             |                                                                  |                                                    |                                              |
| (i) if the beneficiary, being a woman, is under the age of sixty-five or, being a man, is under the age of seventy ... | 26 0        | 10 0                                                             | 2 6                                                | 16 0                                         |
| (ii) if the beneficiary, being a woman, is over the age of sixty-five or, being a man, is over the age of seventy ...  | 30 0        | 10 0                                                             | 2 6                                                | 16 0                                         |

(2) As from the appointed day, in the case of any woman who is between the ages of sixty and sixty-five on that day or any man who is between the ages of sixty-five and seventy on that day, paragraph 9 of Part I of the Second Schedule to the principal Act, as amended by the preceding subsection, shall have effect as if for the entries of sixteen shillings and twenty-six shillings in the second column thereof there were substituted the entries of twenty shillings and thirty shillings respectively.

(3) Subsection (4) of section twenty of the principal Act (which provides for the increase of a retirement pension by one shilling for every twenty-five contributions as an employed or self-employed person paid by the beneficiary after attaining pensionable age) shall have effect, as respects any contribution paid for any contribution week commencing on or after the appointed day, as if for the reference to one shilling there were substituted a reference to one shilling and sixpence.

(4) Subsection (3) of section twenty-one of the principal Act (which applies subsections (4) and (5) of section twenty of that Act to a retirement pension payable to a woman by virtue of her husband's insurance) shall have effect, as respects any

contribution paid for any contribution week commencing on or after the appointed day, as if there were inserted at the end of paragraph (b) the words " and

(c) the reference to one shilling and sixpence shall, as respects any period during which her husband is alive but not as respects any period after his death, be construed as a reference to one shilling".

(5) Regulations may provide for treating, for the purposes of subsection (4) of section twenty of the principal Act and that subsection as it applies to a retirement pension payable to a woman by virtue of her husband's insurance, subject to such modifications as may be prescribed, any contributions paid for contribution weeks commencing before the appointed day which do not on that day make up twenty-five or a multiple of twenty-five contributions, as if they had been paid for a week commencing on or after that day.

(6) Subsection (5) of the said section twenty (which requires the weekly rate of a retirement pension to be reduced by the amount of any earnings of the beneficiary in excess of twenty shillings) shall have effect, as respects any week commencing on or after the appointed day for which he is entitled to a retirement pension, as if for the reference to twenty shillings there were substituted a reference to forty shillings.

5. Paragraph 8 of Part I of the Second Schedule to the principal Act (which specifies a weekly rate of twelve shillings for a guardian's allowance) shall be amended as from the appointed day by substituting for the entry of twelve shillings in the second column thereof an entry of thirteen shillings and sixpence. Increased guardian's allowance.

6. At the end of subsection (1) of section twenty-four of the principal Act (which provides for increasing the weekly rate of unemployment benefit, sickness benefit or a retirement pension for any period during which the beneficiary is residing with or is wholly or mainly maintaining his wife who is not engaged in any gainful occupation or occupations from which her weekly earnings exceed twenty shillings) there shall be added, as from the appointed day, the following proviso: Relaxation of conditions for increase of benefit in respect of wife engaged in gainful occupation.

" Provided that this subsection shall—

(a) in relation to sickness benefit payable for any period during which the beneficiary is residing with his wife and is incapable of self-support, and

(b) in relation to a retirement pension payable for any period during which the beneficiary is residing with his wife,

have effect as if for the reference to twenty shillings there were substituted a reference to forty shillings."

Re-entry  
into regular  
employment  
after retire-  
ment.

7.—(1) Regulations may make provision for enabling persons of such descriptions as may be prescribed, being persons who—

- (a) at the prescribed date, have retired for the purposes of the principal Act from regular employment but are, in the case of women, under the age of sixty-five or, in the case of men, under the age of seventy; and
- (b) elect, in such manner and in accordance with such conditions as may be prescribed and within a period of six months beginning with the prescribed date, to avail themselves of the regulations;

to be treated as from the date of their election as if they had not so retired.

(2) Any such regulations may make such modifications of the principal Act or this Act, in relation to persons who elect to be so treated, as appear to the Minister to be necessary or expedient, and may in particular, but without prejudice to the generality of this provision, provide—

- (a) for crediting contributions to any such persons for any period during which they were in retirement;
- (b) for determining how contributions paid by any such person, whether before or after his first retirement, are to be dealt with for the purposes of subsection (4) of section twenty of the principal Act;
- (c) for the payment to the wife of any such person of her retirement pension notwithstanding that her husband is not treated as having retired, and for excluding or modifying any increase of benefit under the principal Act in respect of the wife or other adult dependant of any such person or any children of his family or his wife's family.

(3) Nothing in the preceding provisions of this section shall be taken as affecting paragraph (c) of subsection (2) of section twenty of the principal Act (which provides that a person who has not previously retired from regular employment is to be deemed so to retire on the expiration of five years from his attaining pensionable age).

Appointed  
day, and  
supplementary  
provisions.

8.—(1) In this Act the expression “the appointed day” means such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act or for the same purpose in relation to different cases or classes of case.

(2) Without prejudice to the generality of any power to make regulations under the principal Act and to the construction of this Act as one with the principal Act—

- (a) the power conferred by subsection (2) of section sixty-five of the principal Act to prescribe modifications of,

and additions and exceptions to, the foregoing provisions of that Act, in relation to existing contributors and existing beneficiaries, shall include power to prescribe, in relation to them, modifications of, and additions and exceptions to, any provision of this Act, and such further modifications of, and additions and exceptions to, the foregoing provisions of the principal Act as may appear to the Minister to be necessary in consequence of any provision of this Act;

- (b) the reference in subsection (2) of section seventy-one of the principal Act (which confers power to modify the foregoing sections of that Act in relation to any entrants who are over school leaving age on the appointed day) to the foregoing sections of that Act shall include a reference to any provision of this Act;
- (c) the power conferred by subsection (4) of section sixty-nine of the principal Act to make provision by regulations for the modifying or winding up, in connection with the passing of that Act, of certain schemes shall include power to make such further provision therefor as appears to the authority by whom the power is exercisable to be necessary in consequence of any provision of this Act;
- (d) subsection (1) of section twenty-eight of the principal Act (which makes it a condition of any person's right to benefit that he makes a claim therefor in the prescribed manner) shall apply, except in such cases as may be prescribed, to any right to benefit or to additional benefit arising by virtue of any provision of this Act.

In this subsection references to any provision of this Act shall not include references to any such provision amending the National Insurance (Industrial Injuries) Act, 1946.

(3) Any power conferred by section two, section four or section seven of this Act to make regulations shall be without prejudice to the generality of any power to make regulations conferred by any provision of the principal Act.

(4) Nothing in section four of this Act shall be taken as affecting the provisions of section seventy-four of the principal Act relating to non-contributory pensions.

(5) Without prejudice to the generality of the power to make regulations under section twenty-five of the National Insurance (Industrial Injuries) Act, 1946, the reference in subsection (1) of that section to claims for benefit shall include a reference to any claims for benefit or for additional benefit arising by virtue of any provision of this Act, except in such cases as may be prescribed.

Regulations  
and orders.

9.—(1) Section seventy-seven of the principal Act (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft thereof is laid before Parliament) shall not apply to any regulations made under this Act before the expiration of the period of six months beginning with the date of the passing of this Act, and shall not apply to any regulations made, or to any draft of regulations laid before Parliament, under the principal Act before the expiration of that period, if the instrument containing the regulations or, as the case may be, the draft of that instrument states that the regulations are made in consequence of this Act.

(2) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument, and any instrument containing any such regulation or order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by this Act to make an order shall include power to vary or revoke any order so made by a subsequent order.

Short title,  
citation and  
construction.

10.—(1) This Act may be cited as the National Insurance Act, 1951, and this Act and the National Insurance Acts, 1946 to 1949, may be cited together as the National Insurance Acts, 1946 to 1951.

(2) This Act, except so far as it amends the National Insurance (Industrial Injuries) Act, 1946, shall be construed as one with the National Insurance Act, 1946.

Section 3.

## SCHEDULE

### AMENDMENTS CONSEQUENTIAL ON THE PAYMENT OF BENEFIT IN RESPECT OF CHILDREN OTHER THAN THE ELDER OR ELDEST

1. For paragraph (b) of subsection (3) of section twenty-three of the principal Act (which prevents the payment of an increase of a retirement pension in respect of a child to both a man and his wife) there shall be substituted the following paragraph:—

“(b) where a man and his wife are both entitled to a pension by virtue of his insurance—

(i) they shall not both be entitled for the same period to an increase under this section in respect of the same child;

(ii) if they would both (but for this provision) be entitled for the same period to an increase under this section at the weekly rate of ten shillings in respect of different children, one of them shall be entitled to an increase at that rate and the other (subject to sub-paragraph (i) hereof) to an increase at the weekly rate of two shillings and sixpence”.



2. In sub-paragraph (1) of paragraph 1 of the Fourth Schedule to the National Insurance (Industrial Injuries) Act, 1946 (which among other things prevents the payment of an allowance under section twenty-one of the said Act to more than one person) for the words from the beginning to "that allowance" there shall be substituted the words—

"Where two or more persons satisfy the conditions, in respect of the same death, for receipt of an allowance or allowances under section twenty-one of this Act for any period—

- (i) not more than one of those persons shall be entitled for that period to such an allowance in respect of the same child;
- (ii) if two or more of those persons would, but for this provision, be entitled for that period to such an allowance at the weekly rate of ten shillings in respect of different children, one person shall be entitled to an allowance at that rate and the other or each of the others (subject to head (i) hereof) to an allowance at the weekly rate of two shillings and sixpence".

3. In sub-paragraph (2) of the said paragraph 1 of the said Fourth Schedule, at the end of head (a), there shall be inserted the words "or, as the case may be, to the allowance at the weekly rate of ten shillings."

4. In subsection (2) of section thirty of the National Insurance (Industrial Injuries) Act, 1946 (which excludes from the family for the purposes of the Family Allowances Act, 1945, a child in respect of whom benefit is payable under section twenty-one of that Act) after the word "benefit", where it first occurs, there shall be inserted the words "at the weekly rate of ten shillings."

*Table of Statutes referred to in this Act*

| Short Title                                        | Session and Chapter   |
|----------------------------------------------------|-----------------------|
| Family Allowances Act, 1945 ... ..                 | 8 & 9 Geo. 6. c. 41.  |
| National Insurance (Industrial Injuries) Act, 1946 | 9 & 10 Geo. 6. c. 62. |
| National Insurance Act, 1946 ... ..                | 9 & 10 Geo. 6. c. 67. |

## CHAPTER 35

An Act to regulate the sale of pet animals.

[22nd June 1951.]

**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 keep a pet shop except under the Licensing authority of a licence granted in accordance with the provisions of pet shops of this Act.

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee not exceeding ten shillings as may be determined by the local authority, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

(3) In determining whether to grant a licence for the keeping of a pet shop by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;
- (c) that animals, being mammals, will not be sold at too early an age;
- (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
- (e) that appropriate steps will be taken in case of fire or other emergency;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects specified in paragraphs (a) to (e) of this subsection.

(4) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a court of summary jurisdiction having jurisdiction in the place in which the premises are situated; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as they think proper.

(5) Any such licence shall (according to the applicants' requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it relates and shall then expire.

(7) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with the person to whom the licence was granted shall be guilty of an offence.

(8) In the application of this section to Scotland, in subsection (4) for the reference to a court of summary jurisdiction there shall be substituted a reference to the sheriff.

2. If any person carries on a business of selling animals as pets in any part of a street or public place, except at a stall or barrow in a market, he shall be guilty of an offence. Pets not to be sold in streets, &c.

3. If any person sells an animal as a pet to a person whom he has reasonable cause to believe to be under the age of twelve years, the seller shall be guilty of an offence. Pets not to be sold to children under twelve years of age.

4.—(1) A local authority may authorise in writing any of its officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the authority may specify to prevent the spread among animals of infectious diseases) any premises in their area as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, and any person authorised under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act. Inspection of pet shops.

(2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.

5.—(1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. Offences and disqualifications.

(2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) Where a person is convicted of any offence under this Act or of any offence under the Protection of Animals Act, 1911, or the Protection of Animals (Scotland) Act, 1912, the court by which he is convicted may cancel any licence held by him under this Act, and may, whether or not he is the holder of such a licence, disqualify him from keeping a pet shop for such period as the court thinks fit. 1 & 2 Geo. 5. c. 27. 2 & 3 Geo. 5. c. 14.

(4) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.

Power of  
local authority  
to prosecute.

6. A local authority in England or Wales may prosecute proceedings for any offence under this Act committed in the area of the authority.

Interpretation.

7.—(1) References in this Act to the keeping of a pet shop shall, subject to the following provisions of this section, be construed as references to the carrying on at premises of any nature (including a private dwelling) of a business of selling animals as pets, and as including references to the keeping of animals in any such premises as aforesaid with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person:

Provided that—

- (a) a person shall not be deemed to keep a pet shop by reason only of his keeping or selling pedigree animals bred by him, or the offspring of an animal kept by him as a pet;
- (b) where a person carries on a business of selling animals as pets in conjunction with a business of breeding pedigree animals, and the local authority are satisfied that the animals so sold by him (in so far as they are not pedigree animals bred by him) are animals which were acquired by him with a view to being used, if suitable, for breeding or show purposes but have subsequently been found by him not to be suitable or required for such use, the local authority may if they think fit direct that the said person shall not be deemed to keep a pet shop by reason only of his carrying on the first-mentioned business.

(2) References in this Act to the selling or keeping of animals as pets shall be construed in accordance with the following provisions, that is to say—

- (a) as respects cats and dogs, such references shall be construed as including references to selling or keeping, as the case may be, wholly or mainly for domestic purposes; and
- (b) as respects any animal, such references shall be construed as including references to selling or keeping, as the case may be, for ornamental purposes.

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

“ animal ” includes any description of vertebrate;

“local authority” means the council of any county borough or county district, the council of a metropolitan borough or the Common Council of the City of London and in Scotland means the council of any county or burgh;

“pedigree animal” means an animal of any description which is by its breeding eligible for registration with a recognised club or society keeping a register of animals of that description;

“premises” includes any stall or barrow in a market, but save as aforesaid does not include any stall or barrow or any part of a street or public place;

“veterinary surgeon” means a person who is for the time being registered in the Register of Veterinary Surgeons;

“veterinary practitioner” means a person who is for the time being registered in the Supplementary Veterinary Register.

8.—(1) This Act may be cited as the Pet Animals Act, 1951.

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

(3) This Act shall come into operation on the first day of April, nineteen hundred and fifty-two.

Short title,  
extent and  
commence-  
ment.

## CHAPTER 36

An Act to repeal the words in paragraphs (1) and (4) of section two and paragraph (2) of section three of the Criminal Law Amendment Act, 1885, which restrict the operation of those paragraphs in the case of a woman or girl who is a common prostitute or of known immoral character or whose usual place of abode is a brothel.  
[22nd June 1951.]

**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. In sections two and three of the Criminal Law Amendment Act, 1885, the following words are hereby repealed, that is to say—

Repeal in  
48 & 49 Vict.  
c. 69, ss.  
2 and 3.

(a) in paragraph (1) of the said section two (which deals with a person who procures a girl or woman under twenty-one, not being a common prostitute or of known immoral character, to have sexual intercourse with a third person, or who attempts to do so) the words “not being a common prostitute or of known immoral character”;

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- (b) in paragraph (4) of the said section two (which deals with a person who procures a woman or girl to leave her usual place of abode in the United Kingdom (such place not being a brothel) for a brothel, or who attempts to do so) the words “ (such place not being a brothel) ”;
- (c) in paragraph (2) of the said section three (which deals with a person who procures a woman or girl, not being a common prostitute or of known immoral character, to have sexual intercourse with anyone by false pretences or false representations) the words “ not being a common prostitute or of known immoral character ”.

Short title,  
extent and  
commence-  
ment.

2.—(1) This Act may be cited as the Criminal Law Amend-  
ment Act, 1951.

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

(3) This Act shall come into force at the expiration of one  
month beginning with the date of its passing.



## CHAPTER 37

An Act to increase the maximum rate for ordinary written  
telegrams. [22nd June 1951.]

**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:—

Increased  
maximum  
rate for  
ordinary  
telegrams.

48 & 49 Vict.  
c. 58.

6 & 7 Geo. 6.  
c. 26.

3 & 4 Geo. 6.  
c. 25.

1.—(1) A maximum rate of one shilling and sixpence for the  
first twelve words of an ordinary written telegram or for an  
ordinary written telegram of less than twelve words (counting  
as words, in each case, the names and addresses of the sender  
and addressee of the telegram) and three-halfpence for each  
additional word over twelve words shall be substituted for the  
maximum rate specified in section two of the Telegraph Act,  
1885, as amended by the Telegraph Act, 1943.

(2) Section four of the Post Office and Telegraph Act, 1940  
(which provides that regulations may be made prescribing special  
terms and rates for certain telegrams and that a special rate so  
prescribed may exceed the maximum rate for telegrams provided  
by the Telegraph Acts, 1863 to 1926), shall have effect as if the  
references therein to the said Acts included references to sub-  
section (1) of this section.

2.—(1) This Act may be cited as the Telegraph Act, 1951, and the Telegraph Acts, 1863 to 1949, and this Act may be cited together as the Telegraph Acts, 1863 to 1951.

Short title,  
citation,  
extent and  
repeal.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) This Act shall extend to the Channel Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

(4) This Act shall extend to the Isle of Man.

(5) The Telegraph Act, 1943, is hereby repealed.

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## CHAPTER 38

### *Leasehold Property (Temporary Provisions) Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### DWELLINGS

###### Section.

1. Continuation of expiring long tenancy where tenant in occupation.
2. Provision where tenant holding over after expiry of long tenancy.
3. Power of landlord to determine continued tenancy in event of assignment or sub-letting.
4. Notice by tenant to stop continuation.
5. Restrictions on enforcement of covenants.
6. Power of landlord to carry out essential repairs.
7. Provision where long tenancy determined and sub-tenant, etc., in occupation.
8. Application of Part I to tenancies and sub-tenancies held on trust.
9. Application of Part I to tenancies for lives.

##### PART II

##### SHOPS

10. Renewal of tenancies of shops.
11. Time for, and interim effect of, application for new tenancy.
12. Power of court to grant new tenancies of shops.
13. Power of court to grant new tenancy where landlord a tenant.
14. Provisions as to Landlord and Tenant Act, 1927.
15. Appeals.

##### PART III

##### GENERAL

16. Application to Crown.
17. Provision where tenancy continued or granted to endure beyond reversion.
18. Exercise of jurisdiction of court.
19. Service of notices.
20. Interpretation.
21. Short title, commencement and extent.

###### SCHEDULES:

First Schedule.—Transitional Provisions relating to section two.

Second Schedule.—Consequential relief of mesne tenants.

An Act to make temporary provision for the protection of occupiers of residential property against the coming to an end of long leases, and for the renewal of tenancies of shops; and for purposes connected with the matters aforesaid. [22nd June 1951.]

**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

### DWELLINGS

Continuation  
of expiring  
long tenancy  
where tenant in  
occupation.

1. Where a tenancy was granted for a term of years certain, being a term exceeding twenty-one years and expiring on a date (hereinafter referred to as "the date of expiry") falling within the period of two years beginning with the commencement of this Act, and immediately before the date of expiry the tenant or a member of his family is residing in a dwelling-house comprised in the property in right of the tenancy, then subject to the provisions of this Part of this Act the tenancy shall continue after the date of expiry as if it had been granted for a term expiring at the end of the said period of two years but otherwise (save as hereinafter provided) on the terms and subject to the conditions of the tenancy.

Provision  
where tenant  
holding over  
after expiry  
of long  
tenancy.

2.—(1) Where a tenancy was granted for a term of years certain, being a term exceeding twenty-one years and expiring on a date (hereinafter referred to as "the date of continuation") before the commencement of this Act, and—

- (a) immediately before the date of continuation the tenant or a member of his family was residing in a dwelling-house comprised in the property in right of the tenancy, and
- (b) at all times during the period beginning with the date of continuation and ending with the commencement of this Act there was residing in the dwelling-house in question some person being either the former tenant or a member of the former tenant's family, and
- (c) at all times during the period mentioned in the last foregoing paragraph at which any such person was residing in the dwelling-house in question he was residing there either not in right of any tenancy or agreement or in right of a tenancy or agreement (whether express or implied) which—
  - (i) was at a rent, or in consideration of a payment in the nature of rent, of the like amount as the rent payable immediately before the date of continuation,



(ii) was not granted, made or renewed for a consideration which included the payment of a premium or of a sum in the nature of a premium, and

(iii) was such as to expire, or to be capable of being terminated by notice to quit, at a time (whether before or after the commencement of this Act) earlier than the expiration of two years after the commencement of this Act, and

(d) if immediately before the date of continuation the tenant or a member of his family was in right of the tenancy residing in part only of the property, then at no time during the period mentioned in paragraph (b) of this subsection was there in possession of some other part of the property any person not being the former tenant or a person claiming under him or a person holding over after the coming to an end of a sub-tenancy created (immediately or derivatively) out of the tenancy,

the next following subsection shall have effect.

(2) The tenancy shall be deemed not to have expired on the date of continuation but to have continued until the commencement of this Act, and subject to the provisions of this Part of this Act shall continue thereafter, as if it had been granted for a term expiring at the end of the period of two years beginning with the commencement of this Act but otherwise (save as hereinafter provided) on the terms and subject to the conditions of the tenancy.

(3) The transitional provisions of the First Schedule to this Act shall have effect for the purposes of this section.

(4) A tenancy continued by this section shall be deemed to be, and as from the date of continuation to have been, an overriding interest specified in subsection (1) of section seventy of the Land Registration Act, 1925 (which specifies interests subject to which a registered title has effect notwithstanding that they do not appear on the register).

(5) In this section the expression “the former tenant” means the person who was the tenant immediately before the date of continuation.

3.—(1) If at any time after the date of expiry—

(a) an assignment by the tenant takes effect (whether in law or in equity), being an assignment affecting the whole or any part of the living accommodation comprised in a tenancy continued by section one of this Act, and not being an assignment in pursuance of a requirement imposed by the landlord, or

Power of landlord to determine continued tenancy in event of assignment or sub-letting.

**PART I**  
**—cont.**

(b) every part of such accommodation is either subject to a sub-tenancy created (whether immediately or derivatively and whether before or after the date of expiry) out of the tenancy or occupied by a person holding over after the coming to an end of such a sub-tenancy,

the landlord may by notice given at or after that time determine the tenancy on such date, not being earlier than the expiration of one month from the giving of the notice, as may be specified therein.

(2) The last foregoing subsection shall apply to tenancies continued by section two of this Act, but with the substitution for references to the date of expiry of references to the commencement of this Act.

**Notice by  
tenant to stop  
continuation.**

4.—(1) Where the tenant under a tenancy granted for such a term as is mentioned in section one of this Act has given to the landlord, not later than one month before the date of expiry, notice that the tenant does not desire his tenancy to be continued, the said section one shall not have effect in relation to the tenancy.

(2) Where the tenant under such a tenancy as aforesaid has given to the landlord, whether before or after the date of expiry, notice that the tenant desires the tenancy to come to an end on a date specified in the notice, being a date after the date of expiry and not earlier than one month after the giving of the notice, the tenancy shall come to an end on the specified date.

(3) Where in the case of a tenancy continued by section two of this Act the tenant has given to the landlord notice that the tenant desires the tenancy to come to an end on a date specified in the notice, being a date after the commencement of this Act and not earlier than one month after the giving of the notice, the tenancy shall come to an end on the specified date.

(4) A notice shall have effect for the purposes of either of the two last foregoing subsections if given at any time after the twenty-first day of November, nineteen hundred and fifty.

(5) Nothing in subsection (2) or (3) of this section shall be construed as enabling the tenant to prolong a tenancy beyond the expiration of two years after the commencement of this Act.

**Restrictions on  
enforcement of  
covenants.**

5.—(1) While a tenancy continues by virtue of section one or section two of this Act, or while before the date of expiry the tenant under a tenancy granted for such a term as is mentioned in the said section one, or a member of the tenant's family, is residing in a dwelling-house comprised in the property in right of the tenancy, then—

(a) the landlord shall not be entitled, by action or otherwise, to enforce any right of forfeiture or re-entry in respect

of any failure to comply with a term or condition of the tenancy, or to bring any action against the tenant for damages in respect of such a failure; and

**PART I**  
—*cont.*

- (b) the enforcement by a superior landlord, by action or otherwise, of a right of forfeiture or re-entry in respect of a superior term shall not determine the tenancy:

Provided that nothing in paragraph (a) of this subsection shall affect forfeiture or re-entry for non-payment of rent or rates or for failure to comply with any obligation to insure or keep insured, and that nothing in paragraph (a) or (b) of this subsection shall apply to the enforcement of any right or the bringing of any action on the ground of the use of the property or part thereof for illegal or immoral purposes, unless (in the case of a past such use) there has since been a change in the ownership of the tenancy.

(2) Where a tenancy is continued by section two of this Act, and during the period beginning with the date of continuation and ending with the commencement of this Act a superior landlord has (whether by action or otherwise) enforced a right of forfeiture or re-entry in respect of a superior term, the enforcement thereof shall be deemed not to have determined the continued tenancy.

(3) Where the landlord is prevented by paragraph (a) of subsection (1) of this section from bringing an action for damages in respect of anything done by the tenant in breach of a term or condition of the tenancy, a county court as well as the High Court shall have jurisdiction to grant an injunction to restrain the doing of that thing.

(4) Where any proceedings have been brought after the twenty-first day of November, nineteen hundred and fifty and before the commencement of this Act but have not been finally disposed of before the commencement of this Act, being proceedings which by virtue of subsection (1) of this section could not have been entertained if they had been brought immediately after the commencement of this Act, then—

- (a) in so far as the proceedings are for enforcement of any right of forfeiture or re-entry, they shall be stayed except as respects the making of an order as to costs;
- (b) no judgment or order given or made in the proceedings for the payment of damages shall be enforceable until the expiration of two years after the commencement of this Act or the coming to an end of the tenancy whichever first occurs.

(5) In this section the expression “superior term”, in relation to a tenancy mentioned in subsection (1) or (2) of this section, means a tenancy in reversion (whether immediate or not) expectant upon the termination of the tenancy mentioned in

**PART I**  
**—cont.**

that subsection, and the expression “superior landlord” means a person who is the landlord in relation to a tenancy which is a superior term.

(6) The reference in paragraph (a) of subsection (1) of this section to the bringing of an action against the tenant for damages in respect of a failure to comply with a term or condition of the tenancy shall be construed as including a reference to the bringing of an action for the recovery from the tenant of expenditure incurred by or recovered from the landlord in consequence of such a failure on the part of the tenant, and the reference in paragraph (b) of subsection (4) of this section to a judgment or order for the payment of damages shall be construed accordingly.

(7) References in this section to the bringing of an action include references to the setting up in any proceedings of a claim by way of counterclaim.

(8) The provisions of the Second Schedule to this Act shall have effect for the relief of mesne tenants in the cases specified in that Schedule.

Power of  
landlord to  
carry out  
essential  
repairs.

6.—(1) While a tenancy continues by virtue of section one or section two of this Act, or while before the date of expiry the tenant under a tenancy granted for such a term as is mentioned in the said section one, or a member of the tenant’s family, is residing in a dwelling-house comprised in the property in right of the tenancy, the following provisions shall have effect.

(2) The landlord or any superior landlord, or the agent or surveyor of either, shall be entitled (whether or not the terms and conditions of the tenancy so provide) at any reasonable time to enter on the property and examine the state of repair and condition thereof, and after giving reasonable notice to enter on the property and carry out any work reasonably required for preventing or arresting any serious depreciation in the condition of the property or of adjoining property.

(3) In so far as any expenditure in respect of the execution of work on the property—

(a) incurred by the landlord (whether by virtue of the last foregoing subsection or by virtue of any of the terms and conditions of the tenancy), or

(b) incurred by some other person and recovered from the landlord,

was reasonably required in consequence of failure by the tenant to comply with any of the said terms and conditions, the expenditure shall be recoverable by the landlord from the tenant whether or not those terms and conditions so provide.

(4) The last foregoing subsection shall have effect subject to the provisions of the last foregoing section; but nothing in

subsection (2) of this section or in the last foregoing subsection shall be construed as derogating from any of the terms and conditions of a tenancy.

7.—(1) Where a tenancy (hereinafter referred to as “the superior tenancy”) granted for a term of years certain exceeding twenty-one years and not for the time being subject to a tenancy granted for such a term comes to an end (whether by effluxion of time, act of the parties, or for any other reason) before the expiration of two years after the commencement of this Act, and immediately before the coming to an end thereof—

Provision where long tenancy determined and sub-tenant, etc., in occupation.

(a) a person having a right of occupation derived from the superior tenancy, or

(b) a member of such a person’s family,

is residing in a dwelling-house comprised in the property by virtue of that right, the rights and liabilities of the said person and of any other person for the time being having a right of occupation derived from the superior tenancy (including in particular the benefit of any restriction on the making of an order or giving of a judgment for possession or ejection) shall thereafter, in relation to the person who is for the time being the reversioner, be such rights and liabilities as they would have been if the superior tenancy had continued until the expiration of two years after the commencement of this Act and had throughout the time it continued been vested, without merger, in the person who is for the time being the reversioner :

Provided that where the superior tenancy comes to an end by surrender or merger nothing in this subsection shall be construed as requiring a sub-tenancy created (immediately or derivatively) out of the superior tenancy to be treated as coming to an end before it would have come to an end if this section had not been passed.

(2) Where a tenancy (hereinafter referred to as “the superior tenancy”) granted for a term of years certain exceeding twenty-one years and not for the time being subject to a tenancy granted for such a term came to an end (whether by effluxion of time, act of the parties, or for any other reason) before the commencement of this Act, and—

(a) immediately before the coming to an end thereof a person having a right of occupation derived from the superior tenancy, or a member of such a person’s family, was residing in a dwelling-house comprised in the property by virtue of that right, and

(b) at all times during the period beginning with the coming to an end of the superior tenancy and ending with the commencement of this Act there was residing in the

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PART I  
—cont.

dwelling-house some person being either the person who had the said right or a member of his family, the last foregoing subsection shall apply, and be deemed to have applied, as if it had been in operation immediately before the coming to an end of the superior tenancy.

(3) In subsection (1) of this section the expression “the reversioner” means the person entitled to possession of the dwelling-house in question against any person not having a right of occupation derived from the superior tenancy.

(4) References in this section to a right of occupation derived from the superior tenancy are references to a right of occupation—

- (a) arising from ownership of a sub-tenancy created immediately out of the superior tenancy, being a sub-tenancy lawfully so created, or
- (b) arising from ownership of a sub-tenancy created (immediately or derivatively) out of such a sub-tenancy as is mentioned in the last foregoing paragraph, or
- (c) arising, after the coming to an end of any sub-tenancy specified in the two last foregoing paragraphs, from the operation of the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1939, in relation to a person as being the former owner of the sub-tenancy or as being the widow of, or otherwise related to, the former owner thereof.

Application of Part I to tenancies and sub-tenancies held on trust.

8.—(1) The following provisions shall have effect for applying this Part of this Act to the case of a tenancy or sub-tenancy vested in trustees, or held as part of the estate of a deceased person.

(2) Where a tenancy was granted for such a term as is mentioned in section one of this Act, then—

- (a) if the tenancy was so vested or held as aforesaid immediately before the date of expiry, references in the said section one to the tenant shall include references to a person beneficially interested (whether directly or derivatively) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee;
- (b) if the tenancy was so vested or held at any time before the date of expiry, references in subsection (1) of section five of this Act to the tenant shall as respects that time include references to a person beneficially interested as aforesaid.

(3) Where a tenancy was granted for such a term as is mentioned in subsection (1) of section two of this Act and was so

vested or held as aforesaid immediately before the date of continuation, references in section two of this Act to the tenant shall include references to a person beneficially interested as aforesaid.

**PART I**  
—*cont.*

(4) In section three of this Act the expression "assignment" does not include a disposition under which no beneficial interest passes; but the reference in that section to the tenant shall, in relation to a tenancy so vested or held as aforesaid, include a reference to a person beneficially interested as aforesaid.

(5) The last foregoing section shall have effect, in relation to a sub-tenancy so vested or held as mentioned in subsection (1) of this section, as if a right or permission to occupy arising by reason of a beneficial interest (whether direct or derivative) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee were a right of occupation arising from ownership of the sub-tenancy.

(6) Notwithstanding anything in section two of this Act or subsection (3) of this section, Part II of the First Schedule to this Act shall not have effect in the case of a tenancy which immediately before the date of continuation was vested or held as mentioned in subsection (1) of this section.

9.—(1) The following provisions shall have effect for applying this Part of this Act to tenancies which by virtue of subsection (6) of section one hundred and forty-nine of the Law of Property Act, 1925, take effect as tenancies for a term of ninety years determinable by notice after the occurrence of a death or marriage.

**Application of  
Part I to  
tenancies for  
lives.**

(2) Where the ninety years have not expired, such a tenancy shall be treated for the purposes of this Part of this Act as if it had been granted for a term of years certain exceeding twenty-one years and not determinable by notice as aforesaid and as if the date on which that term expired or would expire were the date of the occurrence of the death or marriage.

(3) If the death or marriage has not occurred before the expiration of the ninety years, such a tenancy shall be treated for the purposes of this Part of this Act as a tenancy granted for a term of years certain of ninety years.

## **PART II**

### **SHOPS**

10.—(1) The provisions of this Part of this Act shall have effect for enabling the occupier of a shop under a tenancy to which this section applies (hereinafter referred to as "the expiring tenancy") to apply to the court for, and subject to the provisions of this Act to obtain, the grant of a new tenancy where

**Renewal of  
tenancies of  
shops.**

PART II  
—cont.

apart from the next following section the expiring tenancy would come to an end immediately before the date of the commencement of this Act or within the period of two years beginning with that date, and would so come to an end by effluxion of time or by the expiration of a notice to quit given by the landlord, whether before or after the commencement of this Act.

(2) This section applies to a tenancy the subject of which—

(a) consists of a shop, or

(b) consists of a shop and of living accommodation occupied wholly or mainly by the tenant or by a person who is employed by the tenant for the purposes of the retail trade or business carried on in the shop, or

(c) includes a separate part which consists of a shop or which consists of a shop and of such living accommodation as is mentioned in the last foregoing paragraph :

Provided that this section does not apply to a tenancy granted in pursuance of subsection (2) of section four of the War Damaged Sites Act, 1949.

(3) In the case of an expiring tenancy the subject of which falls within paragraph (a) or (b) of the last foregoing subsection, any new tenancy granted under this Part of this Act shall be a tenancy of the whole of the subject of the expiring tenancy.

(4) In the case of an expiring tenancy the subject of which falls within paragraph (c) of subsection (2) of this section and not within paragraph (b) thereof, any new tenancy granted under this Part of this Act shall if the landlord so requires be a tenancy of the whole of the subject of the expiring tenancy, and otherwise a tenancy of the separate part consisting of the shop or consisting of the shop and of living accommodation, as the case may be :

Provided that, where the landlord does not require the new tenancy to be of the whole of the subject of the expiring tenancy, and—

(a) the subject of the expiring tenancy includes a separate part consisting of a shop and another separate part consisting of living accommodation occupied wholly or mainly by the tenant or by a person who is employed by the tenant for the purposes of the retail trade or business carried on in the shop, and

(b) an application is made in that behalf,

the new tenancy shall unless the court in its discretion otherwise determines be a tenancy of the separate part consisting of the shop and the separate part consisting of the living accommodation.



(5) Any question arising under the foregoing provisions of this section whether a part of premises should be treated as a separate part for the purposes of the grant of a new tenancy shall be determined by the court on the hearing of the application.

PART II  
—cont.

11.—(1) An application under this Part of this Act for the grant of a new tenancy shall—

Time for, and  
interim effect  
of, application  
for new  
tenancy.

(a) if apart from this section the expiring tenancy would expire by effluxion of time, not be made later than one month before the date on which that tenancy would so expire ;

(b) if apart from this section the expiring tenancy would come to an end by notice to quit given by the landlord, be made after the giving of the notice to quit and not later than one month thereafter :

Provided that where the latest time limited by the foregoing provisions of this subsection would fall before the end of one month beginning with the commencement of this Act, an application may be made not later than the end of that month.

(2) Where apart from this section the expiring tenancy would expire by effluxion of time, the landlord may at any time not earlier than four months before the date on which that tenancy would so expire serve on the tenant notice, in such form and containing such particulars as to the provisions of this Part of this Act as may be prescribed by regulations made by the Lord Chancellor by statutory instrument, requiring the tenant within the period of one month from the date of the service of the notice to elect whether or not to make an application under this Part of this Act ; and where such a notice is served no such application shall be made in relation to the expiring tenancy after the end of that period.

(3) Where such an application is duly made and the expiring tenancy would apart from this section come to an end before the relevant date, then—

(a) if the expiring tenancy would so come to an end after the application is made, it shall be treated as continuing until the relevant date ;

(b) if the expiring tenancy would have so come to an end at a time before the application is made, it shall be treated as having continued since that time until the application is made and as continuing thereafter until the relevant date.

(4) The relevant date for the purposes of the last foregoing subsection, in relation to an application—

(a) unless the application is withdrawn, is the date falling one month after the date on which the proceedings on the application (including any proceedings on or in consequence of an appeal) are finally determined ;

PART II  
—cont.

(b) if the application is withdrawn, is the date falling one month after the withdrawal of the application.

Power of court  
to grant new  
tenancies of  
shops.

12.—(1) Subject to the provisions of this section, on an application under this Part of this Act duly made the court may, if in all the circumstances of the case it appears reasonable so to do, order that there shall be granted to the tenant a tenancy for such period, at such rent and on such terms and conditions as the court in all the circumstances thinks reasonable, and thereafter the parties shall be deemed to have entered into a lease of the shop, premises or part of premises (as the case may be) creating such a tenancy:

Provided that in fixing the rent, terms and conditions the court shall disregard any considerations arising from the personal circumstances of any of the parties.

(2) The period for which under the last foregoing subsection a tenancy may be ordered to be granted shall be a period, not exceeding one year, beginning with the end of the expiring tenancy (whether it ends in accordance with the terms thereof or after being continued by subsection (3) of the last foregoing section).

(3) The court shall not order the grant of a new tenancy if it is satisfied—

- (a) that the tenant has broken any of the terms or conditions of the expiring tenancy, and that in view of the nature and circumstances of the breach a new tenancy ought not to be granted ; or
- (b) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the court are reasonable, alternative accommodation which, in the opinion of the court, is suitable for the purposes of the tenant's business ; or
- (c) that the landlord reasonably requires possession in order that the premises the subject of the expiring tenancy, or a substantial part of those premises, may be demolished or reconstructed ; or
- (d) where there subsists in the premises an interest belonging to a public authority, that in the public interest a new tenancy ought not to be granted ; or
- (e) that having regard to all the circumstances of the case greater hardship would be caused by ordering the grant of a new tenancy than by refusing to do so.

The reference in paragraph (d) of this subsection to an interest belonging to a public authority is a reference to an interest belonging to a Government department or held on behalf of His Majesty for the purposes of a Government department or held by a local authority (as defined in the Town and Country

Planning Act, 1947), by statutory undertakers (as so defined) or by a development corporation (as defined in the New Towns Act, 1946).

**PART II**  
—*cont.*

(4) Where at the commencement of this Act any authority is empowered by any enactment or order to purchase compulsorily any land specifically described in that enactment or order or is empowered by an authorisation given under section two of the Acquisition of Land (Authorisation Procedure) Act, 1946, to take possession of any land, there shall, for the purposes of the last foregoing subsection, be deemed, during a period of six months from the commencement of this Act or during such period as the authority remains so empowered as aforesaid (whichever period first expires) to be subsisting in that land an interest belonging to that authority.

(5) It is hereby declared that where the grant of a new tenancy has been ordered under this section, section ten of this Act shall apply as if the tenancy had been granted by agreement between the landlord and the tenant.

(6) A tenancy ordered to be granted under this section shall, where the reversion is subject to a mortgage, be deemed to be a tenancy created by a lease authorised by section ninety-nine of the Law of Property Act, 1925.

13. Where in the case of a tenancy the reversion is itself a tenancy, and the period for which in accordance with the last foregoing section the court proposes to order the grant of a new tenancy will extend beyond the date on which the reversion will come to an end, the power of the court under that section shall include power to order such a grant until the end of the reversion and also to order the grant of such a reversionary tenancy or reversionary tenancies as may be required to secure that the combined effect of those grants will be equivalent to the grant of a tenancy for the said period; and the provisions of this Part of this Act shall, subject to the necessary modifications, apply to the grant of a tenancy and one or more reversionary tenancies.

Power of court to grant new tenancy where landlord a tenant.

14.—(1) In relation to the granting of tenancies under this Part of this Act, the following provisions shall have effect as respects the Landlord and Tenant Act, 1927.

Provisions as to Landlord and Tenant Act, 1927.

(2) The provisions of Part I of the said Act of 1927 shall not apply in relation to tenancies granted under this Part of this Act.

(3) Nothing in this Part of this Act shall affect the time at which a tenancy is to be treated as terminating for the purposes of the said Part I; and a tenant who by virtue of this Part of this Act remains in occupation of any premises or part of premises after

PART II  
—*cont.*

the expiring tenancy would apart from this Part of this Act have come to an end shall be treated for those purposes as having quitted his holding on the termination of that tenancy.

(4) In considering, for the purposes of section four of the said Act of 1927, whether the tenant or his predecessors in title has or have carried on a trade or business at any premises for the period of five years specified in subsection (1) of that section, a period of occupation of the premises by virtue of this Part of this Act shall not count towards completion of the said five years, but shall notwithstanding anything in the last foregoing subsection be treated as not breaking the continuity of immediately preceding and succeeding periods of occupation of the premises.

(5) Notwithstanding anything in this Part of this Act, the following provisions shall have effect as respects claims by the tenant for compensation under Part I of the said Act of 1927 and notices by the landlord under paragraph (d) of subsection (1) of section two of that Act or paragraph (b) of the proviso to subsection (1) of section four thereof (which paragraphs exclude compensation where within the specified period of two months the landlord serves on the tenant such a notice for the renewal of the tenancy as is therein mentioned):—

- (a) no application shall be made under this Part of this Act for the grant of a new tenancy if the tenant has duly claimed such compensation as aforesaid and the landlord has within the said period of two months served such a notice as aforesaid ;
- (b) where an application is made under this Part of this Act at a time when the tenant has duly claimed such compensation and when the landlord has not served such a notice as aforesaid but the said period of two months has not expired, the application shall not be heard until that period has expired, and if within that period the landlord serves such a notice the application shall be dismissed ;
- (c) where at the time such an application is made the tenant has not duly claimed such compensation but the time for claiming it has not expired, the application shall not be heard before the expiration of that time, and if before the expiration thereof the tenant duly makes a claim the last foregoing paragraph shall apply as it applies where the application under this Part of this Act is made after the making of a claim for compensation.

(6) Where the tribunal under the said Act of 1927 has made an interim order under subsection (13) of section five of that Act and subsequently determines not to order the grant of a new tenancy under subsection (2) of that section, the said tribunal

may if it thinks fit direct that the possession of the tenant under the interim order shall be treated as if it were a tenancy granted under this Part of this Act, and where it so directs the time within which an application for the grant of a further new tenancy may be made under this Part of this Act shall be such as the tribunal may direct.

PART II  
—cont.

15.—(1) No appeal shall be brought from any determination or order of the court under this Part of this Act except with the leave of the court. Appeals.

(2) Notwithstanding anything in subsection (3) of section eleven of this Act, the court granting leave to appeal may direct that during the period beginning with the granting of leave to appeal and ending with the date to which a tenancy is continued by the said subsection (3) the tenancy shall have effect subject to such modifications, terms or conditions as that court may specify.

### PART III GENERAL

16.—(1) Except in so far as it is otherwise expressly provided, this Act shall apply where there is an interest belonging to His Majesty in right of the Crown or to a Government department, or held on behalf of His Majesty for the purposes of a Government department, in like manner as where no such interest subsists. Application to Crown.

(2) Where an interest in any land belongs to a Government department, or is held on behalf of His Majesty for the purposes of a Government department, and the Minister or Board in charge of any Government department is satisfied that for reasons of national security it is necessary that the use or occupation of the land should be discontinued or changed, the Minister or Board may certify that this subsection applies to the land; and where such a certificate is given no order shall be made under Part II of this Act for the grant of a new tenancy comprising the land or any part thereof.

17.—(1) Where by virtue of any provision of this Act a tenancy (in this subsection referred to as "the inferior tenancy") is continued or granted for a period such as to extend to or beyond the end of the term of a superior tenancy, the superior tenancy shall, for the purposes of this Act and of any other enactment and of any rule of law, be deemed, so long as it subsists to be an interest in reversion expectant upon the termination of the inferior tenancy and, if there is no intermediate tenancy, to be the interest in reversion immediately expectant upon the termination thereof. Provision where tenancy continued or granted to endure beyond reversion.

(2) Where by virtue of section two of this Act a tenancy is deemed to have continued during the period from the date of

**PART III**  
—cont.

continuation until the commencement of this Act, the last foregoing subsection shall be deemed to have applied in relation to that tenancy and any superior tenancy.

(3) In the case of a tenancy continuing, by virtue of any of the provisions of Part I of this Act or by virtue of subsection (3) of section eleven thereof, after the coming to an end of the reversion, subsection (1) of section one hundred and thirty-nine of the Law of Property Act, 1925 (which relates to the effect of the extinguishment of a reversion) shall apply and (if the tenancy was continued by section two of this Act) be deemed to have applied as if references in the said subsection (1) to the surrender or merger of the reversion included references to the determination of the reversion for any reason other than surrender or merger.

**Exercise of  
jurisdiction of  
court.**

18. Subject to the provisions of section one hundred and eleven of the County Courts Act, 1934 (which provides for the removal into the High Court of any proceedings commenced in a county court) the jurisdiction of the court under Part II of this Act or the First Schedule thereto shall be exercised by a county court.

**Service of  
notices.**

19. Section twenty-three of the Landlord and Tenant Act, 1927, shall apply to the service of notices for the purposes of this Act, and be deemed to have applied to the service of notices for the purposes of section four thereof.

**Interpretation.**

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

“dwelling-house” means a house or a part of a house, being a house or a part normally used as a dwelling;

“the landlord”, in relation to a tenancy, means the person for the time being entitled to the reversion and, where the reversion is subject to a mortgage and the mortgagee is in possession or he or a receiver appointed by him or by the court is in receipt of the rents and profits, includes that mortgagee and any such receiver as aforesaid;

“mortgage” includes a charge or lien and “mortgagee” shall be construed accordingly;

“notice to quit” includes a notice to determine a term of years certain, but does not include a notice requiring possession where section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845, applies;

“the property”, in relation to a tenancy, means the aggregate of the land comprised in the tenancy;

“retail trade or business” has the same meaning as in the Shops Act, 1950, except that it does not include the

sale of intoxicating liquor for consumption on the premises or the sale of meals or refreshments in premises which are licensed for the sale of intoxicating liquor for consumption on the premises, so however that this exception shall not have effect where either—

(a) the excise licence for the time being in force in respect of the premises is a licence the duty in respect of which is the reduced duty payable under section forty-five of the Finance (1909-10) Act, 1910, or a licence granted in pursuance of regulations under subsection (5) of the said section forty-five (which relates to the granting of licences on the provisional payment of reduced duty) or

(b) the Commissioners of Customs and Excise certify that no application under the said section forty-five has been made in respect of the period for which the excise licence for the time being in force was granted, but that if such an application had been made such a licence could properly have been granted as is mentioned in the last foregoing paragraph ;

“ the reversion ”, in relation to a tenancy, means the interest which, not being a mortgage term and apart from any such term, is for the time being in reversion immediately expectant upon the termination of the tenancy ;

“ shop ” means premises occupied wholly for business purposes, and so occupied wholly or mainly for the purposes of a retail trade or business ;

“ tenancy ” means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement, but does not include any relationship between a mortgagor and mortgagee as such ;

“ the tenant ”, in relation to a tenancy, means the person for the time being entitled to the tenancy.

(2) Unless the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

**21.**—(1) This Act may be cited as the Leasehold Property (Temporary Provisions) Act, 1951. Short title,  
commencement  
and extent.

(2) This Act shall come into operation on the twenty-fourth day of June, nineteen hundred and fifty-one.

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

## SCHEDULES

## FIRST SCHEDULE

Sections 2, 18.

## TRANSITIONAL PROVISIONS RELATING TO SECTION TWO

## PART I

*General transitional provisions*

1. The provisions of this Part of this Schedule shall have effect in any case where a tenancy is continued by section two of this Act.

2. The continued tenancy shall be treated as having effect, and as having had effect, in substitution for any other tenancy or agreement (whether express or implied) by virtue of which the former tenant or a member of his family remained in occupation of the property or part thereof at any time during the period beginning with the date of continuation and ending with the commencement of this Act, and any payment made or other thing done in pursuance of any such tenancy or agreement shall be treated accordingly.

3. Subject to the last foregoing paragraph, any penalty, mesne profits or other sum paid to the landlord before the commencement of this Act in respect of the occupation of the property or part thereof, or the receipt of rents and profits thereof, by the former tenant or a member of his family since the date of continuation shall be brought into account, so far as it will extend, against rent payable under the continued tenancy from the date of continuation onwards.

4. Any order or judgment made or given against the former tenant or his personal representatives or a member of his family before the commencement of this Act, in so far as it provides—

- (a) for the landlord's obtaining possession of the property or any part thereof, or
- (b) for the payment to the landlord of any such penalty, mesne profits or other sum as is mentioned in the last foregoing paragraph,

and has not been complied with, shall cease to have effect.

Section 8.

## PART II

*Provisions where tenant dies after date of continuation and before commencement of Act*

5. The provisions of this Part of this Schedule shall have effect in the case of a tenancy which is continued by section two of this Act, where the former tenant has died during the period beginning with the date of continuation and ending with the commencement of this Act.

6. If at the commencement of this Act only one member of the former tenant's family who was of full age immediately before the death of the former tenant is residing in the dwelling-house in question in circumstances specified in paragraph (c) of subsection (1) of section two of this Act, the continued tenancy shall be deemed to have vested in that member of the family immediately before the death of the former tenant.



7.—(1) If at the commencement of this Act two or more persons, being members of the former tenant's family who were of full age immediately before his death, are residing in the dwelling-house in question in circumstances specified in paragraph (c) of subsection (1) of section two of this Act, the following provisions of this paragraph shall have effect.

1ST SCH.  
—cont.

(2) Subject to the next following sub-paragraph, if one of those persons, with the consent in writing of the other or others of them, gives to the landlord notice that he claims the tenancy, the continued tenancy shall be deemed to have vested in that person immediately before the death of the former tenant.

(3) If at any time after the commencement of this Act no notice has been given under the last foregoing sub-paragraph, any one of those persons, or the landlord, may apply to the court for a determination under this sub-paragraph; and where such an application is made—

- (a) the continued tenancy shall be deemed to have vested, immediately before the death of the former tenant, in such one of those persons as the court may determine; and
- (b) a notice under the last foregoing sub-paragraph given after the determination by the court under this sub-paragraph shall be of no effect.

8. Where by virtue of the foregoing provisions of this Part of this Schedule a tenancy is deemed to have vested in a person at any time, the tenancy shall be treated for all purposes as if it had then been assigned to that person by the former tenant (otherwise than by way of mortgage)—

- (a) for full consideration in money paid to the former tenant for his own use;
- (b) without any variation or extension of the covenant on the part of the assignee implied in such an assignment by paragraph (C) of subsection (1) of section seventy-seven of the Law of Property Act, 1925; and
- (c) with the consent (where requisite) of the landlord,

and as if that person had then immediately assumed bona fide possession and enjoyment of the property to the entire exclusion of the former tenant or of any benefit to him by contract or otherwise.

### PART III *Interpretation*

9. In this Schedule the expression "the former tenant" means the person who was the tenant immediately before the date of continuation.

## SECOND SCHEDULE

Section 5.

### CONSEQUENTIAL RELIEF OF MESNE TENANTS

1.—(1) Where, in any proceedings by a landlord against a tenant to enforce any right of forfeiture or re-entry, the tenant proves that he has been prejudiced by the operation of the provisions of section five of this Act or of this Schedule in relation to any remedy otherwise available to him against a sub-tenant in respect of the property

2ND SCH.  
—cont.

or any part thereof, the court before which the proceedings are brought shall, where it appears to the court just so to do, give to him such relief as appears just having regard to all the circumstances and in particular to the extent to which the tenant has been prejudiced as aforesaid.

(2) Where relief is granted under this paragraph, it may be granted unconditionally or subject to such conditions as to damages, compensation or other matters as appear to the court to be just.

2—(1) Where, in any proceedings by a landlord against a tenant to enforce any right against the tenant to damages in respect of any failure to comply with a term or condition of the tenancy, the tenant proves that he has been prejudiced as aforesaid, the court shall, where it appears to the court just so to do, give to the tenant such relief as appears just having regard to all the circumstances and in particular to the extent to which the tenant has been prejudiced as aforesaid.

(2) Where relief is granted under this paragraph, it may be granted either by way of postponing the enforcement of a right to damages or by way of reduction or withholding of damages; and, without prejudice to the generality of sub-paragraph (1) of this paragraph, in determining what relief, if any, to grant the court shall have regard, in a case where the interest of the tenant has come to an end or is due to expire before the interest of the sub-tenant, to the extent to which the landlord claiming damages has or after the expiration of the interest of the tenant will have an alternative remedy against the sub-tenant.

3. The two last foregoing paragraphs apply as well to proceedings begun before the commencement of this Act as to proceedings begun thereafter.

*Table of Statutes referred to in this Act*

| Short Title                                                       | Session and Chapter            |
|-------------------------------------------------------------------|--------------------------------|
| Land Clauses Consolidation Act, 1845 ... ..                       | 8 & 9 Vict. c. 18.             |
| Finance (1909-10) Act, 1910 ... ..                                | 10 Edw. 7 & 1 Geo. 5.<br>c. 8. |
| Law of Property Act, 1925 ... ..                                  | 15 & 16 Geo. 5. c. 20.         |
| Land Registration Act, 1925 ... ..                                | 15 & 16 Geo. 5. c. 21.         |
| Landlord and Tenant Act, 1927 ... ..                              | 17 & 18 Geo. 5. c. 36.         |
| County Courts Act, 1934 ... ..                                    | 24 & 25 Geo. 5. c. 53.         |
| Acquisition of Land (Authorisation Procedure)<br>Act, 1946 ... .. | 9 & 10 Geo. 6. c. 49.          |
| New Towns Act, 1946 ... ..                                        | 9 & 10 Geo. 6. c. 68.          |
| Town and Country Planning Act, 1947 ... ..                        | 10 & 11 Geo. 6. c. 51.         |
| War Damaged Sites Act, 1949 ... ..                                | 12, 13 & 14 Geo. 6.<br>c. 84.  |
| Shops Act, 1950 ... ..                                            | 14 Geo. 6. c. 28.              |

## CHAPTER 39

An Act to abolish the common informer procedure.  
[22nd June 1951.]

**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 proceedings for a penalty or forfeiture under any Act in the Schedule to this Act or under any local or private Act shall be instituted in Great Britain against any person after the commencement of this Act: Abolition of certain common informer actions.

Provided that this subsection shall not prevent proceedings where no part of the penalty or forfeiture is payable to a common informer.

(2) Nothing in the foregoing subsection shall be construed as applying to any proceedings for the prosecution of a person on indictment or to any proceedings under the Summary Jurisdiction Acts.

(3) Where any person would, but for subsection (1) of this section, have been liable to a forfeiture or penalty, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and, in addition, to any non-pecuniary forfeiture to which he would have been liable as aforesaid:

Provided that if by virtue of any enactment he would have been liable in respect of the same offence to punishment either on summary conviction or on conviction on indictment, and either in addition to or in substitution for his liability to the forfeiture or penalty, he shall not be liable under this subsection.

(4) Any enactment relating to the burden of proof in proceedings precluded by subsection (1) of this section or providing a defence in such proceedings shall apply for the purpose of proceedings brought instead under the last foregoing subsection.

(5) Subsection (1) of this section shall bind the Crown so as to prevent the Crown from bringing proceedings as a common informer and, accordingly, the reference to a common informer in the proviso to that subsection shall include a reference to the Crown acting as a common informer.

2. The Parliament of Northern Ireland shall, in order to give effect to a purpose similar to the purpose of this Act, have power to amend or repeal any enactment (including an enactment of the Irish Parliament) in force at the commencement of this Act, to the extent that the enactment forms part of the law of Northern Ireland. Extension of powers of Parliament of Northern Ireland.

Short title,  
interpretation  
and com-  
mencement.

3.—(1) This Act may be cited as the Common Informers Act, 1951.

(2) The reference in this Act to any penalty or forfeiture under any Act in the Schedule to this Act shall include a reference to any penalty or forfeiture under any such Act as extended by any other Act; and for the purposes of this Act a person shall be treated as none the less liable because the consent of the Attorney General or of some other person would have been needed before proceedings were instituted.

(3) This Act shall come into operation on the first day of September, one thousand nine hundred and fifty-one.

Sections 1 & 3.

## SCHEDULE

### ACTS PROVIDING FOR COMMON INFORMER ACTIONS

| Session and Chapter       | Subject matter or title                                                                       | Relevant provisions                                                                                                               |
|---------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 5 Edw. 3. c. 5            | Sale of Wares after Close of Fair.                                                            | Section one.                                                                                                                      |
| 2 Hen. 6. c. 17           | Quality and Marks of Silver Work.                                                             |                                                                                                                                   |
| 23 Hen. 8. c. 9           | The Ecclesiastical Jurisdiction Act, 1531.                                                    |                                                                                                                                   |
| 28 Hen. 8. c. 5           | The Apprentices Act, 1536.                                                                    | Section three.                                                                                                                    |
| 32 Hen. 8. c. 9           | The Maintenance and Embracery Act, 1540.                                                      |                                                                                                                                   |
| 33 Hen. 8. c. 27          | The Leases by Corporations Act, 1541.                                                         |                                                                                                                                   |
| 2 & 3 Phil. & Mary c. 7.  | The Sale of Horses Act, 1555.                                                                 |                                                                                                                                   |
| 31 Eliz. c. 6             | The Simony Act, 1588.                                                                         | Section one.                                                                                                                      |
| 31 Eliz. c. 12            | The Sale of Horses Act, 1588.                                                                 |                                                                                                                                   |
| 1 & 2 Jac. 1. c. 5.       | An Act to prevent the overcharge of the People by Stewards of Courte Leets and Courte Barons. | Section ten.                                                                                                                      |
| 14 Car. 2. c. 4           | The Act of Uniformity, 1662.                                                                  |                                                                                                                                   |
| 5 & 6 Will. & Mary c. 20. | The Bank of England Act, 1694.                                                                | Section twenty-six.                                                                                                               |
| & 9 Will. 3. c. 8.        | An Act for Incouraging the bringing in wrought Plate to be coined.                            | So much as authorises the recovery of a pecuniary forfeiture at the suit of a common informer.                                    |
| 12 & 13 Will. 3. c. 4.    | The Plate Assay Act, 1700.                                                                    | So much of section three as authorises the recovery of a pecuniary forfeiture.<br>Section five.<br>Section six.<br>Section eight. |

| Session and Chapter   | Short title                                 | Relevant provisions                                                                                                                                                  |
|-----------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 Geo. 2. c. 26      | The Plate (Offences) Act, 1738.             | Section one.<br>Section five.<br>Section twenty-one.                                                                                                                 |
| 15 Geo. 2. c. 20      | The Gold and Silver Thread Act, 1741.       |                                                                                                                                                                      |
| 17 Geo. 2. c. 40.     | The Universities (Wine Licences) Act, 1743. | Section eleven.                                                                                                                                                      |
| 18 Geo. 2. c. 24      | The Linen (Trade Marks) Act, 1744.          | Section three.<br>Section four.                                                                                                                                      |
| 25 Geo. 2. c. 36      | The Disorderly Houses Act, 1751.            | Section two.                                                                                                                                                         |
| 29 Geo. 2. c. 23      | The Fisheries (Scotland) Act, 1756.         |                                                                                                                                                                      |
| 5 Geo. 3. c. 49       | The Bank Notes (Scotland) Act, 1765.        |                                                                                                                                                                      |
| 11 Geo. 3. c. 31      | The White Herring Fisheries Act, 1771.      |                                                                                                                                                                      |
| 13 Geo. 3. c. 52      | The Sheffield Assay Office Act, 1773.       | So much of section four as authorises the recovery of a pecuniary forfeiture.<br>Section thirteen.<br>Section fifteen.<br>Section nineteen.<br>Section twenty-three. |
| 21 Geo. 3. c. 49      | The Sunday Observance Act, 1780.            |                                                                                                                                                                      |
| 25 Geo. 3. c. 77      | The Fires Prevention Act, 1785.             |                                                                                                                                                                      |
| 28 Geo. 3. c. 7       | The Gold and Silver Thread Act, 1788.       | Sections one to four.                                                                                                                                                |
| 38 Geo. 3. c. 48      | The Land Tax Commissioners Act, 1798.       |                                                                                                                                                                      |
| 38 Geo. 3. c. 69      | The Gold Plate (Standard) Act, 1798.        |                                                                                                                                                                      |
| 39 Geo. 3. c. 34      | The Partridges Act, 1799.                   | Section three.                                                                                                                                                       |
| 49 Geo. 3. c. 126     | The Sale of Offices Act, 1809.              | Section six.                                                                                                                                                         |
| 52 Geo. 3. c. 155     | The Places of Religious Worship Act, 1812.  | Section ten.                                                                                                                                                         |
| 53 Geo. 3. c. 127     | The Ecclesiastical Courts Act, 1813.        | Section nine.                                                                                                                                                        |
| 55 Geo. 3. c. 194     | The Apothecaries Act, 1815.                 |                                                                                                                                                                      |
| 59 Geo. 3. c. 38      | The North American Fisheries Act, 1819.     |                                                                                                                                                                      |
| 3 Geo. 4. c. 46       | The Levy of Fines Act, 1822.                | Section ten.                                                                                                                                                         |
| 6 Geo. 4. c. 50       | The Juries Act, 1825.                       | Section forty-six.                                                                                                                                                   |
| 3 & 4 Will. 4. c. 90. | The Lighting and Watching Act, 1833.        | Section fifty.                                                                                                                                                       |
| 6 & 7 Will. 4. c. 20. | The Ecclesiastical Leases Act, 1836.        | Section three.                                                                                                                                                       |

| Session and Chapter           | Short title                                 | Relevant provisions                                                                           |
|-------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------|
| 2 & 3 Vict.<br>c. 71.         | The Metropolitan Police Courts Act, 1839.   | Section forty-two.                                                                            |
| 6 & 7 Vict.<br>c. 90.         | The Public Notaries Act, 1843.              | Section ten.                                                                                  |
| 10 & 11 Vict.<br>c. 16.       | The Commissioners Clauses Act, 1847.        | Section fifteen.                                                                              |
| 11 & 12 Vict.<br>c. 43.       | The Summary Jurisdiction Act, 1848.         | Section thirty.                                                                               |
| 24 & 25 Vict.<br>c. 96.       | The Larceny Act, 1861.                      | Section one hundred and two.                                                                  |
| 37 & 38 Vict.<br>c. 48.       | The Hosiery Manufacture (Wages) Act, 1874.  | Section three.                                                                                |
| 38 & 39 Vict.<br>c. 18.       | The Seal Fishery Act, 1875.                 |                                                                                               |
| 40 & 41 Vict.<br>c. 43.       | The Justices Clerks Act, 1877.              | Section nine.                                                                                 |
| 45 & 46 Vict.<br>c. 50.       | The Municipal Corporations Act, 1882.       | Subsection (4) of section one hundred and fifty-nine.                                         |
| 12, 13 & 14<br>Geo. 6. c. 68. | The Representation of the People Act, 1949. | Subsection (2) of section eighty-seven.<br>Subsection (2) of section one hundred and sixteen. |

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## CHAPTER 40

### *New Streets Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### Section.

1. Payments to be made by owners of new buildings in respect of street works.
2. Determination of liability for and amount of payments.
3. Sums paid or secured to be in discharge of further liability for street works.
4. Determination to cease to have effect when plans are not proceeded with.
5. Security not to be deemed prior mortgage.
6. Power of majority of frontagers to require adoption of private streets.
7. Provision as to increase in Exchequer Equalisation Grant.
8. Application of various provisions of Public Health Act, 1936.
9. Extent of Act.
10. Interpretation.
11. Short title and commencement.

An Act to secure the satisfactory construction, lighting, sewerage, furnishing and completion of streets adjacent to new buildings, and to oblige and empower local authorities to adopt such streets. [3rd July 1951.]

**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 section, where it is proposed to erect any building for which plans are required to be deposited with the local authority in accordance with building byelaws, and the building will have a frontage on a private street, no work shall be done in or for the purpose of erecting the building unless the owner of the land on which it is to be erected or a previous owner thereof has paid to the local authority, or secured to the satisfaction of the authority the payment to them of, such sum as may be required under the next following section in respect of the cost of street works in that street.

Payments to be made by owners of new buildings in respect of street works.

(2) If any work is done in contravention of the preceding subsection, the owner of the land on which the building is to be erected and, if he is a different person, the person undertaking the erection of the building shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, and any further contravention in respect of the same building shall constitute a new offence and may, on summary conviction, be punished accordingly:

Provided that where the person undertaking the erection of the building, not being the owner of the land on which it is to be erected, is charged with an offence under this subsection, it shall be a defence for him to prove that he had reasonable grounds for believing that the said sum had been paid or secured by the owner of the land in accordance with the preceding subsection.

Proceedings under this subsection shall not be taken by any person other than the local authority.

(3) This section shall not apply—

(a) in a case where the owner of the land on which the building is to be erected will be exempt, by virtue of any provision in the appropriate private street works code, from liability to pay expenses incurred in respect of street works in the private street in question;

(b) in a case where the building proposed to be erected will be situated in the curtilage of, and be appurtenant to, an existing building;

- (c) in a case where plans for the building have been deposited with the local authority in accordance with building byelaws before the commencement of this Act;
- (d) in a case where an agreement has been made by any person with the local authority under section one hundred and forty-six of the Public Health Act, 1875, providing for the carrying out at the expense of that person of street works in the street or a part thereof comprising the whole of the part on which the frontage of the building will be, and for securing that the street or part thereof, on completion of the works, will become a highway repairable by the inhabitants at large;
- (e) in a case where the local authority, being satisfied that the street or such a part thereof as aforesaid is not, and is not likely within a reasonable time to become, sufficiently built-up to justify the use of powers under the appropriate private street works code for securing the carrying out of street works in the street or part thereof, by notice in writing exempt the building from this section;
- (f) in a case where the local authority, being satisfied that the street is not, and is not likely within a reasonable time to become, joined to a highway repairable by the inhabitants at large, by notice in writing exempt the building from this section;
- (g) in a case where the whole street, being less than one hundred yards in length, or a part of the street not less than one hundred yards in length and comprising the whole of the part on which the frontage of the building will be, was at the commencement of this Act built-up to such an extent that the aggregate length of the frontages of the buildings on both sides of the street or part constituted at least one half of the aggregate length of all the frontages on both sides of the street or part;
- (h) in a case (not falling within the last preceding paragraph) where the local authority, being satisfied that the street was at the commencement of this Act substantially built-up, by notice in writing exempt the building from this section;
- (i) in a case where the building is proposed to be erected on land belonging to, or in the possession of, the British Transport Commission or any Executive established by or under section five of the Transport Act, 1947, the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London, or a development corporation established under section two of the New Towns Act, 1946;



(j) in a case where the building is proposed to be erected by a trading or industrial estate company within the meaning of section fifteen of the Distribution of Industry Act, 1945, and the cost thereof is to be defrayed wholly or mainly by a government department.

2.—(1) In any case to which the preceding section applies, the local authority shall, within one month after the plans of the building deposited in accordance with building byelaws have been passed, serve a notice on the person by or on whose behalf the plans were deposited requiring the payment or the securing under the preceding section of a sum specified in the notice. Determination of liability for and amount of payments.

(2) The sum to be specified in a notice under the preceding subsection shall be such sum as, in the opinion of the local authority, would be recoverable under the appropriate private street works code in respect of the frontage of the proposed building on the private street if the authority were then to carry out such street works in the street as they would require under that code before declaring the street to be a highway repairable by the inhabitants at large.

The local authority may treat a part of the street comprising the whole of the part on which the frontage of the building will be as constituting a separate street for the purposes of this subsection.

(3) The local authority may, by a further notice served on the same person, substitute a smaller sum for the sum specified in the notice served under subsection (1) of this section.

(4) Not later than one month after the service of the notice under subsection (1) of this section or, if within that month a further notice has been served under the last preceding subsection, not later than one month after the service of that notice, the person on whom the notice under the said subsection (1) was served or, if he is a different person, the owner of the land on which the building is to be erected may appeal to the Minister, and the Minister may substitute a smaller sum for the sum specified by the local authority.

On any appeal under this subsection, the Minister shall give the appellant an opportunity of being heard before a person appointed by the Minister.

3.—(1) Where a sum has been paid or secured under section one of this Act by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, the liability of that owner or any subsequent owner of that land in respect of the carrying out of street works in that street under the appropriate private street Sums paid or secured to be in discharge of further liability for street works.

works code shall, as respects that frontage, be deemed to be discharged to the extent of the sum so paid or secured and to that extent only, and if, when the street is declared to be a highway repairable by the inhabitants at large, the said sum is found to exceed the total liability aforesaid in respect of that frontage or there is no liability because the street was not made up at the expense of the local authority, the local authority—

- (a) if the sum was paid, shall refund the amount of the excess or, as the case may be, the whole sum to the person who is for the time being owner of the land;
- (b) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the security to the extent of the excess or, as the case may be, the whole security;
- (c) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of the land, shall pay to that owner an amount equal to the excess or, as the case may be, the whole sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

Where any land in respect of which a sum has been so paid or secured is subsequently divided in two or more parts so that two or more owners incur or would incur the liability aforesaid, the sum shall be treated as apportioned between those owners according to their respective frontages, and, if the sum was secured and the security is the property of one only of those owners, the local authority shall only be required under paragraph (b) hereof to release the security to the extent to which the amount apportioned to that owner exceeds his liability aforesaid, or as the case may be, to the extent of the whole of that amount, and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (c) hereof.

(2) Where the said sum was paid, and not merely secured, the local authority shall pay on it simple interest at the rate of three per cent. per annum from the date of payment until the time when the street is declared to be a highway repairable by the inhabitants at large, and the interest shall be held by them and dealt with under the preceding subsection as if it formed part of the said sum.

Determination to cease to have effect when plans are not proceeded with.

4.—(1) Where, on the occasion of the deposit of any plans for the erection of a building, the amount to be paid or secured under section one of this Act has been determined under section two thereof, and subsequently—

- (a) the local authority declare under section sixty-six of the Public Health Act, 1936, that the deposit of the plans shall be of no effect, or

- (b) before any work has been done in or for the purpose of erecting the building the owner gives notice in writing to the local authority of his intention not to proceed with the building,

the said determination and any payment made or security given in accordance therewith shall, unless street works have already been carried out or commenced in the street under the appropriate private street works code in respect of which the owner of the land on which the building was to be erected is liable, be of no effect for the purposes of this Act.

(2) Where by virtue of the preceding subsection a determination is of no effect and any sum has been paid or security given in accordance therewith, the local authority—

- (a) if the sum was paid, shall refund it, together with simple interest at the rate of three per cent. per annum from the date of payment, to the person who is for the time being owner of the land;
- (b) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the security;
- (c) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of the land, shall pay to that owner an amount equal to the said sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

Where any land in respect of which a sum has been so paid or secured is subsequently divided into two or more parts so that two or more owners would, if street works were carried out, incur liability in respect thereof, the sum (together with any interest thereon) shall be treated as apportioned between those owners according to their respective frontages and, if the sum was secured and the security is the property of one only of those owners, the local authority shall only be required under paragraph (b) hereof to release the security to the extent of the amount apportioned to that owner and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (c) hereof.

(3) Where a person notifies the local authority in accordance with paragraph (b) of subsection (1) of this section of his intention not to proceed with the building and by reason thereof a determination is of no effect, and subsequently notice is given to the local authority by the owner of the land that he intends to proceed with the building in accordance with the plans as originally deposited, the notice to be served under subsection (1) of section two of this Act by the local authority shall, in lieu of being served as required by that subsection, be served on him within one month

after the date of the service of the notice of his intention to proceed with the building, and the said section two shall have effect accordingly.

Security not to be deemed prior mortgage.

5. If the sum the payment of which is required to be secured to a local authority in pursuance of this Act is secured by means of a mortgage of or charge on land, such mortgage or charge shall for the purposes of section thirteen of the Building Societies Act, 1894 (which prohibits advances by building societies on second mortgage) be deemed not to be a prior mortgage within the meaning of that section.

Power of majority of frontagers to require adoption of private streets.

6.—(1) Where a majority of the owners of land having a frontage on any built-up private street, or as many of those owners as have between them more than half the aggregate length of all the frontages on both sides of the street, request the local authority by notice in writing to exercise their powers under the appropriate private street works code so as—

(a) to secure the carrying out of such street works in that street as the local authority require under that code before declaring the street to be a highway repairable by the inhabitants at large; and

(b) to declare the street to be such a highway,

the local authority shall proceed to exercise their powers accordingly:

Provided that this subsection shall not apply unless, in at least one case, a payment has been made or security has been given under section one of this Act by the owner of land having a frontage on the street.

(2) Nothing in the preceding subsection shall be taken as requiring or empowering a local authority to carry out any street works for which an authorisation is required under Regulation fifty-six A of the Defence (General) Regulations, 1939, without such an authorisation, and if the local authority, on a request being made to them under this section, are informed by the Minister that an authorisation will not be granted for the carrying out of such street works as aforesaid, the local authority shall not be required to take any steps in pursuance of that request, and shall inform the persons who made the request accordingly.

(3) For the purposes of this section—

(a) a street shall be deemed to be built-up if the aggregate length of the frontages of the buildings on both sides of that street constitutes at least one half of the aggregate length of all the frontages on both sides of that street;

(b) any part of a street, being a part not less than one hundred yards in length, may be treated by the owners of land having a frontage on that part of the street as constituting a street for the purposes of this section.

7. Any increase attributable to this Act in the sums payable under the Local Government Act, 1948, out of moneys provided by Parliament shall be defrayed out of moneys so provided. Provision as to increase in Exchequer Equalisation Grant.

8. The following provisions of the Public Health Act, 1936, shall apply for the purposes of this Act, that is to say:— Application of various provisions of Public Health Act, 1936.

- section two hundred and eighty-three (form of notices),
- section two hundred and eighty-four (authentication of documents),
- section two hundred and eighty-five (service of notices),
- section three hundred and five (protection of members and officers of certain local authorities from personal liability);

and accordingly any reference in any of those provisions to the Public Health Act, 1936, shall be construed as including a reference to this Act.

9.—(1) Subject to the provisions of this section, this Act shall only apply in boroughs and urban districts in England and Wales, other than metropolitan boroughs, and any reference in this Act to the local authority shall, in relation to any such borough or urban district, be construed as a reference to the council of that borough or urban district. Extent of Act.

(2) The Minister, on the application of a county council and after consultation with the council of the rural district concerned, may by order apply this Act in any rural district within the county.

(3) Where this Act is in force in any rural district,—

(a) any reference in this Act to the local authority shall be construed as a reference to the council of the county comprising that district, except that the first reference in section one, the reference in paragraph (c) of subsection (3) of that section and the references in subsection (1) of section four and the first two references in subsection (3) of that section shall be construed as references to the rural district council;

(b) the rural district council, in any case to which section one of this Act may be applicable, shall within one week inform the county council of the passing of any plans deposited with them relating to the erection of a building, of the making of any declaration that the deposit of any such plans is of no effect or of the giving of any notice by an owner of his intention not to proceed with any building or to proceed with the building in accordance with the plans as originally deposited;

(c) if the rural district council are discharging the functions of the county council under the Private Street Works Act, 1892, as agents for the county council, they shall discharge as such agents the functions of the county council under this Act, and subsection (2) of section thirty-six of the Local Government Act, 1929, shall accordingly have effect as if this Act were one of the enactments mentioned in Part I of the First Schedule to that Act.

(4) The two last preceding subsections shall not apply in the Isles of Scilly, but the Minister on the application of the council of those Isles may by order apply this Act in those Isles and, upon the making of the order, any reference in this Act to the local authority shall be construed as a reference to the council.

(5) The power of making orders under subsection (2) and subsection (4) of this section shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Upon the making of an order under subsection (2) or subsection (4) of this section, the county council, or, as the case may be, the council of the Isles of Scilly, shall take such steps for notifying the public of its having been made as the Minister may direct.

Interpretation. 10.—(1) In this Act—

“the appropriate private street works code” means—

(a) in any county borough or county district in which the Private Street Works Act, 1892, is in force, that Act and any local Act amending that Act;

(b) in any county borough or county district in which there is in force any local Act which contains provisions regulating the procedure relating to the execution of street works and payments in respect thereof, that local Act;

(c) in any county borough or county district in which sections one hundred and fifty, one hundred and fifty-one and one hundred and fifty-two of the Public Health Act, 1875, are in force, those sections and section forty-one of the Public Health Acts Amendment Act, 1890, and any local Act amending any of those sections:

Provided that if in any county borough or county district there is in force a local Act referred to in sub-paragraph (b) of this definition and also either the code referred to in sub-paragraph (a) or the code referred to in sub-paragraph (c), the council of that

borough or district shall, in the case of any private street in the borough or district, by resolution determine whether the said local Act or such one of the other codes as is so in force is to be the appropriate private street works code for the purposes of this Act in relation to that street, and shall publish any such resolution by advertisement in one or more newspapers circulating within the borough or district and otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested;

“ building byelaws ” and “ owner ” have the same meanings as in the Public Health Act, 1936;

“ local Act ” includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;

“ local authority ” shall be construed in accordance with section nine of this Act;

“ the Minister ” means the Minister of Local Government and Planning;

“ private street ” means any street as defined by the Public Health Act, 1936, in which the local authority have power under the appropriate private street works code to require works to be executed or to execute works, and includes any land which is deemed to be a private street by virtue of a declaration under section forty-eight of the Town and Country Planning Act, 1947;

“ street works ” means any works for the sewerage, levelling, paving, metalling, flagging, channelling, making good and lighting a street, and “ paving, metalling and flagging ” includes all methods of making a carriage-way or footway.

(2) For the purposes of this Act the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied with the building and for the purposes thereof has or will have on the street.

(3) For the purposes of this Act joint owners shall be treated as one owner.

11.—(1) This Act may be cited as the New Streets Act, 1951. Short title and

(2) This Act shall come into operation on the first day of commence-  
October, 1951. ment.

Table of Statutes referred to in this Act

| Short Title                                   | Session and Chapter              |
|-----------------------------------------------|----------------------------------|
| Public Health Act, 1875 ... ..                | 38 & 39 Vict. c. 55.             |
| Public Health Acts Amendment Act, 1890 ... .. | 53 & 54 Vict. c. 59.             |
| Private Street Works Act, 1892 ... ..         | 55 & 56 Vict. c. 57.             |
| Building Societies Act, 1894 ... ..           | 57 & 58 Vict. c. 47.             |
| Local Government Act, 1929 ... ..             | 19 & 20 Geo. 5. c. 17.           |
| Public Health Act, 1936 ... ..                | 26 Geo. 5. & 1 Edw.<br>8. c. 49. |
| Distribution of Industry Act, 1945 ... ..     | 8 & 9 Geo. 6. c. 36.             |
| New Towns Act, 1946 ... ..                    | 9 & 10 Geo. 6. c. 68.            |
| Transport Act, 1947 ... ..                    | 10 & 11 Geo. 6. c. 49.           |
| Town and Country Planning Act, 1947 ... ..    | 10 & 11 Geo. 6. c. 51.           |
| Local Government Act, 1948 ... ..             | 11 & 12 Geo. 6. c. 26.           |

## CHAPTER 41

An Act to extend the power of the Minister of Fuel and Power to make advances to the National Coal Board for capital purposes and to extend the temporary borrowing powers of that Board ; and to adjust as between the Cannock Chase and South Staffordshire Valuation Districts the amount of compensation apportioned by the Central Valuation Board to those districts under section twelve of the Coal Industry Nationalisation Act, 1946. [3rd July 1951.]

**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 power to make advances to National Coal Board, and of temporary borrowing powers of Board.  
9 & 10 Geo. 6.  
c. 59.

1.—(1) For section twenty-six of the Coal Industry Nationalisation Act, 1946 (which empowers the Minister of Fuel and Power to make advances to the National Coal Board for capital purposes of sums not exceeding, in the period of five years from the commencement of that Act, one hundred and fifty million pounds, or, in any subsequent period, an amount to be determined by Parliament) there shall be substituted the following section:—

“ 26.—(1) For the purpose of enabling the Board to defray expenditure properly chargeable to capital account, including the provision of working capital, the Minister may make advances to the Board:



Provided that—

- (a) the aggregate amount of the principal outstanding in respect of advances under this section shall not at any time exceed three hundred million pounds;
- (b) the aggregate amount of the advances under this section in any financial year shall not exceed forty million pounds or such greater amount as may be specified for that year in an order made by the Minister.

(2) The power of the Minister to make orders under the preceding subsection shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been laid before the Commons House of Parliament and has been approved by resolution of that House.

Any such order may be varied by a subsequent order made in like manner and subject to the like conditions."

(2) In the first proviso to the section so substituted and in the second proviso thereto, so far as it relates to advances made during the financial year current at the commencement of this Act, the reference to advances under that section includes a reference to advances before the commencement of this Act under the said section twenty-six as originally enacted.

(3) Section twenty-eight of the Coal Industry Nationalisation Act, 1946 (which relates to the payment of interest on, and the repayment of, advances under the said section twenty-six) and section thirty-four of the said Act (which provides for the issue out of the Consolidated Fund of sums required for such advances) shall apply to advances made under the section hereby substituted for the said section twenty-six.

(4) In section twenty-seven of the Coal Industry Nationalisation Act, 1946 (which confers temporary borrowing powers on the National Coal Board, but limits the amount outstanding in respect of sums so borrowed to ten million pounds), for the words "ten million pounds" there shall be substituted the words "twenty million pounds".

2. The amounts apportioned by the Central Valuation Board under section twelve of the Coal Industry Nationalisation Act, 1946 (which relates to the apportionment between valuation districts of the total compensation for the coal industry value of interests transferred under that Act) to the Cannock Chase and the South Staffordshire Valuation Districts shall respectively be reduced and increased by one hundred and ten thousand pounds and, accordingly, the said Act shall have effect as if the respective amounts so apportioned were—

- (a) to the Cannock Chase district, five million one hundred and forty-two thousand pounds (£5,142,000),

Adjustment  
of compen-  
sation.

(b) to the South Staffordshire district, eight hundred and fifty-three thousand pounds (£853,000),

and the Central Valuation Board Apportionment Certificate issued before the passing of this Act shall be of no effect as respects those districts.

Short title and  
citation.

3. This Act may be cited as the Coal Industry Act, 1951, and the Coal Industry Acts, 1946 and 1949, and this Act may be cited together as the Coal Industry Acts, 1946 to 1951.

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## CHAPTER 42

An Act to make provision for the appointment and functions of a Minister of Materials.

[3rd July 1951.]

**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:—

Appointment  
and functions  
of Minister  
of Materials.

1.—(1) It shall be lawful for His Majesty to appoint a Minister of Materials (in this Act referred to as "the Minister") who (without prejudice to the exercise by him of any other functions conferred on him) shall be charged with the exercise of such functions relating to raw and other materials as may be conferred on him.

(2) Without prejudice to any other power to confer functions on the Minister, the enactments specified in the Schedule to this Act shall apply to the Minister as they apply to the Board of Trade or the Minister of Supply.

(3) References in the foregoing provisions of this section to the conferring of functions shall be construed as references to—

(a) the conferring of functions by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946,

(b) the conferring of functions by or under any other enactment, and

(c) the assigning (otherwise than in pursuance of an enactment) of functions such as are exercisable by a Minister of the Crown without powers conferred or authority given by or under an enactment.

9 & 10 Geo. 6.  
c. 31.

2. The Minister shall take the oath of allegiance and the official Oath of oath, and the Promissory Oaths Act, 1868, shall have effect as if allegiance and the name of the Minister were included in the First Part of the official oath. Schedule to that Act. 31 & 32 Vict. c. 72.

3.—(1) The Minister may appoint a Parliamentary Secretary, and such other secretaries, officers and servants as he may with the consent of the Treasury determine. Appointment of officers, remuneration and expenses.

(2) There shall be paid—

(a) to the Minister, an annual salary not exceeding five thousand pounds;

(b) to any Parliamentary Secretary appointed by the Minister, and to any other secretaries, officers and servants appointed by the Minister, such salaries or remuneration as the Treasury may determine,

and for the purposes of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any salary payable under this subsection to the Minister or to any Parliamentary Secretary appointed by him shall be deemed to be a salary payable under that Act. 1 Edw. 8. & 1 Geo. 6. c. 38.

(3) The salary of the Minister and his expenses (including any salaries or remuneration payable under paragraph (b) of the last foregoing subsection and any increase attributable to subsection (2) of section one of this Act in the sums payable out of moneys provided by Parliament under any of the Acts specified in the Schedule to this Act) shall be defrayed out of moneys so provided.

4. A person holding office as Minister of Materials, or as Parliamentary Secretary to the Ministry, shall not thereby be rendered incapable of being elected as a member of the Commons House of Parliament, or of sitting or voting as such a member. Capacity to sit in House of Commons.

5.—(1) The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf. Seal, style and acts of Minister.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

31 & 32 Vict.  
c. 37.

(4) The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

Short title.

6. This Act may be cited as the Ministry of Materials Act, 1951.

Sections 1 & 3.

## SCHEDULE

### ENACTMENTS APPLIED TO MINISTER

10 & 11 Geo. 6.  
c. 39.

Section one of the Statistics of Trade Act, 1947 (which enables certain Ministers to obtain statistical information from a person carrying on an undertaking).

10 & 11 Geo. 6.  
c. 40.

The Industrial Organisation and Development Act, 1947, except section ten thereof (which relates to the application of surplus moneys levied under the Defence (Encouragement of Exports) Regulations, 1940), section eleven thereof (which provides for grants to the Council of Industrial Design and to design centres) and section thirteen thereof (which makes provision for the exercise of the powers of the Board of Trade).

11 & 12 Geo. 6.  
c. 66.

Section ten of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948 (which empowers certain Ministers to make orders where the Monopolies and Restrictive Practices Commission have made a report).

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## CHAPTER 43

### *Finance Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### CUSTOMS, EXCISE AND PURCHASE TAX

##### *Customs and Excise (changes in rates etc.)*

##### Section

1. Hydrocarbon oils, petrol substitutes and power methylated spirits.
2. Entertainments duty.
3. Three-year extension of key industry duty.
4. Reduction of match duties.
5. Amendment of excise duty on mechanical lighters.

##### *Amendments to give effect to agreements affecting Customs and Excise*

6. Valuation of goods for purpose of ad valorem duties.
7. Unesco agreement (blind welfare and news-reels).
8. Pakistan trade agreement.
9. Dried and crystallized figs.

*Customs and Excise (drawbacks and minor amendments)*

## Section

10. Extension of drawbacks of hydrocarbon oil duties.
11. Extension of power to allow drawback under Import Duties Act, 1932, Sch. 2.
12. Relief from duty on temporary importations not qualifying for drawback.
13. Bottling of wine in bond for home consumption.
14. Tobacco licences for vehicles in special cases.

*Purchase tax*

15. Purchase tax (changes in rates etc.).

## PART II

## INCOME TAX

16. Charge of income tax for 1951-52.
17. Higher rates of income tax for 1950-51.
18. Alterations in personal reliefs, etc.
19. Extension of relief for wives drawing retirement pensions.
20. Suspension of initial allowances.
21. Acquisition of new sources of income under Case III, IV or V of Schedule D.
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24. Armed forces, etc.
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26. Exemption for Issue Department of State Bank of Pakistan.
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28. Rates of profits tax, etc.
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33. Exemptions from estate duty in connection with preservation of land for public benefit.
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36. Restriction of certain transactions leading to avoidance of income tax or profits tax.
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39. Extension of time in relation to relief from excess profits tax for terminal expenses.

F\*

## Section

40. Extension of time for proceedings for penalties in case of fraud or wilful default in connection with excess profits tax or the profits tax.
41. Exemption for staffs of High Commissioners, etc., not to extend to persons employed for trading purposes.
42. Exemption from stamp duties of transfers of International Bank stock.
43. Provisions as to permanent annual charge for the National Debt and as to the Old Sinking Fund.
44. Short title, construction, extent and repeals.

## SCHEDULES :

First Schedule—Entertainments: full rates of duty.

Second Schedule—Value of imported goods.

Third Schedule—Provisions to give effect to Unesco agreement.

Fourth Schedule—United Kingdom-Pakistan Trade Agreement.

Fifth Schedule—Purchase tax (amendments of Schedule of chargeable goods).

Sixth Schedule—Transitional provisions in connection with increase in rate of profits tax.

Seventh Schedule—Enactments repealed.

An Act to grant certain duties, to alter other duties, and to amend the law with respect to the National Debt (including the Sinking Funds therefor), Customs and Inland Revenue (including Excise).

[1st August 1951.]

Most gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supply 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, EXCISE AND PURCHASE TAX

*Customs and Excise (changes in rates etc.)*

1.—(1) Sections one to three of the Finance Act, 1950 (which relate to the duties of customs and excise on hydrocarbon oils and to the duty of excise on petrol substitutes), shall have effect as if in the said section one—

- (a) in subsection (1) (which relates to the rate of customs duty) for the words from "eighteen pence a gallon" onwards there were substituted the words "one shilling and tenpence halfpenny a gallon";

Hydrocarbon oils, petrol substitutes and power methylated spirits.

(b) in subsection (2) (which relates to the rates of the customs rebates allowed on the delivery for home consumption of heavy oils) for the words from "eighteen pence a gallon" to the end of paragraph (a) there were substituted the words "one shilling and tenpence halfpenny a gallon", and for the words from "seventeen pence a gallon." to the end of paragraph (b) there were substituted the words "one shilling and ninepence halfpenny a gallon";

PART I  
—cont.

and the rate of the duty of excise charged under section three of the Finance Act, 1938, on spirits used for making power methylated spirits shall be the same as that at which the said duty of customs on hydrocarbon oils is for the time being chargeable:

Provided that the allowance payable under subsection (4) of section eight of the Finance (No. 2) Act, 1945, in respect of indigenous oils used in a refinery shall not be increased by virtue of this subsection in the case of oils charged with the excise duty on their removal to a refinery before the increased rate for the duty had come into force.

(2) This section, except as respects power methylated spirits, shall have effect as from six o'clock in the evening of the tenth day of April, nineteen hundred and fifty-one, and as respects power methylated spirits shall have effect as from the eleventh day of that month.

2.—(1) Section six of the Finance Act, 1943, and the other enactments relating to entertainments duty shall have effect as if for the rates of duty provided for by Part II of the Fifth Schedule to that Act (which gives the full rates of the duty) there were substituted the rates of duty set out in the First Schedule to this Act. Entertainments duty.

(2) This section shall have effect, and be deemed to have had effect, as respects payments for admission to entertainments held on or after the fifth day of August, nineteen hundred and fifty-one, other than payments made before the eleventh day of April in that year.

3. Part I of the Safeguarding of Industries Act, 1921, shall continue in force until the beginning of the nineteenth day of August, nineteen hundred and fifty-four. Three-year extension of key industry duty.

4.—(1) In lieu of the duties of customs and excise charged on matches under section seven of the Finance Act, 1949, there shall be charged on matches imported into the United Kingdom duties of customs, and on matches manufactured in the Reduction of match duties.

PART I  
—cont.

United Kingdom duties of excise, at the following rates, that is to say—

|                                                                                               | Rate of<br>customs duty. |    | Rate of<br>excise duty. |    |
|-----------------------------------------------------------------------------------------------|--------------------------|----|-------------------------|----|
|                                                                                               | s.                       | d. | s.                      | d. |
| (a) for every 10,000 matches in containers in which there are not more than 30 matches ... .. | 19                       | 11 | 19                      | 2  |
| (b) for every 7,200 matches in containers in which there are more than 30 matches             | 14                       | 5  | 13                      | 9  |

and so in proportion for any less number of matches.

(2) This section shall have effect from the first day of August, nineteen hundred and fifty-one.

Amendment of  
excise duty on  
mechanical  
lighters.

5.—(1) For all purposes of section six of the Finance Act, 1928, relating to the excise duty on mechanical lighters,—

- (a) any prescribed component of a mechanical lighter, or assembly which includes such a component (other than an assembly forming a complete mechanical lighter or a mechanical lighter which could be made complete by the addition of a flint), shall be deemed to be a mechanical lighter, but incomplete; and
- (b) any reference to a manufacturer of mechanical lighters shall include a person by whom any such component or assembly has been manufactured in the course of a business carried on by him, notwithstanding that he has not carried on the manufacture at a time when such a component or assembly is deemed to be a mechanical lighter.

(2) Subject to the next following subsection the expression “prescribed component” in this section means, in relation to any class or description of mechanical lighters, such one of the component parts of a lighter of that class or description as the Treasury may by order designate for this purpose as being in such a lighter the component part or one of the component parts least likely to require replacement.

(3) Until otherwise provided by an order under the last foregoing subsection, the prescribed component of a lighter appearing to the Commissioners to be constructed solely for the purpose of igniting gas for domestic use shall, in the case of electrical lighters and flint lighters, be the stem (of the electrical lighter) and the frame (of the flint lighter), whether a rigid frame or a spring frame.



(4) An order made under this section may be varied or revoked by a subsequent order so made.

(5) The power to make orders under this section shall be exercisable by statutory instrument and any statutory instrument by which the power is exercised shall be laid before the Commons House of Parliament after being made.

(6) Any statutory instrument under this section which extends the incidence of duty shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, but without prejudice to anything previously done thereunder or to the making of a new order.

In reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

(7) Any other statutory instrument under this section shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(8) This section shall have effect as from the eleventh day of April, nineteen hundred and fifty-one.

*Amendments to give effect to agreements affecting Customs and Excise*

6.—(1) For the purpose of any enactment for the time being in force under which a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be that laid down by the Second Schedule to this Act, and duty shall be paid on that value: Valuation of goods for purpose of ad valorem duties.

Provided that, in the case of goods imported under a contract of sale and entered for home consumption, duty shall be deemed to have been paid on that value if, before the goods are delivered for home consumption, duty is tendered and accepted on a declared value based on the contract price.

(2) For the purpose of the proviso to the foregoing subsection—

- (a) the declared value of any goods is their value as declared by or on behalf of the importer in making entry of the goods for home consumption ;
- (b) that value shall be deemed to be based on the contract price if, but only if, it represents that price properly adjusted to take account of circumstances differentiating the contract from such a contract of sale as is contemplated by the Second Schedule to this Act ;

PART I  
—cont.

- (c) the rate of exchange to be used for determining the equivalent in sterling of any foreign currency shall be the current selling rate in the United Kingdom as last notified before the time when the goods are entered for home consumption.

(3) The Commissioners may by statutory instrument make regulations for the purpose of giving effect to the foregoing provisions of this section, and in particular for requiring any importer or other person concerned with the importation of goods into the United Kingdom to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, importation, or sale of the goods by that person ; and if any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

As from the commencement of this Act, any regulations made by the Commissioners under subsection (3) of section fifteen of the Import Duties Act, 1932, which are in force at that commencement shall have effect as if made under this subsection.

(4) Section sixteen of the Import Duties Act, 1932 (which relates to the determination of disputes as to value), shall apply in relation to any duty of customs chargeable on goods by reference to their value as it applies in relation to a duty chargeable under that Act.

(5) In any scheme having effect under section nine of the Finance Act, 1932 (which provides for allowing drawback of certain duties in respect of imported goods used as materials in making articles exported or shipped as stores), or under that section as applied by any subsequent enactment, references to the value of any goods at importation shall, whether the scheme took effect before or after the passing of this Act, be taken as referring to the value on which duty was paid on those goods, unless otherwise provided by the scheme.

(6) Notwithstanding anything in section eleven of the Finance Act, 1944, or subsection (1) of section fourteen of the Finance (No. 2) Act, 1945 (which relate to the application for purposes of purchase tax of enactments relating to customs generally), the foregoing provisions of this section shall not affect the law relating to purchase tax, and accordingly subsection (2) of the said section eleven shall have effect with the substitution of a reference to this section for the reference to section ten of the Finance Act, 1935.

7. The Third Schedule to this Act shall have effect with a view to enabling effect to be given to an agreement which was drawn up at the fifth session of the General Conference of the United Nations Educational, Scientific and Cultural Organisation, and of which His Majesty's Government in the United Kingdom is a signatory.

PART I  
—cont.

Unesco  
agreement  
(blind welfare  
and  
news-reels).

8. With a view to the fulfilment of the agreement made on the second day of April, nineteen hundred and fifty-one, between His Majesty's Governments in the United Kingdom and in Pakistan (being the agreement set out in the Fourth Schedule to this Act), the Ottawa Agreements Act, 1932, and any other enactment relating to customs which amends or relates to that Act shall have effect as from that date as if the said agreement were included among the agreements scheduled to the said Act of 1932, and as if accordingly any reference to a country the Government of which is a party to one of the scheduled agreements within the meaning of that Act, or a country between the Government of which and His Majesty's Government in the United Kingdom any of those agreements was made, applied to Pakistan by virtue of the said agreement and not by virtue of the agreement made in the year nineteen hundred and thirty-nine between His Majesty's Government in the United Kingdom and the Government of India.

Pakistan  
trade  
agreement.

9.—(1) For the entry in the Schedule to the Customs Tariff Act, 1876, relating to figs (under which there is charged a duty of seven shillings a hundredweight) there shall be substituted the following entry:—

Dried and  
crystallized  
figs.

| “ Figs—                 |     |     |     |     |     | Per cwt. |     |
|-------------------------|-----|-----|-----|-----|-----|----------|-----|
|                         |     |     |     |     |     | s.       | d.  |
| dried                   | ... | ... | ... | ... | ... | 6        | 0   |
| drained or crystallized | ... | ... | ... | ... | ... | 7        | 0.” |

(2) In section twenty-one of the Finance Act, 1916 (which provides for drawback of certain of the duties under the said Act of 1876), after the words “ dried figs ” there shall be inserted the words “ drained or crystallized figs.”

(3) This section shall come into force on the first day of September, nineteen hundred and fifty-one.

#### *Customs and Excise (drawbacks and minor amendments)*

10.—(1) The Treasury may by order direct as respects articles of any class or description specified in the order that, subject to the provisions of the order, drawback shall be allowed under subsection (6) of section two of the Finance Act, 1928 (which as extended by the Finance Act, 1950, relates to drawback of the customs and excise duties on hydrocarbon oils), in respect

Extension of  
drawbacks of  
hydrocarbon  
oil duties.

PART I  
—cont.

of hydrocarbon oil (or goods containing it) used as a material, solvent, preservative or finish in the manufacture or preparation of the articles, and thereupon the enactments relating to drawback of the said duties shall have effect, subject to the provisions of the order and of this section, as if any reference in the said subsection (6) to an article in which there is contained any hydrocarbon oil used as an ingredient in the manufacture or preparation thereof included a reference to an article of the class or description specified in the order.

(2) An order made under this section as respects articles of any class or description—

(a) may provide for drawback to be allowed in respect of hydrocarbon oil (or goods containing it) used as a material, solvent, preservative or finish in the manufacture or preparation not directly of articles of that class or description but of articles incorporated in them ; and

(b) may provide that the quantity of hydrocarbon oil as respects duty on which drawback is to be allowed shall be determined by reference to average quantities or otherwise ;

but no drawback of excise duty shall be allowed by virtue of this section on oil used in a refinery in such circumstances that an allowance is payable in respect thereof under subsection (4) of section eight of the Finance (No. 2) Act, 1945.

(3) The power of the Treasury to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment by resolution of the Commons House of Parliament, and any order made by the Treasury under this section may be varied or revoked by a subsequent order made by them.

(4) The power of the Commissioners to make regulations under section three of the Finance Act, 1928, and section two of the Finance Act, 1950, with respect to the duties on hydrocarbon oils and the drawbacks of those duties shall include power to make provision for regulating the allowance and payment of drawback by virtue of this section and for making it subject to such conditions as they think fit to impose for the protection of the revenue.

Extension of power to allow drawback under Import Duties Act, 1932, Sch. 2.

11.—(1) The Second Schedule to the Import Duties Act, 1932 (which relates to drawback of import duties on the re-exportation, etc., in the same state and unused, of imported goods of any class or description specified in an order of the Treasury), shall be amended as follows :—

(a) drawback as respects any imported goods may be allowed in the following case (either as well as or

instead of being allowed in the case of the exportation or shipment as stores of those goods as mentioned in paragraph 3 of the Schedule), that is to say,—

on the exportation or shipment as stores (either by the importer of those goods or by some person who has taken delivery of the goods or articles incorporating them directly from that importer) of articles incorporating those goods in the same state as that in which they were imported, neither the imported goods nor any articles incorporating them having been used otherwise than by their incorporation in other articles ;

(b) an order under the Schedule, where it appears to the Treasury, as respects goods of any class or description, that drawback ought not to be allowed generally or ought to be allowed for a limited period only, may give directions for it to be allowed as respects those goods subject to restrictions, or for a period, specified in the order.

(2) References in any enactment passed before this Act to the said Second Schedule and to paragraph 3 thereof shall be construed as respectively including references to the foregoing subsection and to paragraph (a) thereof.

(3) Where an order of the Treasury (whether made before or after the commencement of this Act) provides for the allowance of drawback under the said Second Schedule or any enactment applying it, then subject to any such order made after that commencement the drawback shall be allowed in the case mentioned in paragraph (a) of subsection (1) of this section as well as in the case mentioned in paragraph 3 of that Schedule.

(4) Drawback allowed before the commencement of this Act shall not be deemed to have been wrongly allowed if it would have been allowable by virtue of paragraph (a) of subsection (1) of this section had the foregoing provisions of this section then been in force.

12.—(1) Where the Commissioners are satisfied, in the case of any goods imported or proposed to be imported after the coming into force of this section,—

(a) that it is intended to re-export the goods or articles incorporating them or to use them as materials for the production of articles for export ; and

(b) that there are special reasons why, with a view to promoting the interests of the export trade or similar interests, any duties chargeable in respect of the importation of the goods under Part I of the Import

Relief from duty on temporary importations not qualifying for drawback.

PART I  
—cont.

Duties Act, 1932, or under the Safeguarding of Industries Act, 1921, should not be charged if the goods or articles incorporating them are re-exported, or the goods are used as materials for the production of articles which are exported; and

- (c) that the provisions other than this section giving relief from the duties in question, whether by way of drawback or otherwise, are inapplicable or inappropriate;

then the Commissioners shall have power to grant relief from those duties, subject to such conditions as they may impose for the protection of the revenue.

(2) The Commissioners shall exercise the power conferred by this section only after consultation with the Board of Trade, except in such cases as may be agreed between the Commissioners and the Board.

(3) The Commissioners shall not exercise that power in the case of any goods except on a written application made by the importer before delivery of the goods to him.

Bottling of wine in bond for home consumption.

13. Section ninety-five of the Customs Consolidation Act, 1876 (under which British spirits may be bottled in warehouse for home consumption, but wine may be so bottled for export only), shall have effect with the substitution for the words "draw off British spirits into bottles for home consumption" of the words "draw off wine or British spirits into bottles for home consumption"; and accordingly section four of the Finance Act, 1944 (which authorised vintage port to be bottled in a warehouse for home consumption), shall cease to have effect.

Tobacco licences for vehicles in special cases.

14.—(1) Notwithstanding anything in section ten of the Excise Licences Act, 1825, or in section nine of the Customs and Inland Revenue Act, 1890 (which require an excise licence to be for a single set of premises), a licence under the Excise Licences Act, 1825, to deal in or sell tobacco or snuff may, where the Commissioners are satisfied that it is necessary for the purpose of meeting an exceptional but temporary need, be granted so as to authorise the sale of tobacco or snuff by retail from a registered goods vehicle when stationed at a place specified in the licence; and the enactments relating to the dealing in and sale of tobacco or snuff, other than section twenty-five of the said Act of 1825 (which relates to the licensee's name being displayed on the licensed premises), shall apply accordingly as if the place specified in a licence so granted were premises of the person authorised to sell tobacco there.

(2) Any licence granted by virtue of this section may be granted subject to such conditions as the Commissioners think fit to impose.

*Purchase tax*PART I  
—cont.

15.—(1) The enactments relating to purchase tax shall have effect as if in Part I of the Eighth Schedule to the Finance Act, 1948 (as amended by subsequent enactments and by orders of the Treasury under section twenty-one of that Act), there were made the amendments provided for by the Fifth Schedule to this Act, but subject to any further order of the Treasury under the said section twenty-one.

Purchase tax  
(changes in  
rates etc.).

(2) The said amendments shall have effect as from the eleventh day of April, nineteen hundred and fifty-one, except that the amendments provided for by Part II of the said Fifth Schedule shall only have effect as from the twenty-fifth day of June, nineteen hundred and fifty-one.

## PART II

## INCOME TAX

16.—(1) Income tax for the year 1951-52 shall be charged at the standard rate of nine shillings and sixpence in the pound and, in the case of an individual whose total income exceeds two thousand pounds, shall be charged in respect of the excess at rates in the pound which respectively exceed the standard rate by the amounts specified in the second column of the following Table:—

Charge of  
income tax for  
1951-52.*Table*

|                                                 | s. | d. |
|-------------------------------------------------|----|----|
| For every pound of—                             |    |    |
| the first five hundred pounds of the excess ... | 2  | 0  |
| the next five hundred pounds of the excess ...  | 2  | 6  |
| the next one thousand pounds of the excess ...  | 3  | 6  |
| the next one thousand pounds of the excess ...  | 4  | 6  |
| the next one thousand pounds of the excess ...  | 5  | 6  |
| the next two thousand pounds of the excess...   | 6  | 6  |
| the next two thousand pounds of the excess...   | 7  | 6  |
| the next two thousand pounds of the excess...   | 8  | 6  |
| the next three thousand pounds of the excess    | 9  | 6  |
| the remainder of the excess ... ..              | 10 | 0  |

(2) All such enactments as had effect with respect to the income tax charged for the year 1950-51 shall have effect with respect to the income tax charged for the year 1951-52.

(3) Notwithstanding anything in the preceding provisions of this section, the standard rate of tax for the year 1951-52 shall, for the purpose of computing the amounts of tax which, under section two of the Income Tax (Employments) Act, 1943, fall

PART II  
—cont.

to be deducted or repaid before the twenty-fifth day of May, nineteen hundred and fifty-one, be deemed to have been the same as that for the year 1950-51, but nothing in this subsection shall prevent or be deemed to have prevented the resulting under-deductions and over-repayments of tax from being adjusted subsequently by means of increased deductions or diminished repayments under the said section two, or, if need be, by an assessment.

Higher rates  
of income tax  
for 1950-51.

17. Income tax for the year 1950-51 shall be charged, in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess over two thousand pounds as were charged for the year 1949-50.

Alterations in  
personal  
reliefs, etc.

18.—(1) In subsection (2) of section forty of the Finance Act, 1927 (which, as amended by section seventeen of the Finance (No. 2) Act, 1945, section twenty-eight of the Finance Act, 1948, and section twenty-four of the Finance Act, 1950, provides for the relief from income tax commonly known as the reduced rate relief), the words “thirteen-nineteenths” shall throughout be substituted for the words “thirteen-eighteenths” and the words “eight-nineteenths” shall throughout be substituted for the words “four-ninths”.

(2) In section eighteen of the Finance Act, 1920 (which, as amended by subsequent enactments, provides, amongst other things, for a deduction, in the case of married persons, of tax on one hundred and eighty pounds), the words “one hundred and ninety pounds” shall be substituted for the words “one hundred and eighty pounds”.

(3) In subsections (1) and (3) of section twenty-one of the Finance Act, 1920 (which, as amended by subsequent enactments, provides for a deduction of tax on sixty pounds in respect of each child with an income of sixty pounds or less), the words “seventy pounds” shall be substituted for the words “sixty pounds”.

(4) In subsection (1) of section sixteen of the Finance Act, 1943 (which, as amended by subsection (4) of section fifteen of the Finance Act, 1947, provides, amongst other things, that the deduction of tax allowable in certain cases in respect of a relative of the claimant or of his or her wife or husband who is maintained by the claimant is limited to cases where the total income of the person maintained does not exceed one hundred and twenty pounds a year and that the allowance is reduced if the total income of that person exceeds seventy pounds a year), the words “one hundred and thirty pounds” shall be substituted for the words “one hundred and twenty pounds” and the words “eighty pounds” shall be substituted for the words “seventy pounds”.



(5) In subsection (2) of section nineteen of the Finance Act, 1935 (which, as amended by subsequent enactments, limits the tax on incomes exceeding one hundred and thirty-five pounds but less than one hundred and sixty pounds to one quarter of the excess), the words "three-tenths" shall be substituted for the words "one-quarter".

(6) The changes effected by this section shall not be deemed to have affected the amounts of tax deductible or repayable under section two of the Income Tax (Employments) Act, 1943, before the twenty-fifth day of May, nineteen hundred and fifty-one, but nothing in this subsection shall prevent the resulting under-deductions, over-deductions, under-repayments and over-repayments of tax from being adjusted subsequently by means of increased or diminished deductions or repayments under the said section two, or, if need be, by an assessment.

19. The proviso to subsection (2) of section twenty-seven of the Finance Act, 1946 (which, amongst other things, prevents certain pensions payable under the National Insurance Act from being treated as earned income for the purposes of the increased personal allowance by reference to the wife's earned income provided for by subsection (2) of section eighteen of the Finance Act, 1920) shall not apply to any payment by way of retirement pension under the National Insurance Act (as defined in the said section twenty-seven), being a pension payable to the wife by virtue of her own insurance.

Extension of relief for wives drawing retirement pensions.

20.—(1) No initial allowance shall be given under Part I, Part II or Part III of the Income Tax Act, 1945, in respect of any expenditure incurred on or after the sixth day of April, nineteen hundred and fifty-two, and before such date as Parliament may hereafter determine:

Suspension of initial allowances.

Provided that this subsection shall not apply to expenditure on the provision of a ship for the purposes of a trade if it is shown to the satisfaction of the Commissioners of Inland Revenue—

- (a) that on the tenth day of April, nineteen hundred and fifty-one, the ship was actually under construction for the persons who were carrying on the trade on the said tenth day of April or who were on that date about to carry it on; or
- (b) that a contract for the construction of the ship, or of the engines for the ship, for those persons had been entered into by them not later than the said tenth day of April.

(2) Part VIII of the Income Tax Act, 1945 (which contains supplementary provisions for the purposes of that Act), shall apply in relation to subsection (1) of this section as if that subsection were a provision of that Act:

**PART II**  
—cont.

Provided that a trade shall not be deemed for the purposes of that subsection to be discontinued by reason only of the happening of any event which, by virtue of any of the provisions of Rule 11 of the Rules applicable to Cases I and II of Schedule D, is to be treated as equivalent to the discontinuance of the trade.

Acquisition  
of new sources  
of income  
taxable  
under Case III,  
IV or V of  
Schedule D.

**21.—(1) If at any time any person acquires—**

(a) a new source of any profits or income in respect of which he is chargeable either under Rule 1 of the Rules applicable to Case III of Schedule D or under Case IV of Schedule D or under Case V of Schedule D; or

(b) an addition to any source of any such profits or income, then, for the year of assessment in which income first arises from the source or addition and the two following years of assessment—

(i) income tax in respect of the profits or income from the source or addition shall be computed separately; and

(ii) in the case of profits or income chargeable under Rule 1 of the Rules applicable to Case III, the provisions of paragraph (1) of Rule 2 of those Rules shall apply, and, in the case of profits or income chargeable under Case IV or Case V, the provisions of proviso (b) of subsection (1) of section twenty-nine of the Finance Act, 1926, shall apply.

(2) Subsection (1) of this section shall have effect in lieu of paragraph (ii) of the proviso to section thirty of the Finance Act, 1926, and the references to that paragraph contained in paragraph (iv) of that proviso shall be construed as references to the said subsection (1).

(3) The preceding provisions of this section shall apply in relation to sources or additions to sources acquired on or after the sixth day of April, nineteen hundred and fifty-one and to sources or additions to sources acquired before that date where the income or profits first arose therefrom on or after that date, but shall not apply in any other case.

(4) Subsection (3) of section thirty-two of the Finance Act 1933 (which provides that when tax becomes chargeable under Case III of Schedule D on share interest or loan interest paid by a registered society, paragraph (ii) of the proviso to section thirty of the Finance Act, 1926, shall apply as if the source of that interest were a new source of income acquired by that person at that time) shall have effect as if the reference therein to the said paragraph (ii) included references to all the preceding provisions of this section.

(5) In this section, references to profits or income chargeable under Rule 1 of the Rules applicable to Case III of Schedule D shall be construed as including references to profits or income

chargeable under that Case as if they were mentioned in the said Rule 1, and references to income which arises or arose shall, in cases where income tax is to be computed by reference to the amount of income received in the United Kingdom, be construed as references to income which is or was so received.

PART II  
—cont.

**22.**—(1) In paragraph (1) of Rule 7 of the Miscellaneous Foreign Rules applicable to Schedule D (which provides for the taxation by deduction of, amongst other things, interest, dividends, or other annual payments payable out of or in respect of the stocks, funds, shares or securities of any foreign or colonial company, society, adventure or concern) for the words “any foreign or colonial company, society, adventure or concern” there shall be substituted the words “any body of persons not resident in the United Kingdom”.

(2) Neither sub-paragraph (a) nor sub-paragraph (b) of the said paragraph (1) shall extend to any payment to which Rule 19 or Rule 21 of the General Rules applies.

(3) Any reference in any provision of the Income Tax Acts to the said Rule 7 shall be construed as a reference to the said Rule 7 as amended by the preceding provisions of this section.

(4) This section shall have effect as from the tenth day of April, nineteen hundred and fifty-one, and shall also have effect and be deemed always to have had effect in relation to any payment made before that date from which a deduction of tax has been made which would, if this section had then been in force, have been a legal deduction.

**23.**—(1) The Commissioners of Inland Revenue and any Building building society may, as respects the year 1952-53 or any sub-sequent year of assessment, enter into arrangements whereby—

- (a) the society is assessed to income tax under Schedule D on such sums (including sums which, apart from the arrangements, would be receivable by the society with tax deducted therefrom) as may be determined under the arrangements, and is so assessed in part at the standard rate and in part at a reduced rate which takes into account the operation of the subsequent provisions of this section; and
- (b) property in which the society has an interest is exempt from tax under Schedule A to such extent as may be specified in the arrangements; and
- (c) provision is made for any incidental or consequential matters.

PART II  
—cont.

and any such arrangements shall have effect notwithstanding anything in the Income Tax Acts :

Provided that the said Commissioners, in exercising their powers of entering into arrangements under this section, shall at all times aim at securing that the total tax becoming payable to, and not becoming repayable by, the Crown is, when regard is had to the operation of the subsequent provisions of this section, as nearly as may be the same in the aggregate as it would have been if those powers had never been exercised.

(2) Where any such arrangements as aforesaid are in force in the case of any society as respects any year of assessment—

- (a) tax shall not be deducted from any dividends or interest payable in that year in respect of shares in or deposits with or loans to that society ; and
- (b) no assessment to tax or repayment of tax shall be made in respect of any such dividends or interest on or to the person receiving or entitled to the dividends or interest ; and
- (c) the amounts actually paid or credited in respect of any such dividends or interest (and no more) shall be treated as income for that year of the person entitled thereto ; and
- (d) the said amounts (and no more) shall, in applying Rules 19 and 21 of the General Rules to other payments, be treated as profits or gains which have been brought into charge to tax :

Provided that—

- (i) any such dividends or interest shall be taken into account for the purposes of assessment to surtax ; and
- (ii) the amount actually paid or credited in respect of any such dividends or interest shall be deemed for surtax purposes to be a net amount corresponding to a gross amount from which tax at the standard rate for that year has been duly deducted, and the amount on which surtax is to be charged in the case of any person shall be calculated accordingly ; and
- (iii) the provisions of this subsection shall not apply in relation to interest on any bank loan ; and
- (iv) the provisions of this subsection shall not apply in relation to any interest which is payable in respect of a loan to the society under a contract made before the beginning of the first year of assessment as respects which the society enters into arrangements under subsection (1) of this section, if and to the extent that, both at the time of the making of the contract and at

the time when the interest becomes payable, it is contemplated by the parties that tax shall be deducted on payment of the interest.

(3) Where any such arrangements as aforesaid are in force in the case of any society as respects any year of assessment—

- (a) tax shall not be deducted upon payment to the society of any interest on advances, being interest payable in that year; and
- (b) any amount which, by virtue of this subsection, is paid without deduction of tax by any person to the society in respect of interest on advances (being interest payable by him to the society in that year) shall, except so much thereof, if any, as is repaid to him by the society, be deducted from or set off against his income for that year, and tax shall be discharged or repaid accordingly,

and subsections (2) and (3) of section fifty-six of the Income Tax Act, 1945 (which relate to the procedure in relation to claims for allowances given under that Act by way of discharge or repayment of tax), shall apply in relation to the discharge or repayment of tax under this subsection as they apply in relation to the allowances mentioned in that section.

(4) Any arrangements made under this section as respects any year of assessment shall, if made after the beginning of that year, be deemed to have come into force at the beginning thereof, and any necessary adjustments shall be made in relation to any sums paid or credited before the date of the making of the arrangements.

(5) If—

- (a) as respects the year 1951-52 or any previous year of assessment, any arrangements are made (whether before or after the passing of this Act) between the Commissioners of Inland Revenue and a building society as respects the tax which is to be charged in the case of that society; and
- (b) those arrangements purport to provide that no repayment of tax shall be made in respect of income derived from investments with the society; and
- (c) as a result of, or in anticipation of, those arrangements, any dividends or interest payable in the year of assessment in question by the society in respect of shares in or deposits with or loans to the society are paid without deduction of tax,

paragraphs (b), (c) and (d) of, and paragraph (i) of the proviso to, subsection (2) of this section shall apply and be deemed

**PART II**  
—*cont.*

always to have applied in relation to those dividends or that interest as they apply in relation to the dividends or interest mentioned in paragraph (a) of the said subsection (2).

(6) In this section—

“building society” means a society incorporated under the Building Societies Act, 1874, or such an unincorporated society as is mentioned in section seven of that Act; and

“dividend” includes any distribution, whether described as a dividend or otherwise, which, apart from this section, would fall to be treated as a dividend for the purposes of Rule 20 of the General Rules.

(7) This section shall apply in relation to a company within the meaning of the Companies Act, 1948, or the corresponding enactments in force in Northern Ireland, which carries on a business which, in the opinion of the Commissioners of Inland Revenue, is similar to that carried on by a building society as it applies in relation to a building society, except that in subsections (2) and (5) the references to dividends and shares shall be deemed to be omitted.

Armed forces,  
etc.

**24. Any sum—**

(a) which, in pursuance of the scheme as to service emoluments contained in the Command Paper laid before Parliament in August, nineteen hundred and fifty, becomes payable out of moneys provided by Parliament by way of bounty to a person who, having served in the armed forces of the Crown, voluntarily undertakes to serve for a further period; or

(b) which becomes payable out of moneys provided by Parliament by way of bounty to any person who is called up for a period of service under the Reserve and Auxiliary Forces (Training) Act, 1951,

shall not be regarded as income for any of the purposes of the Income Tax Acts.

Exemption of  
income of the  
Colonial  
Superannua-  
tion Scheme  
Fund.

**25.—(1)** The Managers of the Colonial Superannuation Scheme Fund shall not be assessable to income tax in respect of any income derived from investments or deposits of that Fund and any income tax deducted from any such income shall be repaid to them by the Commissioners of Inland Revenue.

(2) In this section, “the Colonial Superannuation Scheme Fund” means the fund of that name formed under the Colonial Superannuation Scheme set up by the Secretary of State with effect as from the first day of January, nineteen hundred and fifty-one, and this section shall be deemed to have had effect as from the said first day of January.

26. Any profits or income accruing or arising to the Issue Department of the State Bank of Pakistan constituted under certain orders made under section nine of the Indian Independence Act, 1947, shall be, and shall be deemed always to have been, exempt from income tax.

PART II  
—cont.

Exemption for  
Issue  
Department  
of State Bank  
of Pakistan.

27.—(1) Every person carrying on a trade or business who, in the ordinary course of the operations thereof, receives or retains money in such circumstances that interest becomes payable thereon which is paid or credited without deduction of income tax, and, in particular, every person carrying on the trade or business of banking, shall, if required to do so by notice from a surveyor, make and deliver to the surveyor, within the time specified in the notice, a return of all interest paid or credited by him as aforesaid during a year specified in the notice in the course of his trade or business or any such part of his trade or business as may be so specified, giving the names and addresses of the persons to whom the interest was paid or credited and stating, in each case, the amount of the interest, and the provisions of the Income Tax Acts with respect to the failure to deliver lists, declarations and statements in accordance with a particular or general notice shall apply to any such return :

Power to  
obtain  
information as  
to interest paid  
or credited  
without  
deduction of  
tax.

Provided that—

- (a) no interest paid or credited to any person shall be required to be included in any such return if the total amount of the interest paid or credited to that person which would otherwise have fallen to be included in the return does not exceed fifteen pounds ; and
- (b) the year specified in a notice under this subsection shall not be a year ending more than three years before the date of the service of the notice.

(2) Without prejudice to the generality of so much of subsection (1) of this section as enables different notices to be served thereunder in relation to different parts of a trade or business, separate notices may be served under that subsection as respects the transactions carried on at any branch or branches respectively specified in the notices, and any such separate notice shall, if served on the manager or other person in charge of the branch or branches in question, be deemed to have been duly served on the person carrying on the trade or business ; and where such a separate notice is so served as respects the transactions carried on at any branch or branches, any notice subsequently served under the said subsection (1) on the person carrying on the trade or business shall not be deemed to extend to any transaction to which the said separate notice extends.

(3) This section shall, with any necessary adaptations, apply in relation to the Post Office Savings Bank as if it were a trade or business carried on by the Postmaster General.

**PART II**  
—cont.

This subsection shall have effect notwithstanding anything in section four of the Post Office Savings Bank Act, 1861, but save as aforesaid that section shall remain in full force and effect.

(4) This section shall apply to interest paid or credited on or at any time after the sixth day of April, nineteen hundred and fifty.

(5) This section shall apply only to money received or retained in the United Kingdom, and if a person to whom any interest is paid or credited in respect of any money received or retained in the United Kingdom by notice in writing served on the person paying or crediting the interest—

- (a) declares that the person who was beneficially entitled to that interest when it was paid or credited was not then ordinarily resident in the United Kingdom; and
- (b) requests that the interest shall not be included in any return under this section,

the person paying or crediting the interest shall not be required to include that interest in any such return; and section thirty of the Income Tax Act, 1918 (which relates to fraudulent claims for relief), shall, with the necessary adaptations, apply in relation to notices under this subsection as it applies in relation to the claims mentioned in the said section thirty.

**PART III**

**PROFITS TAX**

Rates of profits tax, etc.

**28.**—(1) The enactments relating to the profits tax shall be amended as respects any chargeable accounting period ending after the end of the year nineteen hundred and fifty by substituting—

- (a) fifty per cent. for thirty per cent. as the rate of any tax not being a distribution charge; and
- (b) forty per cent. for twenty per cent. as the rate of any relief for non-distribution and (subject to the provisions of paragraph 1 of the Sixth Schedule to this Act) as that of any distribution charge,

and where any accounting period of a body corporate, unincorporated society or other body falls partly before and partly after the end of that year, the parts thereof falling before and after the end of the year shall be separate chargeable accounting periods.

(2) The provisions of the Sixth Schedule to this Act (being provisions which re-enact with adaptations certain transitional provisions of the Profits Tax Act, 1949) shall have effect in relation to the preceding provisions of this section.



29.—(1) The trades or businesses exempted from the profits tax by subsection (5) of section nineteen of the Finance Act, 1937 (which subsection relates to statutory undertakers carrying on certain public utility concerns), shall cease to be so exempt as from the end of the year nineteen hundred and fifty, and any accounting period of any such trade or business falling wholly after the end of the year nineteen hundred and fifty, and so much of any accounting period of any such trade or business falling partly before and partly after the end of the said year as falls after the end of that year, shall be chargeable accounting periods for the purposes of the profits tax :

## PART III

—cont.

Public utility undertakers to be liable to the profits tax.

Provided that—

- (a) the profits tax payable in respect of any such trade or business shall be computed as if no net relevant distributions to proprietors had been made in the case of that trade or business for any chargeable accounting period ; and
- (b) subject, as respects losses, to the provisions of subsection (3) of this section, no relief shall be given for any losses incurred in any accounting period ending before the beginning of the year nineteen hundred and fifty-one and no deduction for wear and tear shall be allowed other than the deduction provided for by subparagraph (1) of paragraph 1 of Part I of the Eighth Schedule to the Finance Act, 1947.

(2) No income received out of the profits of a body corporate which are chargeable to the profits tax as a result of subsection (1) of this section shall be excluded from the profits of the recipient by reason of sub-paragraphs (a) and (b) of subparagraph (1) of paragraph 7 of the Fourth Schedule to the Finance Act, 1937 (as amended by section thirty-two of the Finance Act, 1947), but—

- (a) the profits tax chargeable on the recipient for the chargeable accounting period in which the income is received shall be reduced by ten per cent. of the amount of that income or of the amount of the profits of the recipient chargeable for that period to the profits tax, whichever is the less ; and
- (b) nothing in this section affects the proviso to subparagraph (1) of the said paragraph 7 (which excludes income received from statutory undertakers from the profits of a body corporate with a controlling interest therein).

(3) Notwithstanding anything in proviso (b) to subsection (1) of this section, there shall be carried forward under paragraph 2 of the Fourth Schedule to the Finance Act, 1937, to the first accounting period ending after the end of the year nineteen

**PART III**  
**—cont.**

hundred and fifty, and, if and so far as is necessary, to subsequent accounting periods, the amount, if any, which could have been carried forward to that accounting period if the said subsection (1) had applied to all accounting periods ending after the end of the year nineteen hundred and forty-six:

Provided that—

- (a) in no event shall any loss incurred in any accounting period ending at or before the end of the year nineteen hundred and forty-six be taken into account for the purposes of this subsection; and
- (b) where an accounting period falls partly before and partly after the end of the year nineteen hundred and forty-six, the loss, if any, for so much of that period as fell after the end of that year shall be so taken into account instead of the loss, if any, for the whole of the period, and the provisions of section forty-seven of the Finance Act, 1947, shall, with any necessary adaptations, have effect for the purpose of determining the first-mentioned loss as they had effect for the purpose of determining the profits tax payable for so much of any chargeable accounting period as fell after the end of that year.

Increase, in certain cases, of deductions allowable for directors' remuneration.

**30.** The following paragraph shall, as respects chargeable accounting periods ending after the end of the year nineteen hundred and fifty, be substituted for paragraph 11 of the Fourth Schedule to the Finance Act, 1937—

“ 11.—(1) In the case of a trade or business carried on in a 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 whichever is the greatest of the following amounts, that is to say—

(a) 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

(b) two thousand five hundred pounds; or

(c) where, for more than half that period, there are two or more directors to whom sub-paragraph (2) of this paragraph applies, the amount specified in that sub-paragraph,

so, however, that in no case shall the deduction exceed fifteen thousand pounds.

(2) The directors to whom this sub-paragraph applies are any directors who are required to devote substantially the whole of their time to the service of the company in a managerial or technical capacity and are not whole-time service directors, and the amount referred to in paragraph (c) of sub-paragraph (1) of this paragraph is three thousand five hundred pounds, increased where, for more than half the chargeable accounting period, there are more than two directors to whom this sub-paragraph applies by—

(a) one thousand pounds ; or

(b) the aggregate remuneration for the chargeable accounting period of all but two of the directors to whom this sub-paragraph applies, the directors whose remuneration is taken into account being those whose remuneration for the chargeable accounting period is the smallest,

whichever is the less :

Provided that—

(i) in no case shall the amount referred to in paragraph (c) of sub-paragraph (1) of this paragraph exceed the aggregate remuneration for the chargeable accounting period of all the directors to whom this sub-paragraph applies ; and

(ii) in applying the preceding provisions of this sub-paragraph (including the preceding provisions of this proviso), the amount by which the remuneration of any director for the chargeable accounting period exceeds two thousand five hundred pounds shall be left out of account.

(3) In relation to a chargeable accounting period of less than twelve months, the references in the preceding provisions of this paragraph to two thousand five hundred pounds, fifteen thousand pounds, three thousand five hundred pounds and one thousand pounds shall be construed as references to amounts which bear to those amounts respectively the same proportion as the length of the period bears to twelve months.”

- 31.—(1) Subject to the provisions of this section, where—
- (a) whether before or after the passing of this Act but after the sixth day of April, nineteen hundred and forty-nine, a body corporate, unincorporated society or other body capitalises any distributable sum ; and
- (b) then or thereafter, whether before or after the passing of this Act but after the tenth day of April, nineteen

Effect of  
capitalisation  
of profits on  
rate of profits  
tax.

PART III  
—cont.

hundred and fifty-one, any sum is applied in reducing its capital,

there shall be deemed for the purposes of section thirty-five of the Finance Act, 1947 (which defines the expression "gross relevant distributions to proprietors" for profits tax purposes), to be a distribution to the members of the body corporate, society or other body of an amount equal to the sum so applied or to the total amount of the distributable sums previously capitalised by it as aforesaid, whichever is the less, taking place when the sum is so applied.

(2) Subject to the provisions of this section, where a body corporate, unincorporated society or other body—

- (a) whether before or after the passing of this Act but after the tenth day of April, nineteen hundred and fifty-one, applies any sum in reducing its capital; and
- (b) then or thereafter, whether before or after the passing of this Act, capitalises any distributable sum,

there shall be deemed for the purposes of the said section thirty-five to be a distribution to the members of the body corporate, society or other body of an amount equal to the distributable sum capitalised or to the total amount of the sums previously applied by it as aforesaid in reducing capital, whichever is the less, taking place at the time of the capitalisation.

(3) Where by virtue of subsection (1) of this section there is deemed to be a distribution to the members of a body corporate, society or other body by reason of the application of any sum in reducing its capital—

- (a) that sum shall be taken into account for the purposes of subsection (2) of this section only to the extent, if any, to which it exceeds the amount of the distribution; and
- (b) the total amount of the distributable sums capitalised by the body corporate, society or other body after the sixth day of April, nineteen hundred and forty-nine, but before the distribution shall, in relation to any further reductions of capital, be treated for the purposes of subsection (1) of this section as diminished by the amount of the distribution.

(4) Where by virtue of subsection (2) of this section there is deemed to be a distribution to the members of a body corporate, society or other body by reason of the capitalisation of any distributable sum—

- (a) that the sum shall be taken into account for the purposes of subsection (1) of this section only to the extent, if any, to which it exceeds the amount of the distribution; and

(b) the total amount of the sums applied in reducing capital of the body corporate, society or other body after the tenth day of April, nineteen hundred and fifty-one, but before the distribution shall, in relation to any further capitalisations, be treated for the purposes of subsection (2) of this section as diminished by the amount of the distribution.

(5) In this section—

“ distributable sum ” means, in relation to a body corporate, society or other body, a sum which could be utilised in making a distribution, within the meaning of subsection (1) of section thirty-six of the Finance Act, 1947, to the members thereof ;

“ capitalise ” means capitalise by means of an issue of paid up or partly paid up share capital or by the paying up, in whole or in part, of share capital already issued or by the creation of loan capital, and “ capitalisation ” shall be construed accordingly,

and references to the reduction of capital shall be deemed to include references to the repayment or return of share capital and the repayment or redemption of loan capital, other than loan capital issued for full consideration paid in cash to the body corporate, society or other body or redeemable preference shares so issued :

Provided that—

(a) no application of any sum shall be treated as a capitalisation for the purposes of this section if, apart from this section, it falls to be treated as a distribution to the members of the body corporate, society or other body within the meaning of subsection (1) of the said section thirty-six ; and

(b) where the body corporate, society or other body has acquired any business, undertaking or property for full consideration, any loan capital or redeemable preference shares issued by the body corporate, society or other body in or towards payment therefor shall be deemed for the purposes of this subsection to have been issued for full consideration paid in cash to the body corporate, society or other body.

32.—(1) Where the Commissioners are of opinion that the main purpose or one of the main purposes for which any transaction or transactions was or were effected (whether before or after the passing of this Act) was the avoidance or reduction of liability to the profits tax, they may, if they think fit, direct that such adjustments shall be made as respects liability to the profits tax as they consider appropriate so as to counteract the Transactions designed to avoid liability to the profits tax.

PART III  
—cont.

avoidance or reduction of liability to the profits tax which would otherwise be effected by the transaction or transactions:

Provided that this subsection shall not apply where the transaction or, if there are more than one, all the transactions, was or were completed before the tenth day of April, nineteen hundred and fifty-one.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, the powers conferred thereby extend—

(a) to the charging with the profits tax of persons who, but for the adjustments, would not be chargeable with any tax, or would not be chargeable to the same extent; and

(b) to the charging of a greater amount of tax than would be chargeable but for the adjustments.

(3) If it appears in the case of any transaction or transactions, being a transaction which involves, or transactions one or more of which involve—

(a) the transfer or acquisition of shares in or debentures of a company; or

(b) a change or changes in the person or persons carrying on a trade or business or part of a trade or business; or

(c) a change or changes in the directors of a company the directors whereof have a controlling interest therein,

that, having regard to the provisions of the law relating to the profits tax other than this section which were in force at the time when the transaction or transactions was or were effected, the main benefit which might have been expected to accrue from the transaction or transactions in the three years immediately following the completion thereof was the avoidance or reduction of liability to the tax, the avoidance or reduction of liability to the profits tax shall be deemed for the purposes of this section to have been the main purpose or one of the main purposes of the transaction or transactions.

(4) Any direction of the Commissioners under this section shall specify the transaction or transactions giving rise to the direction and the adjustments as respects liability to the profits tax which the Commissioners consider appropriate.

(5) No direction shall be given by the Commissioners under this section by reason only—

(a) that, in the case of any body corporate, unincorporated society or other body, no distribution to proprietors has been made or only a smaller distribution than might have been made; or

- (b) that debentures of a company (not being a company the directors whereof have a controlling interest therein) have been issued for full consideration paid in cash to the company,

or by reason of any transaction which, or of any transactions all of which, required and received the consent of the Treasury under section thirty-six of this Act, if the consent was specially given to the transaction or transactions in question, was given before the carrying out thereof, and was given after full and accurate disclosure by the applicants for the consent of all facts and considerations material to be known to the Treasury.

(6) If—

- (a) a body corporate, unincorporated society or other body furnishes to the Commissioners particulars of a transaction or transactions effected or to be effected by them; and
- (b) the Commissioners are satisfied that the transaction or transactions as described in the particulars have been, or, as the case may be, will be, entered into for bona fide commercial reasons and are such that no direction ought to be given under this section in respect of it or them,

they shall notify the body corporate, unincorporated society or other body accordingly, and thereupon their power to give a direction under this section with respect to the transaction or transactions in question shall cease:

Provided that—

- (i) the particulars given under this subsection with respect to any transaction or transactions shall be such as to make full and accurate disclosure of all facts and considerations relating thereto which are material to be known to the Commissioners and, where the requirements of this paragraph of this proviso are not complied with, any notification given by the Commissioners under this subsection shall be void; and
- (ii) in no event shall the giving of a notification under this subsection with respect to any transaction or transactions prevent the giving by the Commissioners of a direction under this section with respect to transactions which include that transaction or all or some of those transactions and also include another transaction or other transactions.

(7) Any person aggrieved by a direction of the Commissioners under this section may appeal to the Special Commissioners, whether on the ground that the avoidance or reduction of liability to tax was not the main purpose or one of the main

**PART III**  
—*cont.*

purposes of the transaction or transactions or on the ground that no direction ought to have been given or that the adjustments directed to be made are inappropriate; and all the provisions of the enactments relating to appeals against assessments to the profits tax (including the provisions enabling the Commissioners to make regulations) shall have effect with respect to any appeal to the Special Commissioners under this subsection.

(8) In this section, “debenture” has the meaning assigned to it by section four hundred and fifty-five of the Companies Act, 1948, and “company” and “director” have the same meanings as for the purposes of the Fourth Schedule to the Finance Act, 1937.

**PART IV**

**DEATH DUTIES**

Exemptions  
from estate  
duty in  
connection  
with  
preservation  
of land for  
public benefit.

**33.**—(1) Section thirty-one of the Finance Act, 1937, and section thirty-one of the Finance Act, 1949 (which sections exempt from estate duty in certain circumstances land given to the National Trust and maintenance funds given with land so exempted, and are hereafter in this section respectively called “the 1937 section” and “the 1949 section”), shall in the case of property given to the National Trust be extended as follows:—

- (a) any exemption from estate duty conferred by the 1937 section in relation to an estate or interest in land given by any person to the Trust shall be granted also, and to the like extent, to any objects ordinarily kept at the time of the gift in a building forming part of the land, and given by him with that estate or interest with a view to their preservation or use in the building, and where objects so given are exempted by virtue of this paragraph the 1949 section shall apply as if they formed part of the building;
- (b) where a person gives to the Trust any objects ordinarily kept at the time of the gift in a building which is then inalienably vested in the Trust, and he does so with a view to the objects’ preservation or use in the building, then (subject to paragraph (d) of this subsection) the 1937 section and the 1949 section shall apply in the case of the objects so given as if the property comprised in the gift had been an estate or interest in land, except that any condition as to the Trust’s interest being held by it inalienably for the public benefit shall not apply;
- (c) where a person gives property to the Trust as a source of income for the upkeep—
  - (i) of any land which is at the time of the gift inalienably vested in the Trust; or



(ii) of any objects which are then vested in the Trust and ordinarily kept in a building forming part of any such land, having been given to the Trust with a view to their preservation or use in that building ; and he gave or joined in giving to the Trust its estate or interest in that land or those objects, as the case may be, then (subject to paragraph (d) of this subsection) the 1937 section shall apply in the case of any of the property so given, whether an estate or interest in land or not, as it applies to an estate or interest in land, except that any condition as to the Trust's interest being held by it inalienably for the public benefit shall not apply ;

(d) paragraph (b) and sub-paragraph (ii) of paragraph (c) of this subsection shall not apply in the case of any objects unless the gift of the objects or property in respect of which exemption is claimed by virtue of that paragraph is made by a person who also gave or joined in giving to the Trust its estate or interest in the building in which the objects are ordinarily kept at the time of the said gift.

(2) Where, with a view to the preservation of a house or other building for the public benefit, a person gives or has given an estate or interest in the building to, or to trustees for, a Government department, a local authority or any other body not established or conducted for profit, and the Treasury (whether before or after the time of the gift) direct that the gift should be treated as falling within this subsection, then the 1937 section and the 1949 section, together with the foregoing subsection of this section, shall apply in relation to the building and any grounds given with it and specified in the direction, as if references to the National Trust were references to that department, authority or body or to those trustees as the case may be and as if their estate or interest in the building and any such grounds were inalienably vested in them.

In the two next following subsections any reference to a building includes any grounds specified or to be specified in a direction under this subsection relating to the building.

(3) The Treasury shall not give a direction under the foregoing subsection in the case of any building unless in their opinion—

(a) the building is one for the preservation of which special steps should be taken by reason of its outstanding historic or architectural or aesthetic interest and the cost of preserving it ; and

(b) the department authority or body in question is an appropriate one to be responsible for the building's preservation ;

and before giving any such direction the Treasury may require such undertakings to be entered into as they think appropriate

**PART IV**  
—*cont.*

for securing the preservation of the building and reasonable access thereto for the public (including undertakings restricting the use or disposal of the building).

(4) Any undertakings entered into as aforesaid may be varied from time to time by agreement between the Treasury and the person bound by the undertakings, and the Treasury may require further undertakings to be entered into as a condition for agreeing to any such variation or consenting to anything for which their consent is required by any undertaking; and the obligations imposed by any such undertaking shall be enforceable for the public benefit by injunction (or, in Scotland, by interdict or by petition under section ninety-one of the Court of Session Act, 1868), and any purported disposition of a building in contravention thereof be void, as if the obligations had been imposed by Act of Parliament.

(5) For the purposes of this section, except in so far as the context otherwise requires,—

- (a) the expression “gift” includes devise and bequest and the expression “give” shall be construed accordingly, and in relation to a devise or bequest any reference to the time of the gift shall be construed as a reference to the time of the testator’s death;
- (b) the expression “vested” means indefeasibly vested, and a building or land shall be deemed to be inalienably vested in the National Trust if an estate or interest therein is vested in the Trust (whether in possession or not) and has been so dealt with as to be held by the Trust inalienably;
- (c) any reference to giving objects shall be construed as a reference to giving the whole or a limited interest in the objects, and any reference to objects being vested in the National Trust shall be construed accordingly;
- (d) the expression “National Trust” means the National Trust for Places of Historic Interest or Natural Beauty or, in relation to Scotland, the National Trust for Scotland for Places of Historic Interest or Natural Beauty;
- (e) the expression “local authority” means the Common Council of the City of London or a local authority within the meaning of the Local Government Act, 1933, the London Government Act, 1939, or the Local Government (Scotland) Act, 1947.

(6) An object shall not be deemed for the purposes of paragraph (a) of subsection (1) of this section to be given with an estate or interest in land if either is subject to an interest or power of appointment created by the gift of it to which the other is not subject:

Provided that, where the object is given subject to one or more life interests created by the gift of it to which the estate or

interest is not subject, but which (if it were so subject) would fall within subsection (2) of the 1937 section, then the said paragraph (a) shall apply in relation to the object as it would apply if the estate or interest had also been given subject to that life interest or those life interests.

(7) Where the property given by any person as a source of income for the upkeep of any land or objects is in the opinion of the Commissioners more than enough to provide (with a reasonable margin) for the upkeep of the land or objects out of the income of the property, so much only as is in their opinion enough for that purpose shall be deemed for the purposes of paragraph (c) of subsection (1) of this section to be given as a source of income for the upkeep of the land or objects, and in determining what is enough for that purpose the Commissioners shall have regard to any other property given by the same or any other person as a source of income for the upkeep of the land or objects or any part thereof (with or without any other land or objects).

(8) This section applies to duty leviable on or with reference to any death occurring after the commencement of this Act but in relation to duty so leviable shall apply to gifts made before as well as after that commencement.

**34.**—(1) Where the Treasury issue securities subject to any such condition as is authorised by section twenty-two of the Finance (No. 2) Act, 1931, for an exemption from taxation so long as the securities are in the beneficial ownership of persons neither domiciled nor ordinarily resident in the United Kingdom, the condition so far as it relates to duties leviable on or with reference to a death shall be such as to operate by reference to the persons in whose beneficial ownership the securities are immediately before, not after, the death.

Government securities exempt from taxation while in foreign ownership.

(2) This section shall be deemed always to have had effect, and to have applied for the purpose of section forty-seven of the Finance (No. 2) Act, 1915, as it applies for the purpose of section twenty-two of the Finance (No. 2) Act, 1931; and any condition subject to which securities have been issued by virtue of either of those sections before the passing of this Act shall be construed accordingly:

Provided that any duty which, apart from this proviso, would be or have been leviable in accordance with this section in respect of any securities on or with reference to a death occurring before the fourteenth day of December, nineteen hundred and fifty, shall not be so leviable if no part of the duty was paid before that date.

**35.**—(1) For the purpose—

(a) of any claim by the Commissioners under subsection (7) of section eight of the Finance Act, 1894, for payment of additional duty; or

Restriction on re-opening cases on the ground of legal mistake.

PART IV  
—cont.

- (b) of any claim against the Commissioners under subsection (12) of that section for repayment of excess of duty ;

the question whether the duty paid was too little or too much, and (if so) what was the right amount, shall, in so far as it appears that the payment and its acceptance were regarded as satisfying the claim for duty, and were so regarded on a view of the law which at the time was generally received or adopted in practice, be determined on the same view of the law (subject to any express enactment to the contrary), notwithstanding that it appears from a subsequent legal decision or otherwise that that view was or may have been wrong.

(2) This section shall have effect as from the eleventh day of April, nineteen hundred and fifty-one, but not so as to affect any appeal to a court of law which was brought before that day under section ten of the Finance Act, 1894.

PART V

MISCELLANEOUS

Restriction  
of certain  
transactions  
leading to  
avoidance of  
income tax or  
profits tax.

36.—(1) Subject to the provisions of this section, all transactions of the following classes (being classes of transactions which result or may result, directly or indirectly, in the avoidance of liability to income tax or the profits tax) shall be unlawful unless carried out with the consent of the Treasury, that is to say—

- (a) for a body corporate resident in the United Kingdom to cease to be so resident ; or
- (b) for the trade or business or any part of the trade or business of a body corporate so resident to be transferred from that body corporate to a person not so resident ; or
- (c) for a body corporate so resident to cause or permit a body corporate not so resident over which it has control to create or issue any shares or debentures ; or
- (d) except for the purpose of enabling a person to be qualified to act as a director, for a body corporate so resident to transfer to any person, or cause or permit to be transferred to any person, any shares or debentures of a body corporate not so resident over which it has control, being shares or debentures which it owns or in which it has an interest.

(2) Nothing in paragraph (c) of subsection (1) of this section shall apply to the giving to the bankers of the body corporate not resident in the United Kingdom of any security for the payment of any sum due or to become due from it to them by reason of any transaction entered into with it by them in the ordinary course of their business as bankers.

(3) Nothing in the said paragraph (c) shall apply to the giving by the body corporate not resident in the United Kingdom to an insurance company of any security for the payment of any sum due or to become due from that body corporate to that company by reason of any transaction entered into with that body corporate by that company in the ordinary course of that company's business by way of investment of its funds.

(4) Any consent granted by the Treasury under this section—

- (a) may be given either specially (that is to say, so as to apply only to specified transactions of or relating to a specified body corporate) or generally (that is to say, so as not only to apply as aforesaid); and
- (b) may, if given generally, be revoked by the Treasury; and
- (c) may in any case be absolute or conditional; and
- (d) shall be published in such a way as to give any person entitled to the benefit of it an adequate opportunity of getting to know of it, unless in the opinion of the Treasury publication is not necessary for that purpose.

(5) Any person who, whether within or outside the United Kingdom, does or is a party to the doing of any act which to his knowledge amounts to or results in, or forms part of a series of acts which together amount to or result in, or will amount to or result in, something which is unlawful under subsection (1) of this section shall be guilty of an offence under this section, and in any proceedings in respect of such an offence against a director of the body corporate in question (that is to say, the body corporate which is or was resident in the United Kingdom) or against any person who was purporting to act in that capacity—

- (a) it shall be presumed that he was a party to every act of that body corporate unless he proves that it was done without his consent or connivance; and
- (b) it shall, unless the contrary is proved, be presumed that any act which in fact amounted to or resulted in, or formed part of a series of acts which together amounted to or resulted in or would amount to or result in, something which is unlawful under subsection (1) of this section was to his knowledge such an act.

(6) Any person who is guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for not more than two years or to a fine not exceeding ten thousand pounds or to both, and proceedings in respect of such an offence alleged to have been committed by a person may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being:

Provided that where the person in question is the body corporate which is or was resident in the United Kingdom, the maximum amount of the fine shall be three times the total

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**PART V**  
—cont.

income tax and profits tax paid or payable by it for the last three years of assessment and the last three chargeable accounting periods ending before the commission of the offence, or ten thousand pounds, whichever is the greater.

(7) A body corporate shall be deemed for the purposes of this section to be resident or not to be resident in the United Kingdom according as the central management and control of its trade or business is or is not exercised in the United Kingdom:

Provided that if it is shown that it has been established as between the Crown and a body corporate for any income tax or profits tax purpose that the body corporate was resident or ordinarily resident in the United Kingdom for any year of assessment or chargeable accounting period, it shall be presumed, except so far as the contrary is proved, that that body corporate was resident in the United Kingdom for the purposes of this section at the beginning of that year of assessment or chargeable accounting period and that it continued to be so resident at all times thereafter.

(8) Where the functions of a body corporate consist wholly or mainly in the holding of investments or other property, the holding of the investments or property shall be deemed for the purposes of this section to be a business carried on by the body corporate.

(9) Notwithstanding anything in the preceding provisions of this section, in no event shall a mere transfer of assets by a body corporate not resulting in a substantial change in the character or extent of the trade or business of that body corporate be treated for the purpose of this section as a transfer of part of the trade or business thereof.

(10) In this section—

“share”, “debenture” and “director” have, in relation to any body corporate, the meanings respectively assigned to them by section four hundred and fifty-five of the Companies Act, 1948, in relation to a company;

“control” (except in the expression “central management and control”) means in relation to a body corporate, the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person;

“transfer”, in relation to shares or debentures, includes a transfer of any beneficial interest therein;

“insurance company” means a body corporate lawfully carrying on business as an insurer, whether in the

United Kingdom or elsewhere, and "funds" in relation to an insurance company means the funds held by it in connection with that business,

PART V  
—cont.

and a body corporate shall not be deemed for the purposes of this section to cease to be resident in the United Kingdom by reason only that it ceases to exist.

(11) No proceedings for an offence under this section shall be instituted, in England or Wales, except by or with the consent of the Attorney General or, in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland:

Provided that this subsection shall not prevent the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

37.—(1) Subject to the provisions of this section, where, on or after the tenth day of April, nineteen hundred and fifty-one, any property is sold and—

Sales, etc.  
between  
associated  
persons.

(a) the buyer is a body of persons over whom the seller has control or the seller is a body of persons over whom the buyer has control or both the seller and the buyer are bodies of persons and some other person has control over both of them; and

(b) the property is sold at a price less than the price which it might have been expected to fetch if the parties to the transaction had been independent persons dealing at arm's length,

then, in computing the income, profits or losses of the seller for income tax and profits tax purposes, the like consequences shall ensue as would have ensued if the property had been sold for the price which it would have fetched if the transaction had been a transaction between independent persons dealing as aforesaid:

Provided that this subsection shall not apply where the buyer is resident in the United Kingdom and is carrying on a trade therein, and the price of the property falls to be taken into account as a deduction in computing the profits or gains or losses of that trade for income tax purposes.

(2) Subject to the provisions of this section, where, on or after the tenth day of April, nineteen hundred and fifty-one, any property is sold and—

(a) the buyer is a body of persons over whom the seller has control or the seller is a body of persons over whom the buyer has control or both the seller and the buyer are bodies of persons and some other person has control over both of them; and

(b) the property is sold at a price greater than the price which it might have been expected to fetch if the

**PART V**  
—cont.

parties to the transaction had been independent persons dealing at arm's length,

then, in computing the income, profits or losses of the buyer for income tax and profits tax purposes, the like consequences shall ensue as would have ensued if the property had been sold for the price which it would have fetched if the transaction had been a transaction between independent persons dealing as aforesaid:

Provided that this subsection shall not apply where the seller is resident in the United Kingdom and is carrying on a trade therein, and the price of the property falls to be taken into account as a trading receipt in computing the profits or gains or losses of that trade for income tax purposes.

(3) The preceding provisions of this section shall not apply in relation to any sale unless the Commissioners of Inland Revenue so direct, and where such a direction is given all such adjustments shall be made, whether by additional assessment, repayment of tax or otherwise, as are necessary to give effect to the direction.

(4) Nothing in this section shall be construed as affecting the operation of Rule 6 or Rule 7 of the Rules applicable to Cases I and II of Schedule D, or of any of the provisions of the Income Tax Act, 1945, or of Part IV of the Finance Act, 1944.

(5) In this section, "body of persons" includes a partnership and "control" has the meaning ascribed to it by subsection (1) of section sixty-eight of the Income Tax Act, 1945, and, for the purposes of this section, a sale shall be deemed to take place at the time of completion or at the time when possession is given, whichever is the earlier.

(6) The preceding provisions of this section shall, with the necessary adaptations, have effect in relation to lettings and hirings of property, grants and transfers of rights, interests or licences and the giving of business facilities of whatever kind as they have effect in relation to sales, and the references in the said preceding provisions to sales, sellers, buyers and prices shall be deemed to be extended accordingly:

Provided that nothing in this subsection shall apply to any letting of any lands, tenements, hereditaments or heritages charged to income tax under No. I of Schedule A.

(7) Rule 7 of the General Rules shall cease to have effect, except as respects transactions taking place before the tenth day of April, nineteen hundred and fifty-one.

Extension of time in relation to relief from income tax and the profits tax for capital expenditure on rehabilitation.

38. Subsection (1) of section twenty-four of the Finance Act, 1947 (which allows relief from income tax and the profits tax for certain capital expenditure on rehabilitation), shall have effect as if in the proviso thereto (which, as set out in section thirty-three of the Finance Act, 1948, extends in certain cases till not later than the end of March, nineteen hundred and



fifty-two, the period within which the expenditure must have been incurred if the relief is to be given) for the words "the end of March, nineteen hundred and fifty-two," there were substituted the words "the end of March, nineteen hundred and fifty-four."

PART V  
—cont.

39. Section seventy-eight of the Finance Act, 1948 (which extends the time in relation to relief from excess profits tax for terminal expenses), shall have effect as if for the words "the end of March, nineteen hundred and fifty-two," there were substituted the words "the end of March, nineteen hundred and fifty-four."

Extension of time in relation to relief from excess profits tax for terminal expenses.

40.—(1) Subject to the provisions of this section, the time limited by the Eighth Schedule to the Finance Act, 1943, for commencing proceedings for the recovery from any person of any penalty incurred (whether before or after the passing of this Act) under the enactments relating to excess profits tax or the profits tax shall, where any form of fraud or wilful default has been committed by him or on his behalf in connection with or in relation to the tax for the chargeable accounting period in question, be extended so as to authorise the commencement of such proceedings at any time within three years from the final determination of the amount of the tax with which he ought to be charged in respect of that chargeable accounting period.

Extension of time for proceedings for penalties in case of fraud or wilful default in connection with excess profits tax or the profits tax.

(2) Nothing in this section shall extend the time for the bringing of—

- (a) any proceedings to recover any penalty incurred more than six years before the passing of this Act; or
- (b) any proceedings against the personal representatives of any person by whom or on whose behalf any form of fraud or wilful default has been committed.

41. The exemption from income tax and land tax conferred by section twenty-six of the Finance Act, 1925, on persons having or exercising employments to which section nineteen of the Finance Act, 1923, applies shall not extend, and shall be deemed never to have extended, to any person employed in any trade, business or other undertaking carried on for the purposes of profit.

Exemption for staffs of High Commissioners, etc., not to extend to persons employed for trading purposes.

42.—(1) Transfers of any stock of the International Bank for Reconstruction and Development shall be exempt from all stamp duties.

Exemption from stamp duties of transfers of International Bank stock.

(2) This section shall have effect as from the twenty-sixth day of April, nineteen hundred and fifty-one.

**PART V**  
*—cont.*

Provisions as to permanent annual charge for the National Debt and as to the Old Sinking Fund.

Short title, construction, extent and repeals.

**43.—(1)** The permanent annual charge for the National Debt for the financial year ending with the thirty-first day of March, nineteen hundred and fifty-two, shall be the sum of five hundred and thirty-five million pounds instead of the sum of three hundred and fifty-five million pounds.

(2) Any amount applied out of revenue during the said year in redeeming or paying off any description of debt shall be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875.

**44.—(1)** This Act may be cited as the Finance Act, 1951.

(2) Part I of this Act—

(a) so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, except that the expression “the United Kingdom” does not include the Isle of Man and nothing in the said Part I shall be construed as extending to the Isle of Man; and

(b) so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties; and

(c) so far as it relates to purchase tax shall be construed as one with Part V of the Finance (No. 2) Act, 1940;

and in the said Part I the expression “the Commissioners” means the Commissioners of Customs and Excise.

(3) Part II of this Act, and Part V thereof so far as it relates to income tax, shall be construed as one with the Income Tax Acts.

(4) Part III of this Act, and Part V thereof so far as it relates to the profits tax, shall be construed as one with Part III of the Finance Act, 1937, and the other enactments relating to the profits tax.

(5) Part IV of this Act shall be construed as one with Part I of the Finance Act, 1894.

(6) Anything required or authorised 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 or any person authorised by him in that behalf.

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

(8) 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.

(9) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

## SCHEDULES

## FIRST SCHEDULE

Section 2.

## ENTERTAINMENTS: FULL RATES OF DUTY

| <i>Amount of Payment</i>                                       |                           | <i>Rate of Duty</i> |                                                                                  |
|----------------------------------------------------------------|---------------------------|---------------------|----------------------------------------------------------------------------------|
| Where the amount of the payment, excluding the amount of duty— |                           |                     |                                                                                  |
| s. d.                                                          |                           | s. d.               | s. d.                                                                            |
| exceeds                                                        | 7 and does not exceed     | 8                   | 1                                                                                |
| exceeds                                                        | 8 and does not exceed     | 8½                  | 1½                                                                               |
| exceeds                                                        | 8½ and does not exceed    | 10                  | 2                                                                                |
| exceeds                                                        | 10 and does not exceed    | 10½                 | 4½                                                                               |
| exceeds                                                        | 10½ and does not exceed   | 1 0                 | 6                                                                                |
| exceeds                                                        | 1 0 and does not exceed   | 1 1                 | 8                                                                                |
| exceeds                                                        | 1 1 and does not exceed   | 1 1½                | 10½                                                                              |
| exceeds                                                        | 1 1½ and does not exceed  | 1 2½                | 10¾                                                                              |
| exceeds                                                        | 1 2½ and does not exceed  | 1 5                 | 1 0                                                                              |
| exceeds                                                        | 1 5 and does not exceed   | 1 6                 | 1 1                                                                              |
| exceeds                                                        | 1 6 and does not exceed   | 1 9                 | 1 3                                                                              |
| exceeds                                                        | 1 9 and does not exceed   | 1 9½                | 1 3½                                                                             |
| exceeds                                                        | 1 9½ and does not exceed  | 1 10                | 1 6                                                                              |
| exceeds                                                        | 1 10 and does not exceed  | 1 10½               | 1 6½                                                                             |
| exceeds                                                        | 1 10½ and does not exceed | 2 1                 | 1 9                                                                              |
| exceeds                                                        | 2 1 and does not exceed   | 2 1½                | 1 9½                                                                             |
| exceeds                                                        | 2 1½ and does not exceed  | 2 3                 | 1 10                                                                             |
| exceeds                                                        | 2 3 and does not exceed   | 2 3½                | 1 10½                                                                            |
| exceeds                                                        | 2 3½ and does not exceed  | 2 7                 | 2 3                                                                              |
| exceeds                                                        | 2 7 and does not exceed   | 2 7½                | 2 3½                                                                             |
| exceeds                                                        | 2 7½ and does not exceed  | 3 1                 | 2 9                                                                              |
| exceeds                                                        | 3 1 and does not exceed   | 3 1½                | 2 9½                                                                             |
| exceeds                                                        | 3 1½ and does not exceed  | 3 6                 | 2 11                                                                             |
| exceeds                                                        | 3 6 and does not exceed   | 3 6½                | 2 11½                                                                            |
| exceeds                                                        | 3 6½ and does not exceed  | 3 9                 | 3 3                                                                              |
| exceeds                                                        | 3 9 and does not exceed   | 4 0                 | 3 6                                                                              |
| exceeds                                                        | 4 0 and does not exceed   | 4 3                 | 3 8                                                                              |
| exceeds                                                        | 4 3 and does not exceed   | 4 3½                | 3 8½                                                                             |
| exceeds                                                        | 4 3½ and does not exceed  | 4 6                 | 4 0                                                                              |
| exceeds                                                        | 4 6 and does not exceed   | 4 9                 | 4 3                                                                              |
| exceeds                                                        | 4 9 and does not exceed   | 5 0                 | 4 6                                                                              |
| exceeds                                                        | 5 0 and does not exceed   | 5 7                 | 4 11                                                                             |
| exceeds                                                        | 5 7 and does not exceed   | 6 0                 | 5 4                                                                              |
| exceeds                                                        | 6 0 and does not exceed   | 6 6                 | 5 6                                                                              |
| exceeds                                                        | 6 6 and does not exceed   | 6 8                 | 5 10                                                                             |
| exceeds                                                        | 6 8 ... ..                | ...                 | 5s. 10d. for the first 6s. 8d. and 3d. for every 3d. or part of 3d. over 6s. 8d. |

## Section 6.

## SECOND SCHEDULE

## VALUE OF IMPORTED GOODS

1.—(1) The value of any imported goods shall be taken to be the normal price, that is to say the price which they would fetch, at the time when they are entered for home consumption (or, if they are not so entered, the time of importation), on a sale in the open market between buyer and seller independent of each other.

(2) The normal price of any imported goods shall be determined on the following assumptions:—

- (a) that the goods are treated as having been delivered to the buyer at the port or place of importation ; and
- (b) that the seller will bear freight, insurance, commission and all other costs, charges and expenses incidental to the sale and the delivery of the goods at that port or place ; but
- (c) that the buyer will bear any duty or tax chargeable in the United Kingdom.

2. A sale in the open market between buyer and seller independent of each other pre-supposes—

- (a) that the price is the sole consideration ; and
- (b) that the price made is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him and the buyer or any person associated in business with him (other than the relationship created by the sale of the goods in question) ; and
- (c) that no part of the proceeds of the subsequent re-sale, use or disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.

3.—(1) Where the goods to be valued—

- (a) are manufactured in accordance with any patented invention or are goods to which any registered design has been applied ; or
- (b) are imported under a foreign trade mark, or are imported for sale (whether or not after further manufacture) under a foreign trade mark;

the normal price shall be determined on the assumption that the price covers the right to use the patent, design or trade mark in respect of the goods.

(2) For this purpose the expression “ trade mark ” includes a trade name and a get-up, and a foreign trade mark is a trade mark used for the purpose of indicating that goods in relation to which it is used are those of—

- (a) a person by whom the goods to be valued have been grown, produced, manufactured, selected, offered for sale or otherwise dealt with outside the United Kingdom ; or
- (b) a person associated in business with any such person as is referred to in paragraph (a) of this sub-paragraph ; or

(c) a person to whom any such person as is mentioned in paragraph (a) or (b) of this sub-paragraph has assigned the goodwill of the business in connection with which the trade mark is used.

2ND SCH.  
—cont.

4. Two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

### THIRD SCHEDULE

Section 7.

#### PROVISIONS TO GIVE EFFECT TO UNESCO AGREEMENT

##### *Duty-free importations for blind welfare*

1.—(1) Where the Board of Trade are satisfied that any goods imported or proposed to be imported after the coming into force of this paragraph (being goods consigned or proposed to be consigned to any such body as is mentioned in sub-paragraph (3) of this paragraph) consist of articles specially designed for the educational, scientific or cultural advancement of the blind, they may recommend to the Treasury that the goods shall be exempted from any of the following duties of customs which may be chargeable in respect of their importation, that is to say—

- (a) the duties chargeable under Part I of the Import Duties Act, 1932 ;
- (b) the duties chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk ;
- (c) the duties chargeable under the Safeguarding of Industries Act, 1921.

(2) On receiving a recommendation under the foregoing sub-paragraph about any goods, the Treasury may give a direction that the goods shall be exempted accordingly and that any of the said duties paid on their importation shall be repaid.

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

- (a) any local authority or joint board exercising for the welfare of the blind the powers conferred by section twenty-nine of the National Assistance Act, 1948, or by section fourteen of the Welfare Services Act (Northern Ireland), 1949, or any enactment of the Parliament of Northern Ireland replacing or amending the said section fourteen ; and
- (b) any organisation appearing to the Board of Trade to have for its sole or principal object or among its principal objects the promotion of the welfare of the blind.

(4) The Board of Trade shall not make a recommendation under this paragraph about any goods except on a written application made by the importer before delivery of the goods to him.

3RD SCH.  
—cont.

*Duty-free importations of news film for copying*

2.—(1) There shall be exempted from any duty chargeable under Part I of the Import Duties Act, 1932, or under the Safeguarding of Industries Act, 1921, any news film which is shown to the satisfaction of the Commissioners to be imported primarily for the purpose of preparing from it copies for the use of exhibitors in the United Kingdom or Isle of Man, and to be so imported by a registered person :

Provided that where a registered person imports as aforesaid more than two lengths of news film which are duplicates of each other, only two of those lengths shall be entitled to exemption under this paragraph.

(2) The Board of Trade shall keep a register for the purpose of this paragraph, and the Board shall register therein any person or body of persons applying to be so registered and satisfying the Board that he or they are regularly engaged, in the ordinary course of a business carried on by him or them independently of any other registered person, in importing news film for the purpose of preparing from it such copies as aforesaid, and the Board may remove from the register the entry relating to any person or body of persons if, after reasonable enquiry, the Board are no longer satisfied that he or they are so engaged.

(3) The Commissioners as a condition for admitting any news film free of duty under this paragraph may require the importer to give security for payment of the duty if it should subsequently appear that the film was not entitled to exemption under this paragraph.

(4) For the purposes of this paragraph—

- (a) the expression “registered person” means a person or body of persons for the time being registered under sub-paragraph (2) of the paragraph ;
- (b) the expression “news film” means any exposed cinematograph film shown to the satisfaction of the Commissioners to consist wholly of photographs (with or without sound track) which at the time of importation are means of communicating news ;
- (c) the expressions “exposed cinematograph film” and “duplicate” have the same meanings as in the Third Schedule to the Finance Act, 1939 (which relates to the additional duty under Part I of the Import Duties Act, 1932, on cinematograph film) ;
- (d) two or more lengths of film which are, or would but for this paragraph be, chargeable by virtue of paragraph 7 of the said Third Schedule (which relates to sets of duplicates for producing a coloured picture) as a set with the duty that would be chargeable if one length only were being imported shall be treated as the same film and not as separate lengths.

(5) Where an order of the Treasury under the Import Duties Act, 1932, or under paragraph 12 of the said Third Schedule varies or revokes any provision of that Schedule, it may in connection therewith vary or replace paragraphs (c) and (d) of the last foregoing sub-paragraph.

3RD SCH.  
—cont.

#### FOURTH SCHEDULE

Section 8.

##### UNITED KINGDOM—PAKISTAN TRADE AGREEMENT

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "The United Kingdom Government") and the Government of Pakistan ;

Affirming their common determination to maintain and foster the economic relations between the two countries ;

Recognising that it is to their mutual advantage that trade between the two countries should be encouraged to flow at the highest possible level ;

Have agreed as follows :

##### *Article I*

The United Kingdom Government undertake, in respect of the goods grown, produced or manufactured in Pakistan enumerated in Schedule I to the present Agreement, that the difference between the rates of customs duties on such goods on importation into the United Kingdom when consigned from any part of the Commonwealth, the Irish Republic or Burma and the rates of customs duties on like goods grown, produced or manufactured in any country (other than a part of the Commonwealth, the Irish Republic or Burma) shall not be less than the rates set out in that Schedule.

##### *Article II*

The United Kingdom Government undertake that, in the event of any greater preference than the preference accorded by the present Agreement being accorded in respect of goods of the kinds specified in Schedule I, grown, produced or manufactured in any other part of the Commonwealth, in the Irish Republic or in Burma, such greater preference shall be extended to like goods grown, produced or manufactured in Pakistan and consigned from any part of the Commonwealth, the Irish Republic or Burma.

##### *Article III*

The United Kingdom Government undertake to extend to Pakistan any tariff preferences which are accorded to Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Ceylon, Southern Rhodesia, the Irish Republic or Burma for so long as such preferences remain in force in respect of any of these countries.

##### *Article IV*

The United Kingdom Government undertake that the customs duties charged on goods grown, produced or manufactured in Pakistan shall not exceed the customs duties charged on like goods grown, produced or manufactured in any other country when imported into the United Kingdom.

4TH SCH.  
—cont.

#### *Article V*

The United Kingdom Government will request the Governments of the territories for whose international relations they are responsible (except Southern Rhodesia) to extend to Pakistan any tariff preferences which are accorded by those territories to any other part of the Commonwealth or to the Irish Republic or to Burma.

Provided that the operation of this Article shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia, Basutoland, Bechuanaland Protectorate and Swaziland.

#### *Article VI*

The Government of Pakistan undertake, in respect of goods grown, produced or manufactured in the United Kingdom enumerated in Schedule II to the present Agreement, that the difference between the rates of customs duties on such goods on importation into Pakistan when consigned from the United Kingdom and the rates of customs duties on like goods grown, produced or manufactured in any country (other than a part of the Commonwealth, the Irish Republic or Burma) shall not be less than the rates set out in that Schedule.

#### *Article VII*

The Government of Pakistan undertake that, in the event of any greater preference than the preference accorded by the present agreement being accorded in respect of goods of the kinds specified in Schedule II, grown, produced or manufactured in any other part of the Commonwealth or in the Irish Republic, such greater preference shall be extended to like goods grown, produced or manufactured in the United Kingdom.

Provided that the operation of this Article shall not extend to special arrangements contemplated under Paragraph 11 of Article XXIV of the General Agreement on Tariffs and Trade.

#### *Article VIII*

The Government of Pakistan undertake to extend to the United Kingdom any tariff preferences which are accorded to Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Ceylon, Southern Rhodesia or the Irish Republic for so long as such preferences remain in force in respect of any of these countries.

Provided that the operation of this Article shall not extend to special arrangements contemplated under Paragraph 11 of Article XXIV of the General Agreement on Tariffs and Trade.

#### *Article IX*

The Government of Pakistan undertake that the customs duties charged on goods grown, produced or manufactured in the United Kingdom shall not exceed the customs duties charged on like goods grown, produced or manufactured in any other country (except Burma) when imported into Pakistan.

Provided that the operation of this Article shall not extend to special arrangements contemplated under Paragraph 11 of Article XXIV of the General Agreement on Tariffs and Trade.



*Article X*4TH SCH.  
—cont.

The Government of Pakistan undertake to accord to the territories for whose international relations the United Kingdom Government are responsible (except Southern Rhodesia) preferences on the goods enumerated in Schedule III to the present Agreement grown, produced or manufactured in any of those territories on importation into Pakistan, at the rates set out in that Schedule.

Provided that the Government of Pakistan shall not be bound to continue to accord any preferences to any of those territories which either (i) accords to Pakistan no preferences or (ii) accords to some other part of the Commonwealth, to the Irish Republic or to Burma (excepting, in the case of Northern Rhodesia, to the Union of South Africa, Southern Rhodesia, Basutoland, Bechuanaland Protectorate and Swaziland) preferences not accorded to Pakistan.

Provided also that should any of the preferences enumerated in Schedule III cease at any time to be accorded to Ceylon, the Government of Pakistan shall be free to cease to accord any such preferences to the territories for whose international relations the United Kingdom are responsible.

*Article XI*

The Government of Pakistan undertake that the customs duties charged on goods grown, produced or manufactured in any of the territories for whose international relations the United Kingdom is responsible (except Southern Rhodesia) shall not exceed the customs duties charged on like goods, grown, produced or manufactured in any country (other than a part of the Commonwealth, the Irish Republic or Burma) when imported into Pakistan.

Provided that the Government of Pakistan shall not be bound to accord the treatment provided for in this Article to goods grown, produced or manufactured in any territory which does not accord the like treatment to goods grown, produced or manufactured in Pakistan when imported into that territory.

*Article XII*

Nothing in the present Agreement shall be construed to require either Government to take any action which is inconsistent with the obligations they may have under the General Agreement on Tariffs and Trade.

*Article XIII*

The United Kingdom Government and the Government of Pakistan enter into the present Agreement in the expectation that the volume and pattern of trade between the two countries will remain substantially unaltered. If, however, the volume and pattern of trade receiving preferences should depart substantially from that envisaged at the date of signature of the present Agreement then the two Governments will consult together.

*Article XIV*

The present Agreement shall come into force on 2nd April, 1951. On the coming into force of the present Agreement, the Agreement

4TH SCH.  
—cont.

concluded between the United Kingdom Government and the Government of India in London on the 20th March, 1939, shall cease to have effect in relation to Pakistan. The present Agreement shall remain in force until 1st October, 1952. Unless six months before 2nd October, 1952, notice of termination shall have been given by either Government to the other the present Agreement shall remain in force until the expiry of six months from the date on which a notice of termination is given.

Done in duplicate, at Karachi, this 2nd day of April, 1951.

Signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland:

L. B. GRAFFTEY-SMITH.

Signed on behalf of the Government of Pakistan:

FAZLUR RAHMAN.

#### SCHEDULE I

(See Articles I and II)

(a) Preferences at the rate of 10 per cent. ad valorem—

Bones.

Goatskins, raw, dried, salted or pickled but not further treated, of varieties supplied by Pakistan to the United Kingdom.

Leather, undressed—hides, other than sole leather.

Leather, undressed—skins.

Oil-seed cake and meal.

(b) Preferences at the rate of 15 per cent. ad valorem—

Leather, dressed—

(i) Box and willow calf, box and willow sides, and other chrome tanned calf, kip and hide leather, but not including:

(a) Patent leather or machinery belting;

(b) scrap or waste of chrome tanned calf, kip and hide leather, imported in skins or pieces weighing less than 4 lbs. each, being leather of a kind not used in the uppers of boots and shoes.

(ii) Reptile leather of the following descriptions—

snake, lizard, crocodile and alligator skins, not shaped or subjected to any process other than dressing or dressing and colouring.

(c) Preferences at the undermentioned rates—

Carpets, carpeting and floor rugs, wholly or mainly of wool, cotton or jute and not containing any silk or artificial silk—

(i) Hand made, knotted ... .. 4s. 6d. per square yard  
exclusive of fringes.

(ii) Other kinds ... .. 20 per cent. ad valorem

(d) Preference at a specific rate of 2d. per lb.—

Tea.

## (e) Preferences at the undermentioned rates—

4TH SCH.  
—cont.

Appliances, apparatus, accessories and requisites (other than apparel and footwear), and parts thereof, not containing silk or artificial silk, for the following sports and games:—

|                                                                                       |              |                                                                  |  |  |
|---------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------|--|--|
| (i) Tennis (including lawn tennis), badminton and rackets (including squash rackets)— |              |                                                                  |  |  |
| (a) Rackets, exceeding 9 ozs. in weight.                                              | 5s.          | per racket or 25 per cent. ad valorem which-ever is the greater. |  |  |
| (b) Unstrung racket frames...                                                         | 3s.          | per frame or 25 per cent. ad valorem which-ever is the greater.  |  |  |
| (c) Other appliances, apparatus, accessories and requisites and parts thereof.        | 25 per cent. | ad valorem                                                       |  |  |
| (ii) Cricket ... ..                                                                   | 25           | ” ” ” ”                                                          |  |  |
| (iii) Football ... ..                                                                 | 25           | ” ” ” ”                                                          |  |  |
| (iv) Hockey ... ..                                                                    | 25           | ” ” ” ”                                                          |  |  |
| (v) Croquet ... ..                                                                    | 25           | ” ” ” ”                                                          |  |  |
| (vi) Polo ... ..                                                                      | 25           | ” ” ” ”                                                          |  |  |
| (vii) Lacrosse ... ..                                                                 | 25           | ” ” ” ”                                                          |  |  |
| (viii) Fishing—                                                                       |              |                                                                  |  |  |
| (a) Rods, wholly or mainly of iron and steel.                                         | 15           | ” ” ” ”                                                          |  |  |
| (b) Reels... ..                                                                       | 15           | ” ” ” ”                                                          |  |  |
| (c) Other fishing tackle ... ..                                                       | 25           | ” ” ” ”                                                          |  |  |

## SCHEDULE II

(See Articles VI and VII)

| Tariff Item   | Article                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Margin of Preference |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Ex 22 (5) (b) | Drugs and medicines, the following:—<br>Penicillin<br>Mepacrine and its salts, pamaquin and other synthetic anti-malarial drugs<br>Sulphonamides<br>Caustic soda<br>Disinfectants, insecticides, weed killers, sheep and cattle dips and the like products<br>Liver extracts (medicinal)<br>Organo-arsenical compounds<br>Ammonium chloride (muriate)<br>Barbituric acid and its derivatives<br>Vitamins<br>Acetyl-salicylic acid<br>Phenacetin<br>Insulin<br>Emetine and its salts |                      |

4TH SCH.  
—cont.

| Tariff Item             | Article                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Margin of Preference                                                                                                                                                                                                                                                                         |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex 22 (5) (b)<br>—cont. | Alkaloids other than those dutiable under Tariff Items 28 (11) and 28 (12) and emetine<br>Caffeine and its salts<br>Bromides<br>Acetone<br>Sodium nitrite<br>in so far as they contain spirit<br>(i) entered in such a manner as to indicate that the strength is not to be tested.<br>(ii) not so entered ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Rs. 4 per imperial gallon<br><br>Rs. 3 per imperial gallon of the strength of London proof                                                                                                                                                                                                   |
| Ex 28                   | Chemicals, drugs and medicines, the following:—<br>Penicillin ... ..<br>Mepacrine and its salts, pamaquin and other synthetic anti-malarial drugs<br>Sulphonamides ... ..<br>Caustic soda ... ..<br>Disinfectants, insecticides, weed killers, sheep and cattle dips and the like products<br>Liver extracts (medicinal) ...<br>Organo-arsenical compounds<br>Ammonium chloride (muriate)<br>Barbituric acid and its derivatives excluding phenobarbitone.<br>Phenobarbitone ... ..<br>Vitamins ... ..<br>Acetyl-salicylic acid ... ..<br>Phenacetin ... ..<br>Insulin ... ..<br>Emetine and its salts ... ..<br>Alkaloids other than those dutiable under Tariff Items 28 (11) and 28 (12) and emetine.<br>Caffeine and its salts ... ..<br>Bromides excluding hyoscine hydrobromide.<br>Hyoscine hydrobromide ... ..<br>Acetone ... ..<br>Sodium nitrite ... .. | 6 per cent. ad valorem<br>10 " " " "<br>6 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>6 " " " "<br>6 " " " "<br>6 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " "<br>10 " " " " |
| Ex 30                   | Paints, colours and painters' materials, all sorts not otherwise specified, excluding paints, solutions and compositions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 10 " " " "                                                                                                                                                                                                                                                                                   |

| Tariff Item | Article                                                                                                                                                                                                                                                                                | Margin of Preference                                                                                    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Ex 30—cont. | containing dangerous petroleum within the meaning of the Petroleum Act, 1934, and lithopone.<br>Lithopone ... ..                                                                                                                                                                       | 6 per cent. ad valorem                                                                                  |
| 30 (2)      | Paints, colours and painters' materials, the following, namely:—<br>(a) Red lead, genuine dry, genuine moist and reduced moist<br>(b) White lead, genuine dry<br>(c) Zinc white, genuine dry<br>(d) Paints, other sorts, coloured, moist.                                              | 10 " " " "                                                                                              |
| 48 (1)      | Ultramarine blue ... ..<br>Fabrics, not otherwise specified containing more than 90 per cent. of artificial silk.                                                                                                                                                                      | 6 " " " "<br>10 " " " "                                                                                 |
| 48 (3)      | Cotton fabrics, not otherwise specified, containing more than 90 per cent. of cotton:—<br>(a) Grey piecegoods (excluding bordered grey chadars, dhuties, saris and scarves)<br>(b) Printed piecegoods and printed fabrics<br>(c) Cotton piecegoods and fabrics not otherwise specified | 5 " " " "<br>6 " " " "<br>5 " " " "                                                                     |
| 48 (5)      | Fabrics, not otherwise specified, containing not more than 10 per cent. silk but more than 10 per cent. and not more than 90 per cent. artificial silk:—<br>(a) containing 50 per cent. or more cotton<br>(b) containing no cotton or containing less than 50 per cent. cotton         | 10 " " " "<br>10 " " " "                                                                                |
| 48 (9)      | Cotton fabrics, namely sateens including Italians of sateen weave, velvets and velveteens and embroidered all-overs:—<br>(a) Printed fabrics ... ..<br>(b) Other fabrics ... ..                                                                                                        | 6 " " " "<br>5 " " " "                                                                                  |
| 63 (3)      | Iron or steel (other than alloy, tool or special steel) bar and rod.                                                                                                                                                                                                                   | Rs. 29 per ton if duty is leviable at the specific rate or 10 per cent. if duty is leviable ad valorem. |

4TH SCH.  
—cont.

| Tariff Item | Article                                                                                                                                                                                                          | Margin of Preference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63 (6)      | Cast iron pipes and tubes, also cast iron fittings therefor, i.e., bends, boots, elbows, tees, sockets, flanges, plugs, valves, cocks and the like.                                                              | The amount equivalent to Rs. 57/8 less the amount of duty at 10 per cent. ad valorem on one ton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 63 (10)     | Steel, tinplates and tinned sheets, including tin taggers, and cuttings of such plates, sheets or taggers.                                                                                                       | Rs. 21 per ton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 63 (14)     | Iron or steel hoops and strips ...                                                                                                                                                                               | 10 per cent. ad valorem                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Ex 63 (19)  | Iron or steel plates excluding cast iron plates:—<br>(a) not fabricated whether or not coated with other metals.                                                                                                 | Rs. 25 per ton if duty is leviable at the specific rate, otherwise the amount equivalent to Rs. 30½ less the amount of duty at 10 per cent. ad valorem on one ton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 63 (20)     | Iron or steel sheets other than high silicon electrical steel sheets:—<br>(a) not fabricated:<br>(1) not galvanised ...<br>(2) galvanised ...<br>(b) fabricated:<br>(1) not galvanised ...<br>(2) galvanised ... | Rs. 21 per ton if duty is leviable at the specific rate, otherwise the amount equivalent to Rs. 37½ less the amount of duty at 10 per cent. ad valorem on one ton.<br>Rs. 30 per ton if duty is leviable at the specific rate, otherwise the amount equivalent to Rs. 45½ less the amount of duty at 10 per cent. ad valorem on one ton.<br>Rs. 23 per ton if duty is leviable at the specific rate, otherwise the amount equivalent to Rs. 41 less the amount of duty at 10 per cent. ad valorem on one ton.<br>Rs. 33 per ton if duty is leviable at the specific rate, otherwise the amount equivalent to Rs. 50 less the amount of duty at 10 per cent. ad valorem on one ton. |

4TH SCH.  
—cont.

| Tariff Item | Article                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Margin of Preference    |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 63 (24)     | Iron or steel barbed or stranded wire and wire rope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10 per cent. ad valorem |
| 64          | Copper, wrought, and manufactures of copper, all sorts not otherwise specified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10 " " "                |
| 72 (5)      | Domestic refrigerators ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 6 " " " "               |
| 72 (11)     | Sewing machines and parts thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10 " " " "              |
| 73          | Electrical instruments, apparatus and appliances not otherwise specified, excluding telegraphic and telephonic.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10 " " " "              |
| 73 (1)      | The following electrical instruments, apparatus and appliances, namely:—Electrical control gear and transmission gear, namely, switches (excluding switchboards), fuses and current-breaking devices of all sorts and descriptions, designed for use in circuits of less than 10 ampères and at a pressure not exceeding 250 volts; and regulators for use with motors designed to consume less than 187 watts: bare or insulated copper wires and cables, any one core of which, not being one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection, with the transmission of power for other than industrial purposes, and the fittings thereof but excluding electrical earthenware and porcelain otherwise specified. | 10 " " " "              |

4TH SCH.  
—cont.

| Tariff Item | Article                                                                                                                                                                                                                                                                                                                                                                                                           | Margin of Preference                                                                                                                                                                                                                                                                                                              |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 73 (4)      | (i) Wireless reception instruments and apparatus and component parts thereof, including all electric valves, amplifiers and loud speakers, which are not specifically designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed.<br>(ii) Wireless reception instruments and apparatus whose landed cost is more than Rs. 150. | 10 per cent. ad valorem when most favoured nation rate is 60 per cent. ad valorem or above:<br>8 per cent. ad valorem when most favoured nation rate exceeds 50 per cent. ad valorem, but is less than 60 per cent. ad valorem:<br>6 per cent. ad valorem when most favoured nation rate does not exceed 50 per cent. ad valorem. |
| 75 (3)      | Motor omnibuses; chassis of motor omnibuses, motor vans and motor lorries; and parts of mechanically propelled vehicles and accessories, not otherwise specified, excluding rubber tyres and tubes and such parts and accessories of motor vehicles included in this item as are also adapted for use as parts and accessories of motor cars.                                                                     | 7½ per cent. ad valorem                                                                                                                                                                                                                                                                                                           |
| 77          | Instruments, apparatus and appliances other than electrical, all sorts, not otherwise specified, including photographic.                                                                                                                                                                                                                                                                                          | 10 per cent. ad valorem                                                                                                                                                                                                                                                                                                           |

## SCHEDULE III

(See Article X)

Preferences at the undermentioned rates—

|                                                                                           |                        |
|-------------------------------------------------------------------------------------------|------------------------|
| Asphalt ... ..                                                                            | 9 per cent. ad valorem |
| Soda ash, including calcined natural soda and manufactured sesqui-carbonates.             | 10 " " " "             |
| Gum arabic ... ..                                                                         | 10 " " " "             |
| Gum benjamin, ras and cowrie ... ..                                                       | 10 " " " "             |
| Gum dammer ... ..                                                                         | 10 " " " "             |
| Dammer batu unrefined ... ..                                                              | 10 " " " "             |
| Cutch ... ..                                                                              | 10 " " " "             |
| Gambier, all sorts ... ..                                                                 | 10 " " " "             |
| Vegetables, fresh... ..                                                                   | 10 " " " "             |
| Vegetables, dried, salted or preserved ... ..                                             | 10 " " " "             |
| Vegetables, dehydrated, all sorts other than tomatoes, onions, potatoes and cauliflowers. | 6 " " " "              |



|                                                                                                                                                                                               |                           |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------|
| Fruit and vegetables, canned and bottled except asparagus (canned) and the following:—                                                                                                        | 10 per cent. ad valorem   | 4TH SCH.<br>—cont. |
| (i) Canned fruits the following, namely, apricots, berries, grapes, plums and prunes and fruit salads composed of not less than 80 per cent. in quantity and value of the above named fruits. | 6 " " " "                 |                    |
| (ii) Pineapples, canned ... ..                                                                                                                                                                | 8 " " " "                 |                    |
| (iii) Vegetables, canned, all sorts other than tomatoes, potatoes, onions and cauliflowers.                                                                                                   | 6 " " " "                 |                    |
| Fruit juices other than of apricots, berries, grapes, pineapples, plums and prunes.                                                                                                           | 10 " " " "                |                    |
| Fruit juices of apricots, berries, grapes, pineapples, plums and prunes.                                                                                                                      | 6 " " " "                 |                    |
| Sisal and aloe fibre ... ..                                                                                                                                                                   | 10 " " " "                |                    |
| Ivory, unmanufactured ... ..                                                                                                                                                                  | 10 " " " "                |                    |
| Sago (but not sago flour) ... ..                                                                                                                                                              | 10 " " " "                |                    |
| Tapioca and tapioca flour ... ..                                                                                                                                                              | 10 " " " "                |                    |
| Artificial teeth ... ..                                                                                                                                                                       | 10 " " " "                |                    |
| Fresh fruits excepting the following: apples, pears, prunes and grapes.                                                                                                                       | 10 " " " "                |                    |
| Fresh fruits, apples, pears, prunes and grapes                                                                                                                                                | 6 " " " "                 |                    |
| Dried, salted or preserved fruits (except currants).                                                                                                                                          | 10 " " " "                |                    |
| Betelnuts ... ..                                                                                                                                                                              | 6 pies per lb.            |                    |
| Unground spices excepting cassia lignea ...                                                                                                                                                   | 7½ per cent. ad valorem   |                    |
| Unground spices, cassia lignea... ..                                                                                                                                                          | 5 " " " "                 |                    |
| Cardamoms, cinnamon, cloves, nutmegs and pepper—ground.                                                                                                                                       | 7½ " " " "                |                    |
| Cassia lignea—ground ... ..                                                                                                                                                                   | 5 " " " "                 |                    |
| Bitters ... ..                                                                                                                                                                                | Rs. 3–12 per gallon       |                    |
| Coffee ... ..                                                                                                                                                                                 | 1 anna per lb.            |                    |
| Rum ... ..                                                                                                                                                                                    | Rs. 3–12 per proof gallon |                    |
| So far as preferences are granted to the United Kingdom on drugs and medicines the same preferences as are applicable to like goods from the United Kingdom.                                  |                           |                    |
| Citronella oil ... ..                                                                                                                                                                         | 10 per cent. ad valorem   |                    |
| Cinnamon oil ... ..                                                                                                                                                                           | 10 " " " "                |                    |
| Cinnamon leaf oil ... ..                                                                                                                                                                      | 10 " " " "                |                    |
| Coconuts, husked, unhusked and other kinds, copra or coconut kernel, coir fibre, coir yarn, coir mats and matting.                                                                            | 10 " " " "                |                    |
| Fish, dry, unsalted ... ..                                                                                                                                                                    | 10 " " " "                |                    |
| Oil seeds (other than essential) ... ..                                                                                                                                                       | 10 " " " "                |                    |
| Vegetable oils (other than essential) excluding tung oil.                                                                                                                                     | 10 " " " "                |                    |
| Plumbago and graphite ... ..                                                                                                                                                                  | 10 " " " "                |                    |
| Tea ... ..                                                                                                                                                                                    | 2 annas per lb.           |                    |

4TH SCH.  
—cont.

*Letter No. 1*

LETTER FROM MR. ARTHUR G. BOTTOMLEY, M.P., UNITED KINGDOM SECRETARY FOR OVERSEAS TRADE, TO THE HONOURABLE MR. FAZLUR RAHMAN, PAKISTAN MINISTER OF COMMERCE, ON THE QUESTION OF DUTY FREE ENTRY OF GOODS GROWN, PRODUCED OR MANUFACTURED IN PAKISTAN.

London, 2nd April, 1951.

DEAR MINISTER,

In connection with our discussions of the Trade Agreement which has been signed to-day, to replace the United Kingdom/India Agreement, 1939, I am writing to confirm the assurance which I gave you that the United Kingdom Government have no present intention of imposing duties on goods grown, produced or manufactured in Pakistan, which now are admitted free of duty, but should it become necessary to impose such duties, they will give the Pakistan Government prior notice of their intentions. You will understand that in accordance with Article III of the Agreement, any such duty would apply equally to similar goods from other Commonwealth countries, and that Pakistan goods would continue to be admitted on equal terms.

Yours sincerely,

A. G. BOTTOMLEY.

The Honourable Mr. Fazlur Rahman,  
Minister of Commerce,  
Government of Pakistan,  
Karachi.

*Letter No. 2*

LETTER FROM MR. ARTHUR G. BOTTOMLEY, M.P., UNITED KINGDOM SECRETARY FOR OVERSEAS TRADE, TO THE HONOURABLE MR. FAZLUR RAHMAN, PAKISTAN MINISTER OF COMMERCE, ON THE SUBJECT OF TEA.

London, 2nd April, 1951.

DEAR MINISTER,

During the course of our discussions I have noted that tea is the principal commodity of export in which Pakistan is interested in getting preferential treatment in the United Kingdom and that if the export of tea to the United Kingdom fell appreciably below the present level, the advantages to Pakistan under the Agreement would be considerably reduced. I have, therefore, recognised that it is important that the present level of import of tea into the United Kingdom from Pakistan should be maintained, and the United Kingdom Government will use their good offices with commercial interests to this end. I should add that as tea is strictly rationed because of the shortage of supplies in the United Kingdom, His Majesty's Government in the United Kingdom are anxious that as much tea as possible from Pakistan should be offered for sale.

Yours sincerely,

A. G. BOTTOMLEY.

The Honourable Mr. Fazlur Rahman,  
Minister of Commerce,  
Government of Pakistan,  
Karachi.

## FIFTH SCHEDULE

Section 15.

PURCHASE TAX (AMENDMENTS OF SCHEDULE OF  
CHARGEABLE GOODS)

## PART I

## AMENDMENTS EFFECTIVE FROM 11TH APRIL 1951

1. In Group 4, there shall be added at the end the following paragraphs:—

- “(f) laces of a kind used for fastening garments or footwear ... .. Exempt  
 (g) sewing and darning needles, knitting needles, bodkins, crochet hooks, pins of base metal except hair pins, thimbles, finger shields for needle-work and tape measures ... .. Exempt  
 (h) paper patterns ... .. Exempt”.

2. In Group 5, there shall be inserted after the words “not being utility articles” in paragraph (d) the words “or articles comprised in the next following paragraph”, and after the said paragraph (d) there shall be added the following paragraphs:—

- “(e) air pillows, air cushions, water beds, water pillows and water cushions ... .. Exempt  
 (f) scourers, dish cloths, floor cloths and similar cleaning cloths, being woven articles, unbleached and uncoloured, of cotton or of cotton and jute, with weft of cotton waste and not exceeding 30 inches in length or width ... .. Exempt  
 (g) woven cotton polishing cloths, piece dyed in a single colour, whether impregnated or not, with warp or weft of cotton waste, not exceeding 30 inches in length or width ... .. Exempt  
 (h) cotton dusters, woven in a single piece and having, except for a border on each of the four sides, an over-all check pattern of coloured yarns, and not exceeding 24 inches in length or width ... .. Exempt  
 (i) knitted cleaning cloths of unbleached and uncoloured cotton waste, not exceeding 30 inches in length or width ... .. Exempt”.

3. In Group 6, there shall be added at the end the following paragraph:—

- “(p) knitted cotton cloth, unbleached and uncoloured, made with at least one needle omitted in every fifty needles ... .. Exempt”.

4. Group 11 shall be amended as follows:—

- (a) in paragraph (f) (which specifies invalid chairs as exempt) there shall be added at the end of the first column the words “commode chairs, commode stools and over-bed tables”;  
 (b) in paragraph (i) (which lists certain vessels as not chargeable under the Group unless made of certain specified materials)

5TH SCH.  
—cont.

there shall be substituted for the words “ and lids for use with such vessels ” the words “ lids for use with vessels so designed, serving trays, bread boards, bowls and jugs and ewers ”;

(c) for paragraph (k) (which lists as exempt dustbins, buckets, pails and sanitary pans and lids therefor) there shall be substituted the following paragraph:—

“ (k) dustbins, buckets, pails, sanitary pans, chambers, urinals, commode pans, and lids for any of those articles, pedal-operated sanitary bins, coal hods and coal scuttles ... .. Exempt”;

(d) for paragraph (r) (which specifies certain baths as exempt) there shall be substituted the following paragraphs:—

“ (r) baths, wash tubs, wash boards, ironing boards, shields and stands for smoothing irons or pressing irons, clothes line posts, clothes pegs, clothes props and clothes airers (other than heated airers) ... .. Exempt

(s) hot-water bottles and stoppers therefor Exempt

(t) metal pot scourers and steel wool ... Exempt

(u) pastry boards and rolling pins ... Exempt

(v) coal or cinder sieves and sifters ... Exempt”.

5.—(1) In Group 12 (which comprises domestic appliances and apparatus, and paragraph (a) of which charges at the first rate any goods not falling within some other paragraph), for the said paragraph (a) there shall be substituted the following paragraph:—

“ (a) appliances and apparatus not comprised in any of the following paragraphs of this Group:—

(i) articles designed for operation by electricity or gas, except clocks and clock movements, sewing machines and motors therefor, hair drying machines, lighting appliances, electric blankets, electric warming pads, electric bed warmers and gas pokers ... Second

(ii) articles not comprised in the foregoing sub-paragraph ... .. First”.

(2) At the end of Group 12, there shall be added the following paragraphs:—

“ (j) kitchen scales and kitchen weighing machines, hand operated wringers and hand operated mangles ... .. Exempt

(k) vaporisers (not being toilet requisites) and fumigating lamps ... .. Exempt”.

6. In paragraph (a) of Group 18 (which comprises certain wireless receiving sets, kits of parts for the assembly of such sets and valves for use therewith), for the word “ First ” in the second column there shall be substituted the word “ Second ”.

7. In Group 20 (which among other articles excepted from the Group specifies bicycles and tricycles) after the word “bicycles” there shall be inserted the words “bicycle sidecars, bicycle and sidecar combinations”.

8. At the end of Group 23, there shall be added the following paragraph:—

“(f) shoulder satchels of a kind designed for use by school children ... .. Exempt”.

9. In Group 31, in paragraph (a) for the word “paragraph” there shall be substituted the word “paragraphs”, in paragraph (b) the words “toilet paper” shall be omitted, and at the end of the Group there shall be added the following paragraph:—

“(c) toilet paper ... .. Exempt”.

10. Group 35 shall be amended as follows:—

(a) in paragraph (a) (which charges at the first rate certain road vehicles) the word “First” in the second column shall be omitted and there shall be added at the end the following sub-paragraphs:—

“(i) mechanically propelled vehicles ... Second

(ii) vehicles not mechanically propelled ... First”.

(b) for paragraph (b) (which charges at the first rate bicycles and tricycles for the carriage of passengers), there shall be substituted the following paragraph:—

“(b) bicycles, bicycle sidecars, bicycle and sidecar combinations and tricycles constructed or adapted solely or mainly for the carriage of passengers:—

(i) mechanically propelled tricycles, being road vehicles ... .. Second

(ii) articles not comprised in the foregoing sub-paragraph ... .. First”.

## PART II

### AMENDMENTS EFFECTIVE FROM 25TH JUNE 1951

11. In Group 4, after the paragraphs added by Part I of this Schedule there shall be added the following paragraph:—

“(i) insoles, except insoles made wholly or partly of fur skin (including any skin with fur, hair or wool attached) ... .. Exempt”.

12. In Group 6, after the paragraph added by Part I of this Schedule there shall be added the following paragraph:—

“(q) lining socks and seat socks, being shaped pieces of fabric for incorporation in footwear ... .. Exempt”.

13. In Group 31, in paragraph (b), after the word “brushes,” there shall be inserted the words “(except toothbrushes),” and after the paragraph added by Part I of this Schedule there shall be added the following paragraph:—

“(d) toothbrushes ... .. Exempt”.

H

## SIXTH SCHEDULE

TRANSITIONAL PROVISIONS IN CONNECTION WITH INCREASE IN RATE  
OF PROFITS TAX*Miscellaneous Transitional Provisions*

1.—(1) In the case of any trade or business, the amount on which a distribution charge is chargeable at forty per cent. for any chargeable accounting period shall not, when added to the total of the amounts (if any) on which distribution charges at forty per cent. have fallen to be made for previous chargeable accounting periods, exceed the total of the amounts on which reliefs for non-distribution have been given at forty per cent. for previous chargeable accounting periods; and in so far as this sub-paragraph excludes the application to a distribution charge of paragraph (b) of subsection (1) of section twenty-eight of this Act, the rate of the charge shall be twenty per cent.:

Provided that the amount on which a distribution charge is chargeable at twenty per cent. for any chargeable accounting period shall not, when added to the total of the amounts (if any) on which distribution charges at twenty per cent. have fallen to be made for previous chargeable accounting periods, exceed the total of the amounts on which reliefs for non-distribution have been given at twenty per cent. for previous chargeable accounting periods; and in so far as this proviso excludes the application of the rate of twenty per cent. to a distribution charge, the rate of the charge shall be fifteen per cent.

(2) Where, in the case of any body corporate, society or other body, the net relevant distributions to proprietors for any chargeable accounting period ending after the end of the year nineteen hundred and fifty are, under subsection (3) of section thirty-six of the Finance Act, 1947, as amended by section seventy of the Finance Act, 1948, to be treated as reduced by reference to a loan repaid whether before, during or after that period, the reduction shall be determined by reference to tax at forty per cent. instead of twenty per cent. or fifteen per cent.:

Provided that if a distribution charge is or would but for that subsection be chargeable for that period, then the reduction shall be calculated—

- (a) by reference to tax at twenty per cent. up to the amount (if any) on which the distribution charge would, but for the reduction, be chargeable at twenty per cent.; and
- (b) by reference to tax at fifteen per cent. up to the amount (if any) on which the distribution charge would, but for the reduction, be chargeable at fifteen per cent.

(3) Where under either of the following provisions of the Finance Act, 1947, that is to say—

- (a) subsection (4) of section thirty-six (which relates to schemes of amalgamation or reconstruction); and

(b) subsection (2) of section thirty-eight (which relates to companies having subsidiaries),

6TH SCH.  
—cont.

a difference in respect of which a non-distribution relief was given to or in respect of any body corporate is to be treated (in whole or in part) as if it had been a difference arising in relation to another body corporate on which non-distribution relief had been given to that body, then, for the purposes of sub-paragraph (1) of this paragraph, relief shall be treated as having been given to the second mentioned body on the difference or the relevant part thereof at the rate or rates at which it was given on the difference to or in respect of the first mentioned body.

(4) The provisions set out in the third column of the Schedule to the Profits Tax Act, 1949, which modified the application of certain enactments in relation to accounting periods divided by subsection (1) of section one of that Act, shall have effect so as to modify the application of those enactments also in relation to accounting periods divided by subsection (1) of section twenty-eight of this Act :

Provided that, as respects double taxation relief—

- (a) the reference in the said Schedule to paragraph 3 of Part I of the Ninth Schedule to the Finance Act, 1947, shall be deemed to include a reference to paragraph 1 of Part II of the Sixth Schedule to the Finance Act, 1950 ; and
- (b) any foreign tax which, but for this paragraph of this proviso, would, under paragraph 7 of the said Part I, as amended by paragraph 2 of the said Part II, have gone to reduce the profits of the trade or business for the first of the two chargeable accounting periods shall instead be apportioned between the two chargeable accounting periods by reference to the number of months or fractions of a month in each of them respectively and the profits of each reduced accordingly.

#### *Increases of Dividend*

2.—(1) If, in the case of any accounting period of a body corporate, unincorporated society or other body beginning before the end of the year nineteen hundred and fifty, the total of the dividends assignable to that period exceeds the governing total, any such dividends declared after the ninth day of April, nineteen hundred and fifty-one, shall, to the extent of the excess—

- (a) in determining the gross relevant distributions to proprietors for the chargeable accounting period beginning at the end of the year nineteen hundred and fifty or for that in which they are paid, whichever is later, be included as a distribution for that chargeable accounting period ; and
- (b) in determining those for any chargeable accounting period other than the one last mentioned, be left out of account.

(2) The governing total for the purposes of sub-paragraph (1) of this paragraph is, in relation to any accounting period of a body

6TH SCH.  
—cont.

corporate, society or other body, the total of the dividends assignable to the immediately preceding accounting period thereof:

Provided that—

- (a) where the amount of any class of paid up share capital on which dividends assignable to the preceding accounting period are paid is less than the amount of that class of paid up share capital on which dividends assignable to the succeeding accounting period are paid, then (subject to sub-paragraph (3) of this paragraph) the dividends on that class of capital assignable to the said preceding period shall, if the person carrying on the trade or business so elects, be treated for the purposes of this sub-paragraph as correspondingly increased; and
- (b) where the preceding accounting period is longer or shorter than the succeeding accounting period, the total dividends assignable to the said preceding period shall be treated for the purposes of this sub-paragraph as correspondingly reduced or increased.
- (3) For the purposes of paragraph (a) of the proviso to sub-paragraph (2) of this paragraph, any increase in the amount of any class of paid up share capital on which dividends are paid shall be disregarded in so far as it represents shares which were previously unissued or not paid up but which have since been issued, or been treated as paid up, wholly or partly in consideration of the retention by the body or society, by way of set-off or otherwise, of sums distributable by way of dividend.
- (4) For the purposes of this paragraph, the dividends assignable to any accounting period are those expressed to be paid in respect of that period or any part thereof, but in the case of an accounting period ending after the ninth day of April, nineteen hundred and fifty-one, include also any dividends which are declared after that date and paid during the period and are not expressed to be paid in respect of any period.

(5) In this paragraph, “dividend” includes an interim dividend, and a dividend shall be treated as being declared—

- (a) in the case of a dividend declared by a body or society in general meeting, at the date of the declaration;
- (b) in any other case, at the date on which it is paid:

Provided that—

- (i) where a dividend is declared in general meeting in accordance with a recommendation of the directors and the directors’ decision to make that recommendation was, with the authority of the directors, publicly announced at an earlier date, the dividend shall, for the purposes of this paragraph, be treated as declared at that earlier date; and
- (ii) where a dividend not so declared is paid in accordance with a decision of the directors and that decision was, with their authority, publicly announced at an earlier date, the dividend shall, if the body or society so elects, for the purposes of this paragraph be treated as declared at that earlier date.



## SEVENTH SCHEDULE

Section 44.

## ENACTMENTS REPEALED

| Session and Chapter           | Short Title                               | Extent of Repeal                                                                                                                                                                                        |
|-------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 5. c. 47.        | The Safeguarding of Industries Act, 1921. | Section sixteen.                                                                                                                                                                                        |
| 16 & 17 Geo. 5. c. 22.        | The Finance Act, 1926 ...                 | Subsection (1) of section ten.                                                                                                                                                                          |
| 22 & 23 Geo. 5. c. 8.         | The Import Duties Act, 1932               | Subsections (3) and (4) of section fifteen.                                                                                                                                                             |
| 25 & 26 Geo. 5. c. 24.        | The Finance Act, 1935 ...                 | Section ten.                                                                                                                                                                                            |
| 26 Geo. 5. & 1 Edw. 8. c. 34. | The Finance Act, 1936 ...                 | Subsection (1) of section five.                                                                                                                                                                         |
| 7 & 8 Geo. 6. c. 23.          | The Finance Act, 1944 ...                 | Section four.                                                                                                                                                                                           |
| 9 & 10 Geo. 6. c. 64.         | The Finance Act, 1946 ...                 | Section one.                                                                                                                                                                                            |
| 10 & 11 Geo. 6. c. 35.        | The Finance Act, 1947 ...                 | Subsections (1) and (2) of section seven.                                                                                                                                                               |
| 11 & 12 Geo. 6. c. 49.        | The Finance Act, 1948 ...                 | Subsection (1) of section eight.                                                                                                                                                                        |
| 12 & 13 Geo. 6. c. 47.        | The Finance Act, 1949 ...                 | Section seven, except subsection (3); the Fifth Schedule.                                                                                                                                               |
| 14 Geo. 6. c. 15              | The Finance Act, 1950 ...                 | Section four; section fourteen, except as respects entertainments held before the fifth day of August, or payments for admission made before the eleventh day of April, nineteen hundred and fifty-one. |

*Tables of Statutes referred to in this Act*

| Short Title                                       | Session and Chapter             |
|---------------------------------------------------|---------------------------------|
| Excise and Licences Act, 1825 ... ..              | 6 Geo. 4. c. 81.                |
| Post Office Savings Bank Act, 1861 ... ..         | 24 & 25 Vict. c. 14.            |
| Court of Session Act, 1868 ... ..                 | 31 & 32 Vict. c. 100.           |
| Building Societies Act, 1874 ... ..               | 37 & 38 Vict. c. 42.            |
| Sinking Fund Act, 1875 ... ..                     | 38 & 39 Vict. c. 45.            |
| Customs Tariff Act, 1876 ... ..                   | 39 & 40 Vict. c. 35.            |
| Customs Consolidation Act, 1876 ... ..            | 39 & 40 Vict. c. 36.            |
| Customs and Inland Revenue Act, 1890... ..        | 53 & 54 Vict. c. 8.             |
| Finance Act, 1894 ... ..                          | 57 & 58 Vict. c. 30.            |
| Finance (No. 2) Act, 1915... ..                   | 5 & 6 Geo. 5. c. 89.            |
| Finance Act, 1916 ... ..                          | 6 & 7 Geo. 5. c. 24.            |
| Income Tax Act, 1918 ... ..                       | 8 & 9 Geo. 5. c. 40.            |
| Finance Act, 1920 ... ..                          | 10 & 11 Geo. 5. c. 18.          |
| Safeguarding of Industries Act, 1921 ... ..       | 11 & 12 Geo. 5. c. 47.          |
| Finance Act, 1923 ... ..                          | 13 & 14 Geo. 5. c. 14.          |
| Finance Act, 1925 ... ..                          | 15 & 16 Geo. 5. c. 36.          |
| Finance Act, 1926 ... ..                          | 16 & 17 Geo. 5. c. 22.          |
| Finance Act, 1927 ... ..                          | 17 & 18 Geo. 5. c. 10.          |
| Finance Act, 1928 ... ..                          | 18 & 19 Geo. 5. c. 17.          |
| Finance (No. 2) Act, 1931... ..                   | 21 & 22 Geo. 5. c. 49.          |
| Import Duties Act, 1932 ... ..                    | 22 & 23 Geo. 5. c. 8.           |
| Finance Act, 1932 ... ..                          | 22 & 23 Geo. 5. c. 25.          |
| Ottawa Agreements Act, 1932 ... ..                | 22 & 23 Geo. 5. c. 53.          |
| Local Government Act, 1933 ... ..                 | 23 & 24 Geo. 5. c. 51.          |
| Finance Act, 1935 ... ..                          | 25 & 26 Geo. 5. c. 24.          |
| Finance Act, 1937 ... ..                          | 1 Edw. 8. & 1 Geo. 6.<br>c. 54. |
| Finance Act, 1938 ... ..                          | 1 & 2 Geo. 6. c. 46.            |
| London Government Act, 1939 ... ..                | 2 & 3 Geo. 6. c. 40.            |
| Finance Act, 1939 ... ..                          | 2 & 3 Geo. 6. c. 41.            |
| Finance (No. 2) Act, 1940 ... ..                  | 3 & 4 Geo. 6. c. 48.            |
| Finance Act, 1943 ... ..                          | 6 & 7 Geo. 6. c. 28.            |
| Income Tax (Employments) Act, 1943 ... ..         | 6 & 7 Geo. 6. c. 45.            |
| Finance Act, 1944 ... ..                          | 7 & 8 Geo. 6. c. 23.            |
| Income Tax Act, 1945 ... ..                       | 8 & 9 Geo. 6. c. 32.            |
| Finance (No. 2) Act, 1945 ... ..                  | 9 & 10 Geo. 6. c. 13.           |
| Finance Act, 1946 ... ..                          | 9 & 10 Geo. 6. c. 64.           |
| Indian Independence Act, 1947 ... ..              | 10 & 11 Geo. 6. c. 30.          |
| Finance Act, 1947 ... ..                          | 10 & 11 Geo. 6. c. 35.          |
| Local Government (Scotland) Act, 1947 ... ..      | 10 & 11 Geo. 6. c. 43.          |
| National Assistance Act, 1948 ... ..              | 11 & 12 Geo. 6. c. 29.          |
| Companies Act, 1948 ... ..                        | 11 & 12 Geo. 6. c. 38.          |
| Finance Act, 1948 ... ..                          | 11 & 12 Geo. 6. c. 49.          |
| Finance Act, 1949 ... ..                          | 12, 13 & 14 Geo. 6. c. 47.      |
| Profits Tax Act, 1949 ... ..                      | 12, 13 & 14 Geo. 6. c. 64.      |
| Finance Act, 1950 ... ..                          | 14 Geo. 6. c. 15.               |
| Reserve and Auxiliary Forces (Training) Act, 1951 | 14 & 15 Geo. 6. c. 23.          |

## CHAPTER 44

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 fifty-two and to appropriate the supplies granted in this Session of Parliament.  
[1st August 1951.]

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 fifty-two, the sum of two thousand one hundred and thirty-three million, six hundred and fifty thousand, two hundred and forty pounds.

Issue of  
£2,133,650,240  
out of the  
Consolidated  
Fund for the  
service of the  
year ending  
31st March,  
1952.

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 two thousand one hundred and thirty-three million, six hundred and fifty thousand, two hundred and forty pounds.

Power for the  
Treasury to  
borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and fifty-two 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 three 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 three thousand six hundred and fifty-eight million, nine hundred and seven thousand, one hundred and eighty-seven pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict. c. 24.

In addition to the said sums 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.

Sanction of Treasury for temporary application of surpluses on certain votes for Navy, Army and Air Services, to meet deficiencies on other votes for the same service.

4.—(1) So long as the aggregate expenditure on Navy, Army and Air Services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(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 in which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1949 and 1950, surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1949-50.  
12 & 13  
Geo. 6. c. 48.  
14 Geo. 6. c. 16.

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

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 Navy, Army, Air, 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:

Declaration required in certain cases before receipt of sums appropriated

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 or class of cases 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.

7. This Act may be cited for all purposes as the Appropriation Short title Act, 1951.

## A B S T R A C T

OF

SCHEDULES (A) and (B) to which this  
Act refers.

Section 3

### SCHEDULE (A)

|                                       |               |              |
|---------------------------------------|---------------|--------------|
|                                       | £             | <i>s. d.</i> |
| Grants out of the Consolidated Fund - | 3,658,907,187 | 0 0          |

Section 3.

### SCHEDULE (B).—APPROPRIATIONS OF GRANTS

|                                                                 | Sums not exceeding |              |                          |              |
|-----------------------------------------------------------------|--------------------|--------------|--------------------------|--------------|
|                                                                 | Supply Grants      |              | Appropriations<br>in Aid |              |
|                                                                 | £                  | <i>s. d.</i> | £                        | <i>s. d.</i> |
| 1950-51                                                         |                    |              |                          |              |
| Part 1. Navy (Supplementary), 1950-51 -                         | 10,000,000         | 0 0          | 3,500,000                | 0 0          |
| „ 2. Army (Supplementary), 1950-51 -                            | 20,000,000         | 0 0          | 4,900,000                | 0 0          |
| „ 3. Air (Supplementary), 1950-51 -                             | 10,000,000         | 0 0          | *—5,000,000              | 0 0          |
| „ 4. Civil and Revenue Departments (Supplementary), 1950-51 - - | 13,835,847         | 0 0          | 7,277,833                | 0 0          |
| £                                                               | 53,835,847         | 0 0          | 10,677,833               | 0 0          |

\* Deficit.

SCHEDULE (B).—APPROPRIATIONS OF GRANTS—*cont.*SCHED. (B).  
Appropriations  
of Grants.

|                |                            | Sums not exceeding |       |                          |       |
|----------------|----------------------------|--------------------|-------|--------------------------|-------|
|                |                            | Supply Grants      |       | Appropriations<br>in Aid |       |
| 1951-52        |                            | £                  | s. d. | £                        | s. d. |
| Part 5.        | Ministry of<br>Defence - - | 12,212,000         | 0 0   | 69,010                   | 0 0   |
| „ 6.           | Navy- - -                  | 278,500,000        | 0 0   | 20,700,000               | 0 0   |
| „ 7.           | Army - - -                 | 418,800,100        | 0 0   | 47,720,000               | 0 0   |
| „ 8.           | Air - - -                  | 328,750,000        | 0 0   | 41,739,100               | 0 0   |
| TOTAL, DEFENCE |                            | £1,038,262,100     | 0 0   | 110,228,110              | 0 0   |
| Part 9.        | Civil, Class I -           | 18,781,779         | 0 0   | 14,245,102               | 0 0   |
| „ 10.          | Civil, Class II -          | 99,493,217         | 0 0   | 2,385,944                | 0 0   |
| „ 11.          | Civil, Class III -         | 66,561,133         | 0 0   | 8,790,481                | 0 0   |
| „ 12.          | Civil, Class IV -          | 278,944,940        | 0 0   | 19,355,126               | 0 0   |
| „ 13.          | Civil, Class V -           | 830,607,005        | 0 0   | 101,837,810              | 0 0   |
| „ 14.          | Civil, Class VI -          | 144,925,202        | 0 0   | 28,631,075               | 0 0   |
| „ 15.          | Civil, Class VII -         | 67,656,357         | 0 0   | 14,553,125               | 0 0   |
| „ 16.          | Civil, Class VIII-         | 93,806,836         | 0 0   | 4,896,943                | 0 0   |
| „ 17.          | Civil, Class IX -          | 749,278,301        | 0 0   | 417,415,900              | 0 0   |
| TOTAL, CIVIL   |                            | 2,350,054,770      | 0 0   | 612,111,506              | 0 0   |
| Part 18.       | Revenue Depart-<br>ments - | £ 216,754,470      | 0 0   | 15,231,049               | 0 0   |
| GRAND TOTAL    |                            | £3,658,907,187     | 0 0   | 748,248,498              | 0 0   |

SCHED. (A)

## SCHEDULE (A)

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 GRANTS OUT OF THE CONSOLIDATED FUND

|                                                                      | £              | s. | d. |
|----------------------------------------------------------------------|----------------|----|----|
| For the service of the year ended on the 31st day<br>of March 1951—  |                |    |    |
| Under Act 14 & 15 Geo. 6. c. 12 - -                                  | 40,000,000     | 0  | 0  |
| Under Act 14 & 15 Geo. 6. c. 16 - -                                  | 13,835,847     | 0  | 0  |
| For the service of the year ending on the 31st day<br>of March 1952— |                |    |    |
| Under Act 14 & 15 Geo. 6. c. 16 - -                                  | 1,471,421,100  | 0  | 0  |
| Under this Act - - - - -                                             | 2,133,650,240  | 0  | 0  |
| TOTAL - - - - -                                                      | £3,658,907,187 | 0  | 0  |

---



## SCHEDULE (B).—PART 1

SCHED. (B).  
PART 1.  
Navy  
(Supple-  
mentary),  
1950-51.

## NAVY (SUPPLEMENTARY), 1950-51

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 1951, viz.:—

| Vote.                                                   | Sums not exceeding  |                       |
|---------------------------------------------------------|---------------------|-----------------------|
|                                                         | Supply Grants       | Appropriations in Aid |
|                                                         | £                   | £                     |
| 1. Pay, &c., of the Royal Navy and Royal Marines - - -  | 6,650,000           | —                     |
| 2. Victualling and Clothing for the Navy - - - -        | 450,000             | *—100,000             |
| 3. Medical Establishments and Services - - - -          | 50,000              | —                     |
| 6. Scientific Services - - -                            | 750,000             | —                     |
| 8. Shipbuilding, Repairs, Maintenance, &c.—             |                     |                       |
| Section I.—Personnel -                                  | 750,000             | —                     |
| Section II.—Matériel -                                  | 3,950,000           | 300,000               |
| Section III.—Contract work -                            | 350,000             | —                     |
| 9. Naval Armaments - - -                                | 900,000             | 400,000               |
| 10. Works, Buildings and Repairs at Home and Abroad - - | Cr. 3,200,000       | 2,400,000             |
| 11. Miscellaneous Effective Services                    | Cr. 200,000         | 500,000               |
| 12. Admiralty Office - - -                              | 100,000             | —                     |
| 13. Non-effective Services - -                          | Cr. 450,000         | —                     |
| 14. Merchant Shipbuilding, &c. -                        | Cr. 100,000         | —                     |
| <b>TOTAL, NAVY (Supplementary), 1950-51</b>             | <b>£ 10,000,000</b> | <b>3,500,000</b>      |

\* Deficit.

SCHED. (B).  
PART 2.  
Army  
(Supple-  
mentary),  
1950-51.

SCHEDULE (B).—PART 2

ARMY (SUPPLEMENTARY), 1950-51

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 1951, viz.:—

| Vote.                                                  | Sums not exceeding |                       |
|--------------------------------------------------------|--------------------|-----------------------|
|                                                        | Supply Grants      | Appropriations in Aid |
|                                                        | £                  | £                     |
| 1. Pay, &c., of the Army - -                           | 10,915,000         | 675,000               |
| 2. Reserve Forces, Territorial Army and Cadet Forces - | Cr. 950,000        | —                     |
| 4. Civilians - - - -                                   | Cr. 3,005,000      | —                     |
| 5. Movements - - - -                                   | 2,305,000          | 100,000               |
| 7. Stores - - - -                                      | 12,177,000         | 3,600,000             |
| 8. Works, buildings and lands -                        | Cr. 1,167,000      | 250,000               |
| 9. Miscellaneous effective services                    | Cr. 275,000        | 275,000               |
| TOTAL, ARMY (Supplementary), 1950-51                   | £ 20,000,000       | 4,900,000             |

## SCHEDULE (B).—PART 3

SCHED. (B).  
PART 3.  
Air  
(Supple-  
mentary),  
1950-51.

## AIR (SUPPLEMENTARY), 1950-51

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 1951, viz.:—

| Vote.                                          | Sums not exceeding   |                       |
|------------------------------------------------|----------------------|-----------------------|
|                                                | Supply Grants        | Appropriations in Aid |
|                                                | £                    | £                     |
| 1. Pay, &c., of the Air Force -                | 7,275,000            | 240,000               |
| 2. Reserve and auxiliary services              | <i>Cr.</i> 250,000   | —                     |
| 3. Air Ministry - - -                          | 65,000               | —                     |
| 4. Civilians at outstations - -                | 520,000              | 10,000                |
| 5. Movements - - - -                           | <i>Cr.</i> 450,000   | *— 50,000             |
| 6. Supplies - - - - -                          | 2,300,000            | 80,000                |
| 7. Aircraft and stores - - -                   | 2,000,000            | *— 3,500,000          |
| 8. Works and lands - - -                       | <i>Cr.</i> 1,200,000 | *— 800,000            |
| 9. Miscellaneous effective services            | 150,000              | *— 310,000            |
| 10. Non-effective services - -                 | <i>Cr.</i> 410,000   | 30,000                |
| 11. Additional married quarters -              | —                    | *— 700,000            |
| <b>TOTAL, AIR (Supplementary),<br/>1950-51</b> | <b>£ 10,000,000</b>  | <b>*— 5,000,000</b>   |

\* Deficit.

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

SCHEDULE (B).—PART 4

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1950-51

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 1951, viz.:—

|                  |                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                  |                                                                                                                                                                                                                                                                                                                            | Supply Grants      | Appropriations in Aid |
|                  |                                                                                                                                                                                                                                                                                                                            | £                  | £                     |
| <b>CIVIL</b>     |                                                                                                                                                                                                                                                                                                                            |                    |                       |
| <b>CLASS I.</b>  |                                                                                                                                                                                                                                                                                                                            |                    |                       |
| Vote.            |                                                                                                                                                                                                                                                                                                                            |                    |                       |
| 6.               | For the salaries and expenses of the Office of the Lord Privy Seal - -                                                                                                                                                                                                                                                     | 50                 | —                     |
| 9.               | For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -                                                                                                                                                                                                                             | 7,500              | —                     |
| 10.              | For the salaries and expenses of the Department of the Government Actuary - - - - -                                                                                                                                                                                                                                        | 10                 | 2,120                 |
| 14.              | For the salaries and expenses of the National Debt Office - - -                                                                                                                                                                                                                                                            | 10                 | 945                   |
| 23.              | For the purchase and sale of silver -                                                                                                                                                                                                                                                                                      | 2,000,000          | —                     |
| <b>CLASS II.</b> |                                                                                                                                                                                                                                                                                                                            |                    |                       |
| 2.               | For sundry expenses connected with His Majesty's Foreign Service; special grants, including grants in aid; and various other services - -                                                                                                                                                                                  | 10                 | 4,600,000             |
| 7.               | For sundry Commonwealth services, including certain grants in aid; for the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant in aid to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - | 10                 | —                     |
|                  | Carried forward - - -                                                                                                                                                                                                                                                                                                      | £ 2,007,590        | 4,603,065             |

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| <b>CIVIL—cont.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2,007,590          | 4,603,065             |
| <b>CLASS II—cont.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                       |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                       |
| 10. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and certain grants in aid - -                                                                                                                                                                                                                                                                                                                                                                                         | 10                 | —                     |
| 13. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                        | 100,000            | —                     |
| <b>CLASS III.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |                       |
| 3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special services; other grants in respect of Police expenditure, including a grant in aid of the Police Federation; a contribution towards the expenses of the International Criminal Police Commission; and fees payable to deputy metropolitan magistrates - - - - - | 10                 | 540                   |
| 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                | 109,750            | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £ 2,217,360        | 4,603,605             |

SCHED. (B)  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

SCHEDULE (B).—PART 4—continued

|                                                                                                                                                                                          | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                          | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                          | £                  | £                     |
| CIVIL—cont.                                                                                                                                                                              |                    |                       |
| Brought forward - - - -                                                                                                                                                                  | 2,217,360          | 4,603,605             |
| CLASS III—cont.                                                                                                                                                                          |                    |                       |
| Vote.                                                                                                                                                                                    |                    |                       |
| 8. For salaries and expenses in connection with the County Courts, the Liabilities Adjustment Offices and the War Damage (Valuation Appeals) Tribunal - - - -                            | 10                 | 35,418                |
| 15. For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics and inmates of the State Inebriate Reformatory - | 47,722             | *—30,420              |
| 20. For the salaries and expenses of the Department of the Registers of Scotland - - - -                                                                                                 | 10                 | 1,790                 |
| CLASS IV.                                                                                                                                                                                |                    |                       |
| 3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                 | 2,000              | —                     |
| 6. For the salaries and expenses of the National Gallery and the Tate Gallery, Millbank, including a grant in aid - - - -                                                                | 8,200              | 300                   |
| 16. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -                                                                                    | 1,025              | —                     |
| CLASS V.                                                                                                                                                                                 |                    |                       |
| 3. For grants and other payments in respect of the provision and improvement of housing accommodation in England and Wales - - - -                                                       | 10                 | 1,998,990             |
| Carried forward - - - -                                                                                                                                                                  | £ 2,276,337        | 6,609,683             |

\* Deficit

## SCHEDULE (B).—PART 4—continued

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

|                                                                                                                                                                                                                                                                                                                                                           | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                           | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                           | £                  | £                     |
| <b>CIVIL—cont.</b>                                                                                                                                                                                                                                                                                                                                        |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                     | 2,276,337          | 6,609,683             |
| <b>CLASS V—cont.</b>                                                                                                                                                                                                                                                                                                                                      |                    |                       |
| <i>Vote.</i>                                                                                                                                                                                                                                                                                                                                              |                    |                       |
| 5. For the salaries and expenses of the Department of the Registrar General of Births, &c. - - - -                                                                                                                                                                                                                                                        | 5,000              | 3,800                 |
| 9. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants, &c.; expenses of re-establishment centres, reception centres, &c.; and the maintenance of certain classes of Poles in Great Britain - - - | 7,305,000          | —                     |
| 11. For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                                                                                                                               | 850                | —                     |
| 15. For the provision of a comprehensive health service in Scotland and other services connected therewith, including certain training arrangements, the central purchase of medical supplies, certain expenses in connection with Civil Defence, and sundry other services - - - - -                                                                     | 10                 | 499,990               |
| 18. For the salaries and expenses of the Department of the Registrar General of Births, &c., in Scotland - -                                                                                                                                                                                                                                              | 2,100              | —                     |
| Carried forward - - - £                                                                                                                                                                                                                                                                                                                                   | 9,589,297          | 7,113,473             |

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

SCHEDULE (B).—PART 4—continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Supply<br>Grants   | Appropriations<br>in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £                  | £                        |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9,589,297          | 7,113,473                |
| <b>CIVIL—cont.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |                          |
| <b>CLASS VI.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |                          |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                          |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including the cost of certain trading services; assistance and subsidies to certain industries; certain grants in aid; and other services - - -                                                                                                                                                                                                                                                                                                                                    | 1,631,000          | 417,000                  |
| 3. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - -                                                                                                                                                                                                                                                                                                                                                                                                                                  | 150,000            | —                        |
| 4. For the salaries and expenses of the Export Credits Guarantee Department, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council                                                                                                                                                                                                                                                                                                                                                                                                                        | 10                 | 1,068,090                |
| 5. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required -                                                                                                                                                                                                                                                                                                                                                                                                                          | 10                 | 160,990                  |
| 8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research; services in connection with live stock; land settlement; land drainage; purchase, adaptation, development and management of land; agricultural credits and marketing; the purchase and sale of home-produced wool; the prevention of food infestation; agricultural training and settlement schemes; fishery organisation, research and development; and sundry other services - - - | 10                 | —                        |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | £ 11,370,327       | 8,759,553                |



## SCHEDULE (B).—PART 4—continued

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

|                                                                                                                                                                                                                                                                | Sums not exceeding |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                                                                                                                                                                                                                                                                | Supply<br>Grants   | Appropriations<br>in Aid |
| <b>CIVIL—cont.</b>                                                                                                                                                                                                                                             | £                  | £                        |
| Brought forward - - -                                                                                                                                                                                                                                          | 11,370,327         | 8,759,553                |
| <b>CLASS VI—cont.</b>                                                                                                                                                                                                                                          |                    |                          |
| Vote.<br>9. For certain food production services<br>of the Ministry of Agriculture and<br>Fisheries - - - - -                                                                                                                                                  | 10                 | *—1,975,010              |
| 16. For the salaries and expenses of the<br>Ministry of Civil Aviation, including<br>certain grants and subsidies - - -                                                                                                                                        | 10                 | —                        |
| 21. For certain food production services<br>of the Department of Agriculture for<br>Scotland - - - - -                                                                                                                                                         | 36,450             | *—355,200                |
| 24. For the salaries and expenses of the<br>State Management Districts in Scot-<br>land, including the cost of provision<br>and management of licensed premises                                                                                                | 10                 | 14,990                   |
| <b>CLASS VII.</b>                                                                                                                                                                                                                                              |                    |                          |
| 3. For expenditure in respect of sundry<br>public buildings in Great Britain -                                                                                                                                                                                 | 10                 | *—65,000                 |
| 4. For expenditure in respect of public<br>buildings overseas - - - -                                                                                                                                                                                          | 90,000             | *—11,500                 |
| 9. For stationery, printing, paper, binding,<br>and printed books for the public<br>service; for the salaries and expenses<br>of the Stationery Office; and for<br>sundry miscellaneous services, in-<br>cluding reports of parliamentary<br>debates - - - - - | 245,000            | 175,000                  |
| Carried forward - - -                                                                                                                                                                                                                                          | £ 11,741,817       | 6,542,833                |

\* Deficit

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).  
PART 4.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1950-51.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                          |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Supply<br>Grants   | Appropriations<br>in Aid |
| <b>CIVIL—<i>cont.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                          |
| Brought forward - - -     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £<br>11,741,817    | £<br>6,542,833           |
| <b>CLASS VIII.</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                          |
| Vote.                     | 4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment -                                                                                                                                                                                                                                                                        | 1,250,000          | —                        |
| <b>CLASS IX.</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                          |
| 1.                        | For the salaries and expenses of the Ministry of Supply for the supply of munitions, aircraft, common-user and other articles and atomic energy and for research and development, inspection, storage, disposal and capital and ancillary services related thereto; for administrative services in connection with the iron and steel, non-ferrous and light metals and engineering industries; for the operation of the Royal Ordnance Factories and Official Car Services; and for miscellaneous supplies and services - | 10                 | —                        |
| 3.                        | For the salaries and expenses of the Ministry of Food; the cost of trading services, including certain subsidies; and sundry other services                                                                                                                                                                                                                                                                                                                                                                                | 10                 | 20,000                   |
| 6.                        | For the salaries and expenses of the German Section of the Foreign Office, the Control Commission for Germany and the Allied Commission for Austria, including certain non-effective services, supplies and services essential to the occupation, a contribution towards the expenses of the International Authority for the Ruhr, and sundry other services -                                                                                                                                                             | 10                 | —                        |
| Carried forward - - -     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £ 12,991,847       | 6,562,833                |

SCHEDULE (B).—PART 4—*continued*

|                                                                                                                                                                                                                        | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                        | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                        | £                   | £                     |
| <b>CIVIL—<i>cont.</i></b>                                                                                                                                                                                              |                     |                       |
| Brought forward - - -                                                                                                                                                                                                  | 12,991,847          | 6,562,833             |
| <b>CLASS IX—<i>cont.</i></b>                                                                                                                                                                                           |                     |                       |
| Vote.<br>7. For salaries and expenses in connection with the administration of certain African territories and for meeting deficiencies on the annual accounts of such territories, including a grant in aid - - - - - | 244,000             | —                     |
| <b>REVENUE DEPARTMENTS.</b>                                                                                                                                                                                            |                     |                       |
| 3. For the salaries and expenses of the Post Office, including telegraphs and telephones and a grant in aid - -                                                                                                        | 600,000             | 715,000               |
| <b>TOTAL, CIVIL AND REVENUE DEPARTMENTS (Supplementary), 1950-51</b>                                                                                                                                                   | <b>£ 13,835,847</b> | <b>7,277,833</b>      |

SCHED. (B).  
PART 4.  
Civil and Revenue Departments (Supplementary), 1950-51.

## SCHEDULE (B).—PART 5

## MINISTRY OF DEFENCE.

SCHEDULE OF SUM granted, and of the sum which may be applied as appropriations in aid in addition thereto, to defray the charge of the MINISTRY OF DEFENCE, which will come in course of payment during the year ending on the 31st day of March 1952, viz.:—

|                                                                                                                                                                                                                                                                                                                | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                | £                  | £                     |
| For the salaries and expenses of the Ministry of Defence: expenses in connection with International Defence Organisations and a contribution towards certain expenses incurred in the United Kingdom by the Government of the United States of America (including a Supplementary sum of £6,000,000) - - - - - | 12,212,000         | 69,010                |

SCHED. (B).  
PART 5.  
Ministry of Defence, 1951-52.

SCHED. (B).  
PART 6.  
Navy.  
1951-52.

SCHEDULE (B).—PART 6

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 1952, including provision for officers, seamen, boys and royal marines, and members of the Women's Royal Naval Service and the Naval Nursing Service to a number not exceeding 143,500, in addition to reserve forces, viz.:—

|                                                                                                                             | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                             | Supply Grants      | Appropriations in Aid |
| Vote.                                                                                                                       | £                  | £                     |
| 1. For the pay, &c., of the Royal Navy and Royal Marines - - -                                                              | 47,151,000         | 473,000               |
| 2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad - - - - - | 17,517,000         | 4,123,000             |
| 3. For medical services, including the cost of medical establishments at home and abroad - - - - -                          | 1,863,000          | 81,000                |
| 4. For civilians employed on fleet services                                                                                 | 6,292,000          | 65,000                |
| 5. For educational services - - -                                                                                           | 800,000            | 84,000                |
| 6. For scientific services, including a Grant in Aid to the National Institute of Oceanography - -                          | 12,231,000         | 530,000               |
| 7. For the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Naval Volunteer Reserve, &c. -                        | 1,730,000          | 100                   |
| Carried forward - - -                                                                                                       | £ 87,584,000       | 5,356,100             |

## SCHEDULE (B).—PART 6—continued

SCHED. (B).  
PART 6.  
Navy.  
1951-52.

|                                                                                                                                                                                 | Sums not exceeding  |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                 | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                 | £                   | £                     |
| Brought forward - - -                                                                                                                                                           | 87,584,000          | 5,356,100             |
| Vote. 8. Section I. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of Dockyards and Naval Yards at home and abroad - - - - | 28,640,000          | 236,000               |
| „ Section II. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of Dockyards and Naval Yards at home and abroad - - - -        | 46,900,000          | 5,566,000             |
| „ Section III. For contract work for shipbuilding, repairs, maintenance, &c. - - - -                                                                                            | 51,180,000          | 1,740,000             |
| 9. For naval armaments - - -                                                                                                                                                    | 24,200,000          | 3,130,000             |
| 10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - - -         | 13,067,000          | 770,000               |
| 11. For various miscellaneous effective services - - - -                                                                                                                        | 5,853,900           | 2,195,400             |
| 12. For the Admiralty Office - - -                                                                                                                                              | 5,930,000           | 6,000                 |
| 13. For non-effective services - - -                                                                                                                                            | 15,035,000          | 161,000               |
| 14. For merchant shipbuilding and repair services - - - -                                                                                                                       | 110,000             | 39,500                |
| 15. For certain additional married quarters at home - - - -                                                                                                                     | 100                 | 1,500,000             |
| <b>TOTAL, NAVY SERVICES</b>                                                                                                                                                     | <b>£278,500,000</b> | <b>20,700,000</b>     |

SCHED. (B).  
PART 7.  
Army.  
1951-52.

SCHEDULE (B).—PART 7

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 1952, including provision for Land Forces to a number not exceeding 527,000, all ranks, in addition to the Reserve Forces, Territorial Army and Cadet Forces, viz. :—

| Vote.                                                                                                                                                                                                                                                                                          | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                | £                  | £                     |
| 1. For the pay, &c., of the Army - -                                                                                                                                                                                                                                                           | 110,170,000        | 11,660,000            |
| 2. For the Reserve Forces (to a number not exceeding 100 officers for the Regular Army Reserve of Officers, 27,000, all ranks, for the Regular Reserve and 58,000, all ranks, for the Supplementary Reserve), Territorial Army (to a number not exceeding 297,100, all ranks) and Cadet Forces | 13,640,000         | 110,000               |
| 3. For the salaries, wages, &c., of civilian staff of the War Office - - -                                                                                                                                                                                                                     | 2,620,000          | 48,000                |
| 4. For civilians - - - - -                                                                                                                                                                                                                                                                     | 45,610,000         | 1,034,000             |
| 5. For movements - - - - -                                                                                                                                                                                                                                                                     | 22,770,000         | 350,000               |
| 6. For supplies, &c. - - - - -                                                                                                                                                                                                                                                                 | 42,040,000         | 9,900,000             |
| 7. For stores - - - - -                                                                                                                                                                                                                                                                        | 134,340,000        | 13,000,000            |
| 8. For works, buildings and lands - -                                                                                                                                                                                                                                                          | 28,140,000         | 3,890,000             |
| 9. For miscellaneous effective services -                                                                                                                                                                                                                                                      | 1,470,000          | 2,130,000             |
| 10. For non-effective services - - -                                                                                                                                                                                                                                                           | 18,000,000         | 98,000                |
| 11. For certain additional married quarters                                                                                                                                                                                                                                                    | 100                | 5,500,000             |
| TOTAL, ARMY SERVICES                                                                                                                                                                                                                                                                           | £418,800,100       | 47,720,000            |

## SCHEDULE (B).—PART 8

SCHED. (B).  
PART 8.  
Air.  
1951-52.

## 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 1952, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 270,000, all ranks, in addition to reserve and auxiliary services, viz.:—

| Vote.                                                                                                                                                                             | Sums not exceeding   |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
|                                                                                                                                                                                   | Supply Grants        | Appropriations in Aid |
|                                                                                                                                                                                   | £                    | £                     |
| 1. For the pay, &c., of the Air Force -                                                                                                                                           | 77,000,000           | 1,700,000             |
| 2. For reserve and auxiliary services (to a number not exceeding 76,800, all ranks, for the Royal Air Force Reserve and 13,100, all ranks, for the Royal Auxiliary Air Force) - - | 1,569,900            | 1,100                 |
| 3. For the salaries, wages, &c., of civilian staff of the Air Ministry - -                                                                                                        | 3,210,000            | 132,000               |
| 4. For the salaries, wages, &c., of civilians at outstations - - - -                                                                                                              | 22,390,000           | 660,000               |
| 5. For movements - - - -                                                                                                                                                          | 8,650,000            | 650,000               |
| 6. For supplies - - - -                                                                                                                                                           | 39,440,000           | 4,690,000             |
| 7. For aircraft and stores - - -                                                                                                                                                  | 132,750,000          | 18,000,000            |
| 8. For works and lands - - - -                                                                                                                                                    | 37,500,000           | 7,420,000             |
| 9. For miscellaneous effective services including a grant in aid to the Royal Society - - - -                                                                                     | 2,195,000            | 1,165,000             |
| 10. For non-effective services - - -                                                                                                                                              | 4,045,000            | 121,000               |
| 11. For certain additional married quarters                                                                                                                                       | 100                  | 7,200,000             |
| <b>TOTAL, AIR SERVICES</b>                                                                                                                                                        | <b>£ 328,750,000</b> | <b>41,739,100</b>     |

SCHED. (B).  
PART 9.  
Civil.  
Class I.  
1951-52.

SCHEDULE (B).—PART 9

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 1952, viz.:—

| Vote.                                                                                                                                                                                                 | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                       | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                       | £                  | £                     |
| 1. For the salaries and expenses of the House of Lords - - - -                                                                                                                                        | 98,541             | 12,934                |
| 2. For the salaries and expenses of the House of Commons, including a grant in aid to the Kitchen Committee - - - - -                                                                                 | 887,217            | 4,030                 |
| 3. For expenses in respect of the registration of electors - - - -                                                                                                                                    | 575,000            | —                     |
| 4. For the salaries and other expenses in the Department of His Majesty's Treasury and subordinate departments, including additional salary payable to the Chancellor of the Duchy of Lancaster - - - | 3,504,425          | 64,050                |
| 5. For the salaries and expenses of the Department of His Majesty's most Honourable Privy Council - -                                                                                                 | 31,158             | 1,700                 |
| 6. For the salaries and expenses of the Office of the Lord Privy Seal (including a Supplementary sum of £14,500)                                                                                      | 23,615             | —                     |
| 7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -                                                                                                            | 76,692             | 2,250                 |
| Carried forward - - -                                                                                                                                                                                 | £ 5,196,648        | 84,964                |



SCHEDULE (B).—PART 9—*continued*SCHED. (B).  
PART 9.  
Civil.  
Class I.  
1951-52.

|                                                                                                                                                                                                                                                | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                          | 5,196,648          | 84,964                |
| Vote.<br>8. For the salaries and expenses of the<br>Civil Service Commission - - -                                                                                                                                                             | 486,465            | 45,545                |
| 9. For the salaries and expenses of the<br>Department of the Comptroller and<br>Auditor General; and remanet ex-<br>penses of the National Insurance<br>Audit Department - - -                                                                 | 375,465            | 26,500                |
| 10. For the salaries and expenses of the<br>Department of the Government<br>Actuary - - - - -                                                                                                                                                  | 35,050             | 17,875                |
| 11. For the salaries and expenses of the<br>Department of the Government<br>Chemist - - - - -                                                                                                                                                  | 213,292            | 500                   |
| 12. For a grant in aid of the Government<br>Hospitality Fund - - - -                                                                                                                                                                           | 95,000             | —                     |
| 13. For the salaries and expenses of the<br>Mint, including the withdrawal of<br>coin from circulation, the purchase of<br>metals and production of coinages,<br>medals, badges, dies for postage and<br>other stamps, and His Majesty's seals | 100                | 13,299,550            |
| 14. For the salaries and expenses of the<br>National Debt Office - - -                                                                                                                                                                         | 100                | 38,700                |
| 15. For the salaries and expenses of the<br>National Savings Committee - -                                                                                                                                                                     | 897,349            | —                     |
| 16. For payments to certain temporary<br>Crown Servants and comparable<br>employees in respect of overlapping<br>Income Tax payments - - -                                                                                                     | 20,000             | —                     |
| Carried forward - '£                                                                                                                                                                                                                           | 7,319,469          | 13,513,634            |

SCHED. (B).  
PART 9.  
Civil.  
Class I.  
1951-52.

SCHEDULE (B).—PART 9—*continued*

|                                                                                                                                                                                | Sums not exceeding |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                                                                                                                                                                                | Supply<br>Grants   | Appropriations<br>in Aid |
|                                                                                                                                                                                | £                  | £                        |
| Brought forward - - -                                                                                                                                                          | 7,319,469          | 13,513,634               |
| Vote.                                                                                                                                                                          |                    |                          |
| 17. For the salaries and expenses of the<br>Public Record Office and of the<br>Office of Land Revenue Records and<br>Enrolments - - - - -                                      | 83,525             | 4,160                    |
| 18. For the salaries of the establishment<br>under the Public Works Loan Com-<br>mission and the expenses of the<br>Commission - - - - -                                       | 100                | 49,307                   |
| 19. For the payment due to the Local<br>Loans Fund in respect of advances<br>in Northern Ireland - - -                                                                         | 15,100             | —                        |
| 20. For the salaries and other expenses of<br>Royal Commissions, committees,<br>special inquiries, &c., including<br>provision for shorthand - - -                             | 135,720            | 781                      |
| 21. For His Majesty's foreign and other<br>secret services - - - - -                                                                                                           | 4,000,000          | —                        |
| 22. For the salaries and expenses of the<br>Tithe Redemption Commission -                                                                                                      | 100                | 320,500                  |
| 23. For the purchase and sale of silver -                                                                                                                                      | 4,435,000          | —                        |
| 24. For the payment of counterpart funds,<br>for colonial development and<br>technical assistance schemes and<br>certain other purposes, into the<br>Special Account - - - - - | 1,000,000          | —                        |
| Carried forward - - -                                                                                                                                                          | £ 16,989,014       | 13,888,382               |

SCHEDULE (B).—PART 9—*continued*

SCHED. (B).  
PART 9.  
Civil,  
Class I.  
1951-52.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding  |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                   | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 16,989,014          | 13,888,382            |
| Vote.<br>25. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3,221               | —                     |
| 26. For certain miscellaneous expenses, including certain grants in aid -                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 137,872             | 74,250                |
| 26A. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 246,758             | —                     |
| 27. For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department; expenses in connection with private legislation; expenses on, and subsidies for, certain transport services; grants in connection with physical training and recreation, coast protection works, services in Development Areas, &c.; grants and expenses in connection with services relating to children and young persons and with probation services; certain grants in aid; and sundry other services - - - - | 1,378,700           | 275,222               |
| 28. For the salaries and expenses of the Scottish Record Office - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 26,214              | 7,248                 |
| <b>TOTAL, CIVIL, CLASS I</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>£ 18,781,779</b> | <b>14,245,102</b>     |

SCHED. (B).  
PART 10.  
Civil.  
Class II.  
1951-52.

SCHEDULE (B).—PART 10

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 1952, 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, including His Majesty's Missions and Consulates abroad and the salary of a Minister of State - - - | 12,834,087         | 935,000               |
| 2. For sundry expenses connected with His Majesty's Foreign Service; special grants, including grants in aid; and various other services (including a Supplementary sum of £10) - -                            | 25,634,325         | 241,525               |
| 3. For a grant in aid of the British Council                                                                                                                                                                   | 1,862,000          | —                     |
| 4. For contributions towards the expenses of the United Nations and towards technical assistance for economic development; and a gift - -                                                                      | 1,960,000          | —                     |
| 5. For a contribution towards the expenses of the International Refugee Organisation - - - - -                                                                                                                 | 866,300            | —                     |
| 6. For the salaries and expenses of the Department of His Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - - -                                                  | 1,666,473          | 112,500               |
| Carried forward - -                                                                                                                                                                                            | £ 44,823,185       | 1,289,025             |

## SCHEDULE (B).—PART 10—continued

SCHED. (B).  
PART 10.  
Civil.  
Class II.  
1951-52.

|                                                                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                     | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                               | 44,823,185         | 1,289,025             |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                        |                    |                       |
| 7. For sundry Commonwealth services, including certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant in aid to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connexion with former Burma services (including a Supplementary sum of £10) - - - | 1,447,295          | 4,700                 |
| 8. For expenses connected with oversea settlement - - - - -                                                                                                                                                                                                                                                                                                         | 163,300            | 250                   |
| 9. For the salaries and expenses of the Department of His Majesty's Secretary of State for the Colonies and the salary of the Minister of State for Colonial Affairs - - -                                                                                                                                                                                          | 909,845            | 21,925                |
| 10. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and certain grants in aid - -                                                                                                                                                                                 | 26,923,587         | 14,100                |
| 11. For the development of the resources of colonies, protectorates, protected states and trust territories, and the welfare of their peoples - - -                                                                                                                                                                                                                 | 19,450,000         | 50,000                |
| 12. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - - - -                                                                                                                                                                                                                                | 458,900            | —                     |
| Carried forward - - - £                                                                                                                                                                                                                                                                                                                                             | 94,176,112         | 1,380,000             |

SCHED. (B).  
PART 10.  
Civil.  
Class II.  
1951-52.

SCHEDULE (B).—PART 10—continued

|                                                                                                                                          | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                          | Supply Grants      | Appropriations in Aid |
|                                                                                                                                          | £                  | £                     |
| Vote. Brought forward - - -                                                                                                              | 94,176,112         | 1,380,000             |
| 13. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - -  | 1,465,951          | —                     |
| 14. For the expenses of the Overseas Food Corporation, including a loan to the East African Railways and Harbours Administration - - - - | 3,851,154          | 1,005,944             |
| TOTAL, CIVIL, CLASS II                                                                                                                   | £ 99,493,217       | 2,385,944             |

## SCHEDULE (B).—PART 11

SCHED. (B).  
PART 11.  
Civil.  
Class III.  
1951-52.

## 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 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £                  | £                     |
| 1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and of subordinate offices; grants towards the expenses of the probation of offenders; certain grants in aid; and sundry services, including certain services arising out of the war                                                                                                                                                                                                                                                                         | 2,925,202          | 147,535               |
| 2. For grants and expenses in connection with Civil Defence, including certain expenditure arising out of the war -                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 10,219,570         | 2,958,440             |
| 3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; 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; a contribution towards the expenses of the International Criminal Police Commission, and fees to deputy metropolitan magistrates - - - - - | 27,446,445         | 132,600               |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £ 40,591,217       | 3,238,575             |

SCHED. (B).  
PART 11.  
Civil.  
Class III.  
1951-52.

SCHEDULE (B).—PART 11—*continued*

|       |                                                                                                                                                                                                                                                                                                                                                                                                   | Sums not exceeding |                       |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                                                                                                                                                                                                                   | £                  | £                     |
|       | Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                             | 40,591,217         | 3,238,575             |
| Vote. | 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -                                                                                                                                                                                                                                                                      | 6,293,098          | 922,000               |
|       | 5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants to local authorities in respect of their expenditure in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care - - - - -                                            | 7,832,900          | 300,100               |
|       | 6. For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, the central purchase and maintenance of equipment, grants in respect of expenditure incurred by fire authorities and certain other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales -                              | 3,589,900          | 565,580               |
|       | 7. 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; the salaries and expenses of Pensions Appeal Tribunals, War Pensions (Special Review) Tribunals, the Department of the Judge Advocate General, and the Lands Tribunals; payments to jurors; trial of election petitions; and a grant in aid | 1,079,164          | 1,374,950             |
|       | Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                             | £ 59,386,279       | 6,401,205             |



SCHEDULE (B).—PART 11—*continued*

SCHED. (B).  
PART 11.  
Civil.  
Class III.  
1951-52.

|       | Sums not exceeding                                                                                                                                                                                                                                                                                                                                                     |                       |                  |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|
|       | Supply Grants                                                                                                                                                                                                                                                                                                                                                          | Appropriations in Aid |                  |
|       | £                                                                                                                                                                                                                                                                                                                                                                      | £                     |                  |
|       | <b>Brought forward - - -</b>                                                                                                                                                                                                                                                                                                                                           | 59,386,279            | 6,401,205        |
| Vote. |                                                                                                                                                                                                                                                                                                                                                                        |                       |                  |
| 8.    | For salaries and expenses in connection with the County Courts - - -                                                                                                                                                                                                                                                                                                   | 300,029               | 650,600          |
| 9.    | For the salaries and expenses of the office of Land Registry - - -                                                                                                                                                                                                                                                                                                     | 100                   | 413,286          |
| 10.   | For the salaries and expenses of the office of Public Trustee - - -                                                                                                                                                                                                                                                                                                    | 100                   | 397,700          |
| 11.   | For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions; and the costs of prosecutions and other legal proceedings, and of Parliamentary Agency - - - - - | 465,603               | 119,000          |
| 12.   | For certain miscellaneous legal expenses, a grant in aid of the Solicitors' Discipline (Scotland) Committee, and the expenses of tribunals established in connection with defence compensation - - - - -                                                                                                                                                               | 59,170                | —                |
| 13.   | For grants and expenses in connection with Civil Defence in Scotland, including certain expenditure arising out of the war- - - - -                                                                                                                                                                                                                                    | 935,721               | 290,000          |
| 14.   | For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of Police expenditure in Scotland, including a grant in aid of the Scottish Police Federation -                                                                                                                                                      | 2,805,266             | 1,200            |
|       | <b>Carried forward - - -</b>                                                                                                                                                                                                                                                                                                                                           | <b>£ 63,952,268</b>   | <b>8,272,991</b> |

SCHED. (B).  
PART 11.  
Civil.  
Class III.  
1951-52.

SCHEDULE (B).—PART 11—continued

|       |                                                                                                                                                                                                                                                                                                                                                                                         | Sums not exceeding |                       |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|       | Brought forward - - - -                                                                                                                                                                                                                                                                                                                                                                 | £ 63,952,268       | £ 8,272,991           |
| Vote. | 15. For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics and inmates of the State Inebriate Reformatory -                                                                                                                                                                                                | 622,637            | 103,000               |
|       | 16. For grants in respect of the expenses of the managers of approved schools in Scotland - - - - -                                                                                                                                                                                                                                                                                     | 222,100            | 3,600                 |
|       | 17. For expenses in connection with the fire services in Scotland, including the cost of inspection and training, the central purchase and maintenance of equipment, grants in respect of expenditure incurred by fire authorities and joint fire committees and certain other expenses; and for remanet expenditure in connection with the National Fire Service in Scotland - - - - - | 357,588            | 66,150                |
|       | 18. For the salaries and expenses of the office of the Scottish Land Court -                                                                                                                                                                                                                                                                                                            | 15,358             | 600                   |
|       | 19. For the salaries and expenses of the Lord Advocate's Department and other law charges, including expenditure in connection with the provision of free legal assistance to members of the forces in certain cases; and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeal Tribunals and the Lands Tribunal in Scotland- -                             | 155,587            | 204,750               |
|       | 20. For the salaries and expenses of the Department of the Registers of Scotland - - - - -                                                                                                                                                                                                                                                                                              | 100                | 110,345               |
|       | Carried forward - - - -                                                                                                                                                                                                                                                                                                                                                                 | £ 65,325,638       | 8,761,436             |

SCHEDULE (B).—PART 11—*continued*

SCHED. (B).  
PART 11.  
Civil.  
Class III.  
1951-52.

|                                                                                                                                                                                                                                                                                                                                                                                                | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                | £                   | £                     |
| Brought forward - - - -                                                                                                                                                                                                                                                                                                                                                                        | 65,325,638          | 8,761,436             |
| Vote.<br>21. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund, the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland, and other expenses, including certain expenses in connection with land purchase in Northern Ireland and a grant in aid - - - - | 35,665              | 28,945                |
| 22. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purposes of Irish land purchase - - - -                                                                                                                                                                                                     | 1,199,830           | 100                   |
| <b>TOTAL, CIVIL, CLASS III</b>                                                                                                                                                                                                                                                                                                                                                                 | <b>£ 66,561,133</b> | <b>8,790,481</b>      |

SCHED. (B).  
PART 12.  
Civil.  
Class IV.  
1951-52.

SCHEDULE (B).—PART 12

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 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                           | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                 | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                 | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - - | 200,223,858        | 14,546,427            |
| 2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -                                                                                                                                                                                      | 335,536            | 34,378                |
| 3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                                                                                                        | 236,838            | 4,450                 |
| 4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -                                                                                                                                                                                 | 29,821             | 1,725                 |
| 5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -                                                                                                                                                                                       | 17,480             | 200                   |
| 6. For the salaries and expenses of the National Gallery and the Tate Gallery, Millbank, including a grant in aid - - - - -                                                                                                                                                     | 81,479             | 301                   |
| 7. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -                                                                                                                                                                              | 27,558             | 250                   |
| Carried forward - -                                                                                                                                                                                                                                                             | £200,952,570       | 14,587,731            |

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).  
PART 12.  
Civil.  
Class IV.  
1951-52.

|                                                                                                                                                                                                                                | Sums not exceeding |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                          | 200,952,570        | 14,587,731            |
| Vote. 8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -                                                                                                                      | 19,143             | 2,000                 |
| 9. For the salaries and expenses of the Wallace Collection - - -                                                                                                                                                               | 25,817             | 4,000                 |
| 10. For grants in aid to certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith (including a Supplementary sum of £2,370) - - - -                       | 4,303,207          | 276                   |
| 11. For grants in aid of the expenses of certain universities, colleges, &c., in Great Britain, and for certain other services, including loans for capital expenditure and the cost of certain post graduate studentships - - | 23,472,525         | 100                   |
| 12. For grants to the British Broadcasting Corporation, including a grant in aid (including a Supplementary sum of £100,000) - - - -                                                                                           | 17,425,000         | —                     |
| 13. For salaries and expenses in connection with the Festival of Britain, 1951, including a grant in aid (including a Supplementary sum of £945,000) - - - -                                                                   | 4,901,281          | 2,550,000             |
| 14. For public education in Scotland, including certain grants in aid of the Education (Scotland) Fund; for the Royal Scottish Museum, Edinburgh, including a grant in aid; and for a grant in aid of the education of Poles   | 27,795,957         | 2,205,502             |
| Carried forward - - -                                                                                                                                                                                                          | £278,895,500       | 19,349,609            |

SCHED. (B).  
PART 12.  
Civil.  
Class IV.  
1951-52.

SCHEDULE (B).—PART 12—*continued*

|       |                                                                                                                                                                                                        | Sums not exceeding |                       |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                        | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                        | £                  | £                     |
|       | Brought forward - - -                                                                                                                                                                                  | 278,895,500        | 19,349,609            |
| Vote. |                                                                                                                                                                                                        |                    |                       |
| 15.   | For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the National Museum of Antiquities of Scotland, including certain grants in aid - - - - - | 32,309             | 500                   |
| 16.   | For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - - -                                                                                                    | 17,131             | 5,017                 |
|       | TOTAL, CIVIL, CLASS IV - - -                                                                                                                                                                           | £278,944,940       | 19,355,126            |

## SCHEDULE (B).—PART 13

SCHED. (B).  
PART 13.  
Civil.  
Class V.  
1951-52.

## 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 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Local Government and Planning, Rent Control Tribunals, Local Valuation Panels and Courts, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection and certain civil defence services; grants to local authorities in connection with planning and re-development, national parks, &c.; grants to development corporations established for the purposes of new towns; remanet and sundry other services - - - | 6,971,615          | 545,500               |
| 2. For grants and other payments in respect of the provision and improvement of housing accommodation in England and Wales - - -                                                                                                                                                                                                                                                                                                                                                                                                  | 49,568,500         | 9,831,500             |
| 3. For Exchequer Equalisation Grants and Exchequer Transitional Grants to local authorities in England and Wales - - - - -                                                                                                                                                                                                                                                                                                                                                                                                        | 50,540,000         | —                     |
| 4. For the salaries and expenses of the Ministry of Health and the Board of Control; grants and other expenses in connection with miscellaneous health services, residential accommodation for the aged, infirm, &c., civil defence and sundry other services, including a contribution towards the expenses of the World Health Organisation - - - - -                                                                                                                                                                           | 3,234,000          | 323,000               |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £110,314,115       | 10,700,000            |

SCHED. (B).  
PART 13.  
Civil.  
Class V.  
1951-52.

SCHEDULE (B).—PART 13—continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 110,314,115        | 10,700,000            |
| 5. For the provision of a comprehensive health service for England and Wales and other services connected therewith, including the treatment abroad of respiratory tuberculosis, certain training arrangements, the central purchase of medical and other supplies necessary for the service, and certain expenses in connection with civil defence (Revised sum) - - -                                                                                                                                                                                                       | 355,140,000        | 62,244,700            |
| 6. For the salaries and expenses of the Department of the Registrar General of Births, &c. - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2,087,097          | 113,250               |
| 7. For the salaries and expenses of the Ministry of Labour and National Service, including grants to local authorities, associations and other bodies in respect of employment exchange and other services; expenses in connection with the inspection of factories; expenses of training, transfer, rehabilitation and resettlement; expenses in connection with national service; a contribution towards the expenses of the International Labour Organisation; expenses of the Industrial Court and the National Arbitration tribunal; and sundry other services - - - - - | 20,904,000         | 3,687,000             |
| 8. For grants to local authorities, &c., in respect of employment and development schemes, including adjustments of grant in certain cases - - -                                                                                                                                                                                                                                                                                                                                                                                                                              | 675,000            | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £489,120,212       | 76,744,950            |



SCHEDULE (B).—PART 13—*continued*

SCHED. (B).  
PART 13.  
Civil.  
Class V.  
1951-52.

|                                                                                                                                                                                                                                                                                                                                                                                                                      | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                      | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                      | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                | 489,120,212        | 76,744,950            |
| Vote.<br>9. For the salaries and expenses of the Ministry of National Insurance, including sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund; payments in respect of family allowances; certain expenses in connection with national insurance, industrial injuries insurance, family allowances and workmen's compensation; and sundry other services (Revised sum) - - | 178,368,000        | 14,440,500            |
| 10. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants, &c.; expenses of re-establishment centres, reception centres, &c.; and the maintenance of certain classes of Poles in Great Britain - - -                                                           | 97,085,000         | 865,000               |
| 11. For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                                                                                                                                                                                          | 63,170             | 4,550                 |
| 12. For the salaries and expenses of the Central Land Board - - -                                                                                                                                                                                                                                                                                                                                                    | 3,469,500          | 25,500                |
| 13. For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; and for grants and other expenses in connection with water and sewerage services, town and country planning and the creation of new towns; and certain expenses in connection with civil defence and other services - -                                                                    | 1,762,000          | 49,000                |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                | £769,867,882       | 92,129,500            |

SCHED. (B).  
PART 13.  
Civil.  
Class V.  
1951-52.

SCHEDULE (B).—PART 13—*continued*

|       |                                                                                                                                                                                                                                                                                                                                                        | Sums not exceeding |                       |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                                                                                        | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                                                                                                                                                                        | £                  | £                     |
|       | Brought forward - - - -                                                                                                                                                                                                                                                                                                                                | 769,867,882        | 92,129,500            |
| Vote. | 14. For the provision of a comprehensive health service for Scotland and other services connected therewith, including the treatment abroad of respiratory tuberculosis, certain training arrangements, the central purchase of medical supplies, certain expenses in connection with civil defence, and sundry other services (Revised sum) - - - - - | 44,043,000         | 8,800,000             |
|       | 15. For grants and other payments in respect of the provision and improvement of housing accommodation in Scotland - - - -                                                                                                                                                                                                                             | 10,717,000         | 663,000               |
|       | 16. For Exchequer Equalisation Grants and certain other grants to local authorities in Scotland - - -                                                                                                                                                                                                                                                  | 5,685,000          | 235,000               |
|       | 17. For the salaries and expenses of the Department of the Registrar General of Births, &c., in Scotland - -                                                                                                                                                                                                                                           | 294,123            | 10,310                |
|       | TOTAL, CIVIL, CLASS V -                                                                                                                                                                                                                                                                                                                                | £830,607,005       | 101,837,810           |

## SCHEDULE (B).—PART 14

SCHED. (B).  
PART 14.  
Civil.  
Class VI.  
1951-52.

## 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 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                           | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                           | £                  | £                     |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including assistance and subsidies to certain industries; certain grants in aid; provision of emergency accommodation for visitors to the Festival of Britain; and other services (Revised sum) - | 6,629,185          | 2,274,700             |
| 2. For services in Development Areas -                                                                                                                                                                                                                                                                                    | 7,236,030          | —                     |
| 3. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - - -                                                                                                                                               | 755,010            | —                     |
| 4. For the salaries and expenses of the Export Credits Guarantee Department, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council - - - -                                                                                                                               | 100                | 7,425,900             |
| 5. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required -                                                                                                                                         | 675,000            | 375,000               |
| Carried forward - -                                                                                                                                                                                                                                                                                                       | £ 15,295,325       | 10,075,600            |

SCHED. (B).  
PART 14.  
Civil.  
Class VI.  
1951-52.

SCHEDULE (B).—PART 14—*continued*

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
|       | Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 15,295,325         | 10,075,600            |
| Vote. | 6. For the salaries and expenses of the Ministry of Fuel and Power, assistance to gas and electricity services in Development Areas, expenses in connection with the nationalisation of the coal, gas and electricity industries, and a grant in respect of coal-mining subsidence damage -                                                                                                                                                                                                                                                                   | 6,900,000          | 412,500               |
|       | 7. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 71,917             | —                     |
|       | 8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research; services in connection with live stock; land settlement; land drainage; purchase, adaptation, development and management of land; agricultural credits and marketing; the prevention of food infestation; agricultural training and settlement schemes; fishery organisation, research and development; and sundry other services - - - | 20,109,431         | 2,298,410             |
|       | 9. For certain food production services of the Ministry of Agriculture and Fisheries - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 22,900,410         | 7,512,000             |
|       | 10. For the salaries and allowances of the White Fish Authority and of the Scottish Committee, allowances to the members of the White Fish Industry Advisory Council, and advances to the Authority by way of grants and loans - - - -                                                                                                                                                                                                                                                                                                                        | 416,025            | —                     |
|       | Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £ 65,693,108       | 20,298,510            |

SCHEDULE (B).—PART 14—*continued*

SCHED. (B).  
PART 14.  
Civil.  
Class VI.  
1951-52.

|                                                                                                                                                                                                                                                                                         | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                         | £                  | £                     |
| Brought forward - - - -                                                                                                                                                                                                                                                                 | 65,693,108         | 20,298,510            |
| Vote. 11. For the survey of Great Britain and other mapping services - - - -                                                                                                                                                                                                            | 2,492,010          | 345,250               |
| 12. For a grant in aid of the Forestry Fund                                                                                                                                                                                                                                             | 6,734,000          | —                     |
| 13. For a grant in aid of the Development Fund - - - - -                                                                                                                                                                                                                                | 1,462,000          | —                     |
| 14. For the salaries and expenses of the Ministry of Transport, including expenses of the Transport Tribunal, the Road and Rail Appeal Tribunal and the Transport Arbitration Tribunal, and sundry other services -                                                                     | 2,486,500          | 1,122,500             |
| 15. For a grant in aid of the Road Fund; for other expenditure in connection with roads; for payments to local authorities in reimbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services - - - - | 31,088,000         | 475,000               |
| 16. For the salaries and expenses of the Coastguard and the cost of certain Mercantile Marine Services - -                                                                                                                                                                              | 484,100            | 100,070               |
| 17. For the salaries and expenses of the Ministry of Civil Aviation, including certain grants and subsidies - -                                                                                                                                                                         | 18,175,500         | 2,264,900             |
| 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                                                                                                             | 5,321,000          | 430,000               |
| 19. For the salaries and expenses of the State Management Districts in England and Wales, including the cost of provision and management of licensed premises - - - -                                                                                                                   | 1,015,440          | 1,602,150             |
| Carried forward - - -                                                                                                                                                                                                                                                                   | £134,951,658       | 26,638,380            |

SCHED. (B).  
PART 14.  
Civil.  
Class VI.  
1951-52.

SCHEDULE (B).—PART 14—*continued*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                      | £                   | £                     |
| <b>Brought forward - - -</b>                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>134,951,658</b>  | <b>26,638,380</b>     |
| <b>Vote.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |                       |
| 20. For the salaries and expenses of the Department of Agriculture for Scotland, including grants, grants in aid and expenses in respect of prevention of food infestation; land settlement; purchase, adaptation, development and management of land; improvement of livestock; land drainage; agricultural education and research, agricultural marketing and credits; agricultural training and settlement schemes; and sundry other services - - | 3,772,974           | 542,502               |
| 21. For certain food production services of the Department of Agriculture for Scotland - - - -                                                                                                                                                                                                                                                                                                                                                       | 4,577,160           | 918,040               |
| 22. For salaries and expenses in connection with the administration of Scottish fishery services, including assistance to the near and middle distance and inshore fishing industry and to fishermen's co-operative societies, &c., and a grant in aid of piers or quays -                                                                                                                                                                           | 897,501             | 155,253               |
| 23. For the salaries and expenses of the members of the Herring Industry Board; for grants in respect of the expenses of the Herring Industry Board, including certain advances by way of grant in aid; for a grant in aid of the Herring Marketing Fund; and for grants to herring fishermen and certain other persons for assistance in the provision of boats and equipment - - -                                                                 | 700,300             | —                     |
| 24. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises                                                                                                                                                                                                                                                                                                 | 25,609              | 376,900               |
| <b>TOTAL, CIVIL, CLASS VI</b>                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>£144,925,202</b> | <b>28,631,075</b>     |

## SCHEDULE (B).—PART 15

SCHED. (B).  
PART 15.  
Civil.  
Class VII.  
1951-52.

## 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 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                       | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Works - - - -                                                                                                                                                                                                                                                                           | 7,057,525          | 3,208,470             |
| 2. For expenditure in respect of Houses of Parliament buildings - - -                                                                                                                                                                                                                                                                       | 593,000            | 500                   |
| 3. For expenditure in respect of sundry public buildings in Great Britain, including a grant in aid (including a supplementary sum of £300,000) -                                                                                                                                                                                           | 31,063,000         | 6,020,000             |
| 4. For expenditure in respect of public buildings overseas - - - -                                                                                                                                                                                                                                                                          | 1,903,000          | 29,000                |
| 5. For expenditure in respect of Royal Palaces, including a grant in aid -                                                                                                                                                                                                                                                                  | 411,000            | 30,300                |
| 6. For expenditure in respect of royal parks and pleasure gardens - -                                                                                                                                                                                                                                                                       | 619,000            | 55,925                |
| 7. For expenditure in respect of miscellaneous works services, including certain grants in aid - - - -                                                                                                                                                                                                                                      | 600,000            | 670,000               |
| 8. 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 other Commonwealth countries and of foreign powers; and for the salaries and expenses of the Rating of Government Property Department - - - - | 9,866,820          | 439,630               |
| Carried forward - - - -                                                                                                                                                                                                                                                                                                                     | £ 52,113,345       | 10,453,825            |

SCHED. (B).  
PART 15.  
Civil.  
Class VII.  
1951-52.

SCHEDULE (B).—PART 15—*continued*

|       |                                                                                                                                                                                                                                            | Sums not exceeding  |                       |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|       |                                                                                                                                                                                                                                            | Supply Grants       | Appropriations in Aid |
|       |                                                                                                                                                                                                                                            | £                   | £                     |
|       | Brought forward - - -                                                                                                                                                                                                                      | 52,113,345          | 10,453,825            |
| Vote. | 9. 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 - - - - - | 13,003,012          | 3,930,000             |
|       | 10. For the salaries and expenses of the Central Office of Information - -                                                                                                                                                                 | 2,266,000           | 164,000               |
|       | 11. For the construction of a harbour of refuge at Peterhead - - -                                                                                                                                                                         | 54,000              | —                     |
|       | 12. For expenditure in respect of public works and buildings in Ireland -                                                                                                                                                                  | 220,000             | 5,300                 |
|       | <b>TOTAL, CIVIL, CLASS VII</b>                                                                                                                                                                                                             | <b>£ 67,656,357</b> | <b>14,553,125</b>     |



## SCHEDULE (B).—PART 16

## CIVIL.—CLASS VIII

SCHED. (B).  
PART 16.  
Civil.  
Class VIII.  
1951-52.

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 1952, viz. :—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sums not exceeding  |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                    | £                   | £                     |
| 1. For war pensions and allowances (including cost of treatment) arising out of the war of 1914-18 to merchant seamen and fishermen and their dependants - - - - -                                                                                                                                                                                                                                                                                 | 216,800             | —                     |
| 2. For the salaries and expenses of the Ministry of Pensions; payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the second day of September 1939; sundry contributions in respect thereof; a grant in aid; and other services, including payment of National Service Grants and certain expenses connected with the National Health Services - - | 84,950,536          | 4,663,000             |
| 3. For pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments -                                                                                                                      | 1,075,000           | —                     |
| 4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment - - - - -                                                                                                                                                                                        | 7,564,500           | 233,943               |
| <b>TOTAL, CIVIL, CLASS VIII</b>                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>£ 93,806,836</b> | <b>4,896,943</b>      |

SCHED. (B).  
PART 17.  
Civil.  
Class IX.  
1951-52.

SCHEDULE (B).—PART 17

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, 1952, viz.:—

| Vote.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Supply for the supply of munitions, aircraft, common-user and other articles and atomic energy and for research and development, inspection, storage, disposal and capital and ancillary services related thereto; for administrative services in connection with the iron and steel, non-ferrous and light metals and engineering industries; for the operation of the Royal Ordnance Factories and official car services; and for miscellaneous supplies and services (Revised sum) - - - | 159,748,000        | 365,000,000           |
| 2. For expenditure of the Ministry of Supply on trading services, scrap metal recovery and assistance to industry (Revised sum) - - -                                                                                                                                                                                                                                                                                                                                                                                                           | 10,512,510         | 137,000               |
| 3. For the salaries and expenses of the Ministry of Food; the cost of trading services, including certain subsidies; and sundry other services, including certain expenses in connection with civil defence - - -                                                                                                                                                                                                                                                                                                                               | 404,797,680        | 985,500               |
| 4. For certain shipping and inland transport services, including settlement of outstanding war-time commitments - - -                                                                                                                                                                                                                                                                                                                                                                                                                           | 6,685,000          | 16,846,000            |
| 5. For the war services and certain other temporary services of the Ministry of Fuel and Power - - -                                                                                                                                                                                                                                                                                                                                                                                                                                            | 100,000            | 29,199,000            |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | £581,843,190       | 412,167,500           |

## SCHEDULE (B).—PART 17—continued

SCHED. (B).  
PART 17.  
Civil.  
Class IX.  
1951-52.

|       |                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|       |                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|       |                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
|       | Brought forward - - -                                                                                                                                                                                                                                                                                                       | 581,843,190        | 412,167,500           |
| Vote. |                                                                                                                                                                                                                                                                                                                             |                    |                       |
| 6.    | For the salaries and expenses of the German Section of the Foreign Office and the Control Commission for Germany, including certain non-effective services, supplies and services essential to the occupation, a contribution towards the expenses of the International Authority for the Ruhr, and sundry other services - | 4,100,081          | 1,222,000             |
| 7.    | For salaries and expenses in connection with the administration of certain African territories and for meeting deficiencies on the annual accounts of such territories, including grants in aid (including a Supplementary sum of £150,000) - -                                                                             | 2,701,500          | 100                   |
| 8.    | For advances to the Governments of Allied, &c., Countries - - -                                                                                                                                                                                                                                                             | 5,000,000          | —                     |
| 9.    | For the salaries and expenses of the War Damage Commission - -                                                                                                                                                                                                                                                              | 1,439,000          | 380,300               |
| 10.   | For certain payments in respect of war damage to property in Burma (other than private chattels) of persons being British subjects domiciled in the United Kingdom, or companies wherever registered which are mainly owned or which are managed and controlled by British subjects so domiciled - - -                      | 130,000            | —                     |
| 11.   | For expenditure of the Board of Trade in connection with the procurement and maintenance of strategic reserves (Revised sum) - - -                                                                                                                                                                                          | 2,500,000          | 500                   |
| 12.   | For expenditure of the Ministry of Supply in connection with the procurement and maintenance of strategic reserves (Revised sum) -                                                                                                                                                                                          | 3,000,000          | 500                   |
|       | Carried forward - - -                                                                                                                                                                                                                                                                                                       | £ 600,713,771      | 413,770,900           |

SCHED. (B).  
PART 17.  
Civil.  
Class IX.  
1951-52.

SCHEDULE (B).—PART 17—*continued*

|      |                                                                                                                                 | Sums not exceeding |                       |
|------|---------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|      |                                                                                                                                 | Supply Grants      | Appropriations in Aid |
|      |                                                                                                                                 | £                  | £                     |
|      | Brought forward - - -                                                                                                           | 600,713,771        | 413,770,900           |
| Vote | 13. For expenses of the Ministry of Food in connection with the procurement and maintenance of strategic reserves               | 72,592,000         | 100,000               |
|      | 14. For the salaries and expenses of the Ministry of Materials - - -                                                            | 796,000            | 6,000                 |
|      | 15. For expenditure of the Ministry of Materials on trading services and assistance to industry - - -                           | 10,176,530         | 39,000                |
|      | 16. For expenditure of the Ministry of Materials in connection with the procurement and maintenance of strategic reserves - - - | 65,000,000         | 3,500,000             |
|      | TOTAL, CIVIL, CLASS IX -                                                                                                        | £749,278,301       | 417,415,900           |

## SCHEDULE (B).—PART 18

SCHED. (B).  
PART 18.  
Revenue  
Departments.  
1951-52.

## 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 herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1952, viz.:—

|                                                                                                                 | Sums not exceeding  |                       |
|-----------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                 | Supply Grants       | Appropriations in Aid |
|                                                                                                                 | £                   | £                     |
| Vote.                                                                                                           |                     |                       |
| 1. For the salaries and expenses of the Customs and Excise Department -                                         | 9,874,200           | 646,000               |
| 2. For the salaries and expenses of the Inland Revenue Department - -                                           | 27,449,270          | 108,700               |
| 3. For the salaries and expenses of the Post Office, including telegraphs and telephones and a grant in aid - - | 179,431,000         | 14,476,349            |
| <b>TOTAL, REVENUE DEPARTMENTS</b>                                                                               | <b>£216,754,470</b> | <b>15,231,049</b>     |

SCHED. (C).  
PART I.  
Navy Services.  
1949-50.  
Section 5.

## SCHEDULE (C).—PART I.

| Navy Services,<br>1949-50, Votes                                                                                                | DEFICITS                                                        |       |                                                                        |       | SURPLUSES                                                     |       |                                                                     |       |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-------|------------------------------------------------------------------------|-------|---------------------------------------------------------------|-------|---------------------------------------------------------------------|-------|
|                                                                                                                                 | Excesses of<br>actual over<br>estimated<br>gross<br>Expenditure |       | Deficiencies of<br>actual as<br>compared with<br>estimated<br>Receipts |       | Surpluses of<br>estimated over<br>actual gross<br>Expenditure |       | Surpluses of<br>actual as<br>compared with<br>estimated<br>Receipts |       |
|                                                                                                                                 | £                                                               | s. d. | £                                                                      | s. d. | £                                                             | s. d. | £                                                                   | s. d. |
| 1. Pay, &c., of the Royal<br>Navy and Royal<br>Marines.                                                                         | —                                                               |       | —                                                                      |       | 613,255                                                       | 9 10  | 64,977                                                              | 2 1   |
| 2. Victualling and Cloth-<br>ing for the Navy.                                                                                  | —                                                               |       | —                                                                      |       | 76,237                                                        | - 4   | 505,286                                                             | 4 -   |
| 3. Medical Establish-<br>ments and Services.                                                                                    | 46,541                                                          | 1 10  | —                                                                      |       | —                                                             |       | 3,646                                                               | 17 3  |
| 4. Civilians employed on<br>Fleet Services.                                                                                     | —                                                               |       | —                                                                      |       | 15,327                                                        | 14 2  | 59,796                                                              | - 11  |
| 5. Educational Services.                                                                                                        | —                                                               |       | 15,680                                                                 | 12 11 | 62,877                                                        | 14 10 | —                                                                   |       |
| 6. Scientific Services.                                                                                                         | 1,199,660                                                       | 19 10 | —                                                                      |       | —                                                             |       | 180,073                                                             | 15 8  |
| 7. Royal Naval Reserves.                                                                                                        | —                                                               |       | —                                                                      |       | 53,921                                                        | 12 1  | 333                                                                 | 14 4  |
| 8. Shipbuilding, Repairs,<br>Maintenance, &c.<br>Section I.—Personnel<br>Section II.—Matériel<br>Section III.—Contract<br>Work. | —                                                               |       | —                                                                      |       | 107,888                                                       | 12 3  | 307,722                                                             | 13 -  |
|                                                                                                                                 | —                                                               |       | —                                                                      |       | 189,885                                                       | 17 5  | 1,406,667                                                           | 5 7   |
|                                                                                                                                 | 123,588                                                         | 9 4   | —                                                                      |       | —                                                             |       | 1,822,195                                                           | 14 11 |
| 9. Naval Armaments.                                                                                                             | —                                                               |       | —                                                                      |       | 521,455                                                       | 8 -   | 2,614,807                                                           | 4 1   |
| 10. Works, Buildings, and<br>Repairs at Home<br>and Abroad.                                                                     | —                                                               |       | —                                                                      |       | 58,474                                                        | 15 1  | 840,520                                                             | 15 5  |
| 11. Miscellaneous Effective<br>Services.                                                                                        | 504,375                                                         | 9 4   | —                                                                      |       | —                                                             |       | 700,419                                                             | 8 3   |
| 12. Admiralty Office.                                                                                                           | 33,748                                                          | 4 8   | —                                                                      |       | —                                                             |       | 4,432                                                               | 1 7   |
| 13. Non-effective Services.                                                                                                     | —                                                               |       | —                                                                      |       | 307,550                                                       | 14 5  | 19,841                                                              | 12 2  |
| 14. Merchant Shipbuild-<br>ing, &c.                                                                                             | —                                                               |       | —                                                                      |       | 31,622                                                        | 8 2   | 351,987                                                             | 18 7  |
| Balances Irrecoverable and<br>Claims Abandoned.                                                                                 | 23,864                                                          | 14 5  | —                                                                      |       | —                                                             |       | —                                                                   |       |
|                                                                                                                                 | 1,931,778                                                       | 19 5  | 15,680                                                                 | 12 11 | 2,038,497                                                     | 6 7   | 8,882,708                                                           | 7 10  |
|                                                                                                                                 | Total Deficits<br>£1,947,459 12s. 4d.                           |       |                                                                        |       | Total Surpluses<br>£10,921,205 14s. 5d.                       |       |                                                                     |       |
|                                                                                                                                 | Net Surplus £8,973,746 2s. 1d.                                  |       |                                                                        |       |                                                               |       |                                                                     |       |

## SCHEDULE (C).—PART II.

SCHED. (C).  
PART II.  
Army Services.  
1949-50.  
Section 5.

| Army Services,<br>1949-50, Votes                            | DEFICITS                                                        |       |                                                                        |       | SURPLUSES                                                     |       |                                                                     |       |
|-------------------------------------------------------------|-----------------------------------------------------------------|-------|------------------------------------------------------------------------|-------|---------------------------------------------------------------|-------|---------------------------------------------------------------------|-------|
|                                                             | Excesses of<br>actual over<br>estimated<br>gross<br>Expenditure |       | Deficiencies of<br>actual as<br>compared with<br>estimated<br>Receipts |       | Surpluses of<br>estimated over<br>actual gross<br>Expenditure |       | Surpluses of<br>actual as<br>compared with<br>estimated<br>Receipts |       |
|                                                             | £                                                               | s. d. | £                                                                      | s. d. | £                                                             | s. d. | £                                                                   | s. d. |
| 1. Pay, &c., of the<br>Army.                                | —                                                               |       | 3,549,115                                                              | 2 7   | 2,547,397                                                     | 7 9   | —                                                                   |       |
| 2. Reserve Forces,<br>Territorial Army<br>and Cadet Forces. | —                                                               |       | —                                                                      |       | 3,335,458                                                     | 6 5   | 9,969                                                               | 1 3   |
| 3. War Office.                                              | 79,850                                                          | 12 2  | 2,786                                                                  | 5 4   | —                                                             |       | —                                                                   |       |
| 4. Civilians.                                               | —                                                               |       | 183,550                                                                | 3 3   | 5,370,507                                                     | 8 3   | —                                                                   |       |
| 5. Movements.                                               | 7,340,822                                                       | 18 1  | —                                                                      |       | —                                                             |       | 205,851                                                             | 3 3   |
| 6. Supplies, &c.                                            | —                                                               |       | 537,260                                                                | 17 11 | 965,518                                                       | 18 -  | —                                                                   |       |
| 7. Stores.                                                  | —                                                               |       | —                                                                      |       | 4,114,743                                                     | 2 5   | 3,886,128                                                           | 2 4   |
| 8. Works, Buildings and<br>Lands.                           | —                                                               |       | 726,676                                                                | 3 4   | 2,368,625                                                     | - 10  | —                                                                   |       |
| 9. Miscellaneous Effective<br>Services.                     | —                                                               |       | 134,468                                                                | 9 9   | 397,155                                                       | 16 11 | —                                                                   |       |
| 10. Non-effective Services                                  | 144,402                                                         | 16 7  | —                                                                      |       | —                                                             |       | 34,988                                                              | 5 6   |
| Balances Irrecoverable and<br>Claims Abandoned.             | 523,439                                                         | - 1   | —                                                                      |       | —                                                             |       | —                                                                   |       |
|                                                             | 8,088,515                                                       | 6 11  | 5,133,857                                                              | 2 2   | 19,099,406                                                    | - 7   | 4,136,936                                                           | 12 4  |
|                                                             | Total Deficits<br>£13,222,372 9s. 1d.                           |       |                                                                        |       | Total Surpluses<br>£23,236,342 12s. 11d.                      |       |                                                                     |       |
|                                                             | Net Surplus £10,013,970 3s. 10d.                                |       |                                                                        |       |                                                               |       |                                                                     |       |

SCHED. (C).  
PART III.  
Air Services.  
1949-50.  
Section 5.

SCHEDULE (C).—PART III.

| Air Services,<br>1949-50, Votes              | DEFICITS                                                        |       |                                                                        |       | SURPLUSES                                                     |       |                                                                     |       |
|----------------------------------------------|-----------------------------------------------------------------|-------|------------------------------------------------------------------------|-------|---------------------------------------------------------------|-------|---------------------------------------------------------------------|-------|
|                                              | Excesses of<br>actual over<br>estimated<br>gross<br>Expenditure |       | Deficiencies of<br>actual as<br>compared with<br>estimated<br>Receipts |       | Surpluses of<br>estimated over<br>actual gross<br>Expenditure |       | Surpluses of<br>actual as<br>compared with<br>estimated<br>Receipts |       |
|                                              | £                                                               | s. d. | £                                                                      | s. d. | £                                                             | s. d. | £                                                                   | s. d. |
| 1. Pay, &c., of the Air Force.               | —                                                               |       | —                                                                      |       | 279,639                                                       | 5 8   | 206,929                                                             | 1 11  |
| 2. Reserve and Auxiliary Services.           | —                                                               |       | —                                                                      |       | 421,560                                                       | 18 2  | 688                                                                 | 17 3  |
| 3. Air Ministry.                             | 157,126                                                         | 3 4   | —                                                                      |       | —                                                             |       | 2,153                                                               | 16 1  |
| 4. Civilians at Out-stations.                | —                                                               |       | —                                                                      |       | 1,158,700                                                     | 9 7   | 50,254                                                              | 4 4   |
| 5. Movements.                                | —                                                               |       | —                                                                      |       | 175,684                                                       | 2 10  | 508,973                                                             | 7 -   |
| 6. Supplies.                                 | 5,085,890                                                       | 2 3   | —                                                                      |       | —                                                             |       | 3,411,350                                                           | 7 8   |
| 7. Aircraft and Stores.                      | —                                                               |       | 2,517,355                                                              | 11 11 | 7,851,809                                                     | 9 11  | —                                                                   |       |
| 8. Works and Lands.                          | —                                                               |       | 769,162                                                                | 19 -  | 1,775,709                                                     | 15 9  | —                                                                   |       |
| 9. Miscellaneous Effective Services.         | —                                                               |       | 278,558                                                                | 5 11  | 799,067                                                       | 1 2   | —                                                                   |       |
| 10. Non-effective Services                   | —                                                               |       | —                                                                      |       | 84,988                                                        | 10 1  | 18,783                                                              | 12 10 |
| Balances Irrecoverable and Claims Abandoned. | 35,256                                                          | 3 4   | —                                                                      |       | —                                                             |       | —                                                                   |       |
|                                              | 5,278,272                                                       | 8 11  | 3,565,076                                                              | 16 10 | 12,547,159                                                    | 13 2  | 4,199,133                                                           | 7 1   |
|                                              | Total Deficits<br>£8,843,349 5s. 9d.                            |       |                                                                        |       | Total Surpluses<br>£16,746,293 -s. 3d.                        |       |                                                                     |       |
|                                              | Net Surplus £7,902,943 14s. 6d.                                 |       |                                                                        |       |                                                               |       |                                                                     |       |



## CHAPTER 45

An Act to increase to forty-five million pounds the limit of fifteen million pounds on the contributions out of moneys provided by Parliament which may be made under section one of the Rural Water Supplies and Sewerage Act, 1944. [1st August 1951.]

**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 limit imposed by subsection (5) of section one of the Rural Water Supplies and Sewerage Act, 1944, on the contributions which may be made under that section towards expenses incurred by local authorities in England and Wales shall be increased from fifteen million pounds to forty-five million pounds.

Increase of limit of contributions under s. 1 (5) of 7 & 8 Geo. 6. c. 26.

2. This Act may be cited as the Rural Water Supplies and Sewerage Act, 1951, and the said Act of 1944 and this Act may be cited together as the Rural Water Supplies and Sewerage Acts, 1944 and 1951.

Short title and citation.

## CHAPTER 46

*Courts-Martial (Appeals) Act, 1951*

## ARRANGEMENT OF SECTIONS

## PART I

## APPEALS FROM COURTS-MARTIAL

*The Courts-Martial Appeal Court*

## Section

1. Constitution of Courts-Martial Appeal Court.
2. Supplementary provisions relating to the Court.

*Appeals to the Courts-Martial Appeal Court*

3. Right of appeal from court-martial.
4. Application for leave to appeal.
5. Determination of appeals in ordinary cases.
6. Powers of the Court in special cases.
7. Decision of the Court to be final subject to appeal to House of Lords.
8. Supplementary powers of the Court.
9. Right of appellant to present his case in writing.
10. Legal aid to appellants.

**Section**

11. Proceedings to be heard in absence of appellants.
12. Defence of appeals.
13. Costs.

*Supplementary Provisions relating to Appeals*

14. Suspension of death sentences.
15. Restitution of stolen, &c., property.
16. Person not to be tried again where conviction is quashed.
17. Removal of prisoners for purposes of proceedings under Part I.
18. Furnishing, on appeal, of documents relating to trial.
19. Duties of registrar with respect to appeals, &c.

*Special References to the Courts-Martial Appeal Court*

20. Special references to the Court.

*Miscellaneous and General*

21. Exercise of certain powers of the Court by a judge thereof.
22. Rules of court.
23. Expenses and receipts.
24. Interpretation of Part I.
25. Operation of provisions of Part I relating to appeals and references.
26. Exclusion of appeals from, and references of findings of, certain Dominion naval courts-martial.
27. Saving for prerogative.

**PART II****PROVISIONS WITH RESPECT TO OFFICES OF  
JUDGE ADVOCATE OF HIS MAJESTY'S FLEET AND  
JUDGE ADVOCATE GENERAL***Provisions with respect to Office of Judge Advocate  
of His Majesty's Fleet*

28. Provisions with respect to office of Judge Advocate of His Majesty's Fleet.

*Provisions with respect to Office of  
Judge Advocate General*

29. Appointment of Judge Advocate General.
30. Assistants to Judge Advocate General.
31. Qualifications of Judge Advocate General and assistants.
32. Tenure of office of Judge Advocate General and assistants.
33. Salaries of Judge Advocate General and assistants.
34. Pension of Judge Advocate General.
35. Pensions of assistants to Judge Advocate General.

**PART III****SHORT TITLE**

36. Short title.

An Act to establish a Courts-Martial Appeal Court and provide for appeals thereto from courts-martial and certain naval disciplinary courts; to make provision with respect to the offices of Judge Advocate of His Majesty's Fleet and Judge Advocate General; and for purposes connected with the matters aforesaid.

[1st August 1951.]

**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

### APPEALS FROM COURTS-MARTIAL

#### *The Courts-Martial Appeal Court*

1.—(1) There shall be a Courts-Martial Appeal Court (in this Part of this Act referred to as "the Court") whereof the judges shall be—

Constitution of  
Courts-Martial  
Appeal Court.

- (a) the Lord Chief Justice and the puisne judges of the High Court ;
- (b) such of the Lords Commissioners of Justiciary as the Lord Justice General may from time to time nominate for the purpose ;
- (c) such of the judges of His Majesty's High Court of Justice in Northern Ireland as the Lord Chief Justice of Northern Ireland may from time to time nominate for the purpose ; and
- (d) such other persons, being persons of legal experience, as the Lord Chancellor may appoint.

(2) The appointment of a person under paragraph (d) of the foregoing subsection to be a judge of the Court shall be for such term as may be determined by the Lord Chancellor, with the approval of the Treasury, before his appointment, and shall be subject to such conditions as may be so determined ; and a person appointed as aforesaid to be a judge of the Court who ceases to hold office as such a judge shall be eligible for re-appointment.

(3) There may be paid to the persons appointed under paragraph (d) of subsection (1) of this section to be judges of the Court such remuneration, and to all the judges of the Court such travelling and subsistence allowances, as the Lord Chancellor may, with the approval of the Treasury, determine.

(4) There shall be a registrar of the Court (in this Part of this Act referred to as "the registrar") to be appointed by the Lord

**PART I**  
**—cont.**

Chancellor, and the Lord Chancellor may appoint such other officers and servants of the Court as he may, with the approval of the Treasury as to numbers, determine.

(5) The remuneration of the officers and servants of the Court shall be such as the Lord Chancellor may, with the approval of the Treasury, determine, and the Superannuation Acts, 1834 to 1950, shall have effect as if service as an officer or servant of the Court were service in an established capacity in the permanent civil service of the State in an appointment held directly from the Crown.

(6) There shall be defrayed out of moneys provided by Parliament—

- (a) the remuneration of persons appointed under paragraph (d) of subsection (1) of this section to be judges of the Court ;
- (b) the travelling and subsistence allowances of the judges of the Court ;
- (c) the remuneration of the officers and servants of the Court and such other expenses of the Court as the Treasury may sanction ; and
- (d) any increase attributable to the last foregoing subsection in the sums which, under the Superannuation Acts, 1834 to 1950, are payable out of moneys so provided.

**Supplementary provisions relating to the Court.**

**2.—**(1) For the purpose of hearing and determining appeals under this Part of this Act, or any matter preliminary or incidental to an appeal, the Court shall be summoned in accordance with directions given by the Lord Chief Justice with the consent of the Lord Chancellor, and shall be deemed to be duly constituted if—

- (a) it consists of an uneven number of judges, not being less than three ; and
- (b) (subject as hereinafter provided) at least one of the number of judges of which it consists is a judge of the Court by virtue of paragraph (a), (b) or (c) of subsection (1) of section one of this Act.

(2) If the Lord Chief Justice so directs, the Court may sit in two or more divisions.

(3) The Court shall sit in such place as the Lord Chief Justice shall direct, whether within or outside the United Kingdom.

(4) Where the Court is directed to sit at a place outside the United Kingdom, the Lord Chancellor may, if he thinks it expedient so to do, direct that paragraph (b) of subsection (1) of this section shall not have effect in relation to the Court while sitting at that place.

(5) The determination of any question before the Court shall be according to the opinion of the majority of the judges of the Court hearing the case.

PART I  
—cont.

(6) The Court shall be a superior court of record and shall, for the purposes of and subject to the provisions of this Part of this Act, have full power to determine, in accordance with this Part of this Act, any question necessary to be determined for the purpose of doing justice in any case before the Court.

(7) Any direction which may be given under this section by the Lord Chief Justice may, in the event of a vacancy in the office or the incapacity of the Lord Chief Justice to act for any reason, be given by the senior puisne judge of the King's Bench Division of the High Court.

### *Appeals to the Courts-Martial Appeal Court*

3.—(1) Subject to the following provisions of this Part of this Act, a person convicted by a court-martial may, with the leave of the Court, appeal to the Court against his conviction. Right of appeal  
from  
court-martial.

(2) Except in the case of a conviction involving sentence of death, the right conferred by the foregoing subsection on a person convicted by a court-martial shall not be exercisable—

(a) unless, within such period as may be prescribed, he presents to the appropriate authority a petition praying that his conviction be quashed ; and

(b) until either the prescribed period beginning with the day on which the petition is presented expires or he is notified by that authority that the petition has not been granted, whichever event first occurs.

(3) For the purposes of the last foregoing subsection the appropriate authority shall be—

(a) in the case of a conviction by a naval court-martial, the Admiralty ; and

(b) in the case of a conviction by an army or air force court-martial, the Secretary of State :

Provided that, in the case of the conviction by an army court-martial of an officer, non-commissioned officer or man of the Royal Marines or Royal Marine Forces Volunteer Reserve or the conviction by an air force court-martial of an officer, petty officer or seaman of the naval forces, the appropriate authority shall, instead of being the Secretary of State, be the Admiralty.

(4) Rules of court may provide that, in such circumstances as may be specified in the rules, any such petition as is mentioned in subsection (2) of this section which is presented to such person

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**PART I**  
**—cont.**

as may be specified in the rules shall be treated, for the purposes of that subsection, as having been presented to the appropriate authority.

**Application  
for leave to  
appeal.**

4.—(1) Leave to appeal to the Court shall not be given except in pursuance of an application in that behalf made by or on behalf of the appellant, and lodged, within the prescribed period, with the registrar, being an application in the prescribed form and specifying the grounds on which leave to appeal is sought and such other particulars, if any, as may be prescribed.

(2) Rules of court may provide that, in such circumstances as may be specified in the rules, any such application as aforesaid which is lodged with such person (other than the registrar) as is specified in the rules shall be treated, for the purposes of the last foregoing subsection, as having been lodged with the registrar.

(3) Where an application for leave to appeal to the Court is lodged with a person other than the registrar in accordance with rules of court having effect by virtue of the last foregoing subsection, it shall be the duty of that person—

(a) to forward the application to the registrar with as much expedition as practicable; and

(b) if it appears to that person that it is practicable to furnish the registrar, before the receipt by him of the application, with such particulars of the application as will enable him to prepare a copy of it, and that in all the circumstances it is expedient so to do, forthwith to furnish him with those particulars.

(4) Where an appellant convicted by a court-martial held outside the United Kingdom duly presents a petition under the last foregoing section and, before the expiration of the period within which an application for leave to appeal to the Court against the conviction is required by subsection (1) of this section to be lodged, the appropriate authority for the purposes of subsection (2) of the last foregoing section receives from the appellant such an application accompanied by a request that that authority will forward the application to the registrar in the event of its being decided not to grant the petition, it shall be the duty of that authority to comply with the request, and accordingly, the right conferred upon the appellant by subsection (1) of the last foregoing section shall, if it has not previously become exercisable, become exercisable on the happening of that event.

(5) Except in the case of a conviction involving sentence of death, the Court may extend the period within which an application for leave to appeal must be lodged, whether that period has expired or not.

(6) In considering whether or not to give leave to appeal, the Court shall have regard to any expression of opinion made by the Judge Advocate of His Majesty's Fleet or the Judge Advocate General that the case is a fit one for appeal, and, if any such expression is so made, may, without more, give leave to appeal.

(7) Where the Court dismiss an application for leave to appeal they may, if they consider the application to have been frivolous or vexatious, order that any sentence passed upon the applicant in the proceedings from which it was sought to bring the appeal shall begin to run from the day on which the Court dismiss the application.

5.—(1) Subject to the provisions of the next following section, on an appeal under this Part of this Act the Court shall allow the appeal if they think that the finding of the court-martial is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision of a question of law or that, on any ground, there was a miscarriage of justice, and in any other case shall dismiss the appeal: Determination of appeals in ordinary cases.

Provided that the Court may, notwithstanding that they are of the opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) If the Court allow an appeal under this Part of this Act, they shall quash the conviction.

6.—(1) If it appears to the Court that an appellant, though not properly convicted on some charge preferred against him before the court-martial by which he was tried, was properly convicted on some other charge so preferred, then, if the sentence passed by the court-martial on the appellant was not warranted by the relevant Act for the offence of which he was convicted on the other charge, the Court shall pass on the appellant, in substitution for the sentence passed on him by the court-martial, such sentence so warranted as they think proper. Powers of the Court in special cases.

(2) Where an appellant has been convicted of an offence and the court-martial by which he was tried could lawfully have found him guilty of some other offence, and it appears to the Court that the court-martial must have been satisfied of facts which proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the finding of the court-martial a finding of guilty of the other offence and pass on the appellant, in substitution for the sentence passed on him by the court-martial, such sentence as they think proper, being a sentence warranted by the relevant Act for that other offence but not being a sentence of greater severity.

PART I  
—*cont.*

## (3) Where—

- (a) an appellant has been convicted of an offence committed under circumstances involving the higher of two degrees of punishment, and it appears to the Court that the court-martial by which he was tried ought to have found him guilty of the offence as being committed under circumstances involving the lower degree of punishment ; or
- (b) an appellant has been convicted of an offence and it appears to the Court that the court-martial by which he was tried ought to have found him guilty of the offence subject to exceptions or variations ;

the Court may, instead of allowing or dismissing the appeal, substitute for the finding of the court-martial a finding of guilty of the offence as being committed under circumstances involving the lower degree of punishment or, as the case may be, guilty of the offence subject to exceptions or variations and pass on the appellant, in substitution for the sentence passed on him by the court-martial, such sentence as they think proper, being a sentence warranted by the relevant Act for the offence specified or involved in the substituted finding, but not being a sentence of greater severity.

(4) If, on an appeal, it appears to the Court that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or the omission made so as not to be responsible according to law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be kept in custody under section sixty-eight of the Naval Discipline Act, section one hundred and thirty of the Army Act or section one hundred and thirty of the Air Force Act, as the case may require, in like manner as on a special finding of insanity by the court-martial by which the appellant was convicted.

(5) The term of any sentence passed by the Court under any of the foregoing provisions of this section shall, unless the Court otherwise direct, begin to run from the time from which it would have begun to run if it had been passed in the proceedings from which the appeal is brought, and a sentence passed by the Court as aforesaid shall—

- (a) if passed on an appeal against a conviction by a naval court-martial, be deemed, for the purposes of the Naval Discipline Act, to be a sentence passed by such a court-martial ; and
- (b) if passed on an appeal against a conviction by an army or air force court-martial, be deemed, for the purposes of the Army Act or the Air Force Act, as the case



may be, to be a sentence passed by an army or, as the case may be, an air force court-martial, being a sentence that has been confirmed.

PART I  
—cont.

(6) In this section the expression “ the relevant Act ” means, in relation to an appellant, the Act under which he was tried.

7.—(1) If, in the case of an appeal under this Part of this Act, the Attorney General, upon an application in that behalf made to him within a period of fourteen days from the date when the decision of the Court was given, grants to the appellant or to the Admiralty, the Army Council or the Air Council a certificate that the decision of the Court involves a point of law of exceptional public importance and that it is desirable in the public interest that a further appeal should be brought, an appeal to the House of Lords from the decision of the Court shall lie at the instance of the person or authority to whom the certificate is granted ; but subject to the foregoing provisions of this subsection the determination by the Court of any appeal or other matter which they have power to determine shall be final, and no appeal shall lie from the Court to any other court.

Decision of the Court to be final subject to appeal to House of Lords.

(2) Where the Court have allowed an appeal and, immediately after the decision of the Court has been given, notice is given to the Court on behalf of the Admiralty, the Army Council or the Air Council of their intention to apply to the Attorney General for such a certificate as aforesaid, the Court may make an order providing for the detention of the appellant or directing that he shall not be released except on bail until either the Attorney General has refused to grant the certificate or a decision on the appeal has been given by the House of Lords or the appeal has been abandoned, as the case may be.

8.—(1) For the purposes of this Part of this Act the Court may, if they think it necessary or expedient in the interests of justice—

Supplementary powers of the Court.

- (a) order the production of any document, exhibit or other thing connected with the proceedings the production of which appears to them necessary for the determination of the case ;
- (b) order the taking of such steps as are requisite to obtain from any member of the court-martial by which the appellant was tried or the person who officiated as judge advocate at the trial a report giving his opinion upon the case or upon any point arising therein or containing a statement as to any facts whereof the ascertainment appears to the Court to be material for the purpose of the determination of the case ;

PART I  
—cont.

- (c) order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in the prescribed manner before any judge of the Court or before any other person appointed by the Court for that purpose, and allow the admission of any depositions so taken as evidence before the Court ;
- (d) receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application ;
- (e) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in the prescribed manner for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such commissioner so far as they think fit to adopt it ; and
- (f) appoint any person with special expert knowledge to act as assessor to the Court in any case where it appears to the Court that such special knowledge is required for the proper determination of the case ;

and may issue any warrants necessary for enforcing the orders or sentences of the Court :

Provided that the Court shall not make an order under paragraph (b) of this subsection for the purpose of obtaining a report from a member of a court-martial other than the president thereof unless they also make such an order for the purpose of obtaining a report from the president or are satisfied that the obtaining of a report from him is impracticable or would involve undue delay.

(2) There may be paid out of moneys provided by Parliament—

- (a) to a witness attending before the Court in obedience to an order under paragraph (c) of the foregoing subsection or examined in pursuance of such an order before any such person as is mentioned in that paragraph, such travelling and subsistence allowances as may be prescribed by regulations made by the Lord Chancellor ; and

- (b) to a special commissioner to whom a question is referred under paragraph (e) of that subsection for inquiry and report and to a person appointed under paragraph (f) of that subsection to act as assessor to the Court, such remuneration and such travelling and subsistence allowances as may be so prescribed.

PART I  
—cont.

The powers conferred on the Lord Chancellor by this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9. An appellant may, if he so desires, instead of presenting his case orally, present it in writing in the prescribed form.

Right of appellant to present his case in writing.

- 10.—(1) The Court may at any time assign to an appellant a solicitor and counsel, or counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interests of justice that the appellant should have legal aid and that he has not sufficient means to enable him to obtain that aid.

Legal aid to appellants.

- (2) If, on a question of granting an appellant legal aid under the foregoing subsection, there is a doubt whether it is desirable in the interests of justice that the appellant should have legal aid or whether he has sufficient means to enable him to obtain that aid, the doubt shall be resolved in favour of granting him legal aid.

- (3) Before a person is granted legal aid under this section he may be required to furnish a written statement in the prescribed form about matters relevant for determining whether his means are insufficient to enable him to obtain legal aid, and if a person in furnishing such a written statement as aforesaid (whether required so to do or not) knowingly makes any false statement or false representation he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both.

- (4) The registrar shall report to the Court or a judge thereof any case in which it appears to him that, although no application has been made for the purpose, legal aid ought to be granted under this section to an appellant.

- (5) A solicitor or counsel assigned to an appellant under this section shall be entitled to be paid by the Admiralty or the Secretary of State (according as to whether the matter in relation to which solicitor or counsel is so assigned arises out of a naval court-martial or an army or air force court-martial) such sums in respect of fees and disbursements as may be prescribed by regulations made by the Lord Chancellor.

**PART I**  
**—cont.**

The power conferred on the Lord Chancellor by this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Proceedings to be heard in absence of appellants.**

**11.** An appellant shall not be entitled to be present at the hearing of an appeal under this Part of this Act to the Court or at any proceedings preliminary or incidental to such an appeal except where rules of court provide that he shall have the right to be present or the Court give him leave to be present, and accordingly any power of the Court under this Part of this Act to pass a sentence may be exercised notwithstanding the absence of the appellant.

**Defence of appeals.**

**12.** It shall be the duty—

- (a) on an appeal under this Part of this Act to the Court against a conviction by a naval court-martial, of the Admiralty ;
- (b) on such an appeal against a conviction by an army court-martial, of the Army Council ; and
- (c) on such an appeal against a conviction by an air force court-martial, of the Air Council ;

to undertake the defence of the appeal.

**Costs.**

**13.—(1)** Where the Court allow an appeal they may, if they think fit, direct the payment by the Admiralty or the Secretary of State (according as to whether the conviction that was the subject of the appeal was by a naval court-martial or by an army or air force court-martial) of such sums as appear to the Court reasonably sufficient to compensate the appellant for any expenses properly incurred by him in the prosecution of his appeal (including any proceedings preliminary or incidental thereto) or in carrying on his defence before the court-martial by which he was convicted or before any other court-martial before which were begun, but not concluded, proceedings for the offence with which he was charged before the court-martial by which he was convicted.

(2) Where an appeal to the House of Lords under subsection (1) of section seven of this Act from a decision of the Court is determined in favour of the person who was the appellant in the proceedings before the Court, the House of Lords may, if they think fit, direct the payment by the Admiralty or the Secretary of State (according as to whether the conviction that was the subject of those proceedings was by a naval court-martial or by an army or air force court-martial) of such sums as appear to the House of Lords to be reasonably sufficient to compensate the person aforesaid for any expenses properly incurred by him in the appeal to the House of Lords, in the prosecution of his

appeal to the Court (including any proceedings preliminary or incidental thereto) or in carrying on his defence before the court-martial by which he was convicted or before any other court-martial before which were begun, but not concluded, proceedings for the offence with which he was charged before the court-martial by which he was convicted.

(3) Where the Court dismiss an appeal or application for leave to appeal they may, if they think fit, order the appellant or applicant, as the case may be, to pay to the Admiralty or the Secretary of State (according as to whether the conviction that was the subject of the proceedings before the Court was by a naval court-martial or by an army or air force court-martial) the whole or any part of the costs of the appeal or application, including the costs of copying or transcribing any documents for the use of the Court, and an order under this subsection may be enforced—

- (a) in the same manner as an order for the payment of costs made by the High Court in civil proceedings ; or
- (b) by making deductions from pay due to the applicant or appellant, as the case may be ;

or partly in the one way and partly in the other.

#### *Supplementary Provisions relating to Appeals*

14.—(1) Where a conviction by court-martial involves sentence of death— Suspension  
of death  
sentences.

- (a) the sentence shall not in any case be executed until the expiration of the period prescribed under this Part of this Act as the period within which an application for leave to appeal to the Court against the conviction must be lodged ;
- (b) if such an application is duly lodged, the sentence shall not be executed until either the application is finally refused or is withdrawn or the appeal is determined or abandoned ;
- (c) if leave to appeal is granted and the appeal is dismissed, the sentence shall not be executed until the expiration of the period within which an application may be made under section seven of this Act for a certificate of the Attorney General ; and
- (d) if an application under the said section seven is duly made, the sentence shall not be executed until the grant of a certificate is refused or the application is withdrawn or the further appeal that lies to the House of Lords by virtue of the grant of a certificate is determined or abandoned :

Provided that, where a sentence of death passed on a person on active service by an army or air force court-martial is confirmed, and the authority who confirms the sentence certifies

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PART I  
—cont.

that it is essential in the interests of discipline and for the purpose of securing the safety of the force with which that person is present that the sentence should be carried out forthwith, the foregoing provisions of this subsection shall not apply to the sentence.

(2) Any appeal to the Court against a conviction by a court-martial involving sentence of death, any application for leave to appeal to the Court against any such conviction and any appeal to the House of Lords against a decision of the Court on an appeal thereto against any such conviction shall be heard and determined with as much expedition as practicable.

Restitution of  
stolen, &c.,  
property.

**15.**—(1) The operation of any order made under section seventy-five of the Army Act or section seventy-five of the Air Force Act (which relate to the restitution of stolen property) on a conviction by a court-martial shall (unless the authority making the order directs to the contrary in any case in which, in the opinion of that authority, the title to the property is not in dispute) be suspended—

(a) in any case, until the expiration of the period prescribed under this Part of this Act as the period within which an application for leave to appeal to the Court against the conviction must be lodged; and

(b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned;

and where the operation of any such order as aforesaid is suspended under this subsection, it shall not take effect if the conviction is quashed on appeal.

(2) The Court may by order annul or vary any such order as aforesaid although the conviction is not quashed and the order, if annulled, shall not take effect and, if varied, shall take effect as varied.

(3) Provision may be made by rules of court for securing the safe custody of any property to which any such order as aforesaid relates during the period during which the operation of the order is suspended under this section.

Person not  
to be tried  
again where  
conviction  
is quashed.

**16.** Where the conviction of a person by court-martial for an offence has been quashed under this Part of this Act, he shall not be liable to be tried again for that offence by a court-martial or by any other court.

Removal of  
prisoners for  
purposes of  
proceedings  
under Part I.

**17.** Rules under—

(a) section one hundred and thirty-two of the Army Act (either as it applies by virtue of that Act or as it applies by virtue of subsection (2) of section eighty-one of the Naval Discipline Act);

PART I  
—cont.

- (b) section one hundred and thirty-three of the Army Act ;
- (c) section one hundred and thirty-two or one hundred and thirty-three of the Air Force Act ;
- (d) section fifty-two of the Criminal Justice Act, 1948 ;
- (e) section fifty-three of the Criminal Justice (Scotland) Act, 1949 ; or
- (f) section thirteen of the General Prisons (Ireland) Act, 1877, or any corresponding enactment of the Parliament of Northern Ireland for the time being in force ;

may provide in what manner an appellant, when in custody, is to be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of this Part of this Act or any place to which the Court or a judge thereof may order him to be taken for the purpose of any proceedings of the Court.

18. In the case of every appeal, or application for leave to appeal, under this Part of this Act to the Court against a conviction by a naval court-martial, it shall be the duty of the Admiralty to furnish to the registrar, in accordance with rules of court, the proceedings of the court-martial and any petition presented by the person convicted, and in the case of every such appeal or application for leave to appeal as aforesaid against a conviction by an army or air-force court-martial it shall be the duty of the Judge Advocate General to furnish to the registrar, in accordance with rules of court, the proceedings of the court-martial (including any proceedings with respect to the revision of the finding or sentence of the court-martial in pursuance of subsection (2) of section fifty-four of the Army Act or subsection (2) of section fifty-four of the Air Force Act, as the case may be) the proceedings with respect to the confirmation of the finding and sentence of the court-martial and any petition presented by the person convicted.

Furnishing,  
on appeal, of  
documents  
relating to  
trial.

19.—(1) The registrar shall take all necessary steps for obtaining the determination of an appeal or application under this Part of this Act, and shall obtain and lay before the Court in proper form all documents, exhibits and other things relating to the proceedings in the court-martial before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.

Duties of  
registrar with  
respect to  
appeals, &c.

(2) The registrar shall furnish the necessary forms and instructions relating to applications for leave to appeal under this Part of this Act to any person who demands them, to persons in charge of places where persons sentenced by court-martial may lawfully be confined for the purpose of serving their sentences and to such other persons as he thinks fit ; and every person in charge of such a place as aforesaid shall cause the forms

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PART I  
—cont.

and instructions to be placed at the disposal of persons confined in that place who desire to make application for leave to appeal under this Part of this Act.

*Special References to the Courts-Martial Appeal Court*

Special  
references  
to the Court.

20.—(1) If, in the case of the conviction of a person by a court-martial—

- (a) it appears to the Judge Advocate of His Majesty's Fleet or the Judge Advocate General that the finding of the court-martial involves a point of law of exceptional importance which in his opinion should be determined by the Court ; or
- (b) it appears to the Admiralty or the Secretary of State, upon consideration of matters appearing to them or him not to have been brought to the notice of the court-martial at the trial, to be expedient that the finding of the court-martial should be considered or reconsidered by the Court ;

the Judge Advocate of His Majesty's Fleet, the Judge Advocate General, the Admiralty or the Secretary of State, as the case may be, may refer the finding to the Court, and a reference under this section shall, for the purposes of the foregoing provisions of this Part of this Act (other than those of subsections (1) and (3) of section thirteen) be treated as an appeal by the person convicted against his conviction.

(2) Where, on a reference under this section, the person convicted appears before the Court, the Court shall direct the payment by the Admiralty or the Secretary of State (according as to whether the finding that is the subject of the reference is a finding of a naval court-martial or of an army or air force court-martial) of such sums as appear to the Court reasonably sufficient to compensate the person convicted for any expenses properly incurred by him for the purposes of his appearance and may, if they think fit, also direct the payment by the Admiralty or the Secretary of State (according as aforesaid) of such sums as appear to them reasonably sufficient to compensate that person for any expenses properly incurred by him in carrying on his defence before the court-martial by which he was convicted or before any other court-martial before which were begun, but not concluded, proceedings for the offence with which he was charged before the court-martial by which he was convicted.

*Miscellaneous and General*

Exercise of  
certain powers  
of the Court  
by a judge  
thereof.

21. The powers of the Court under this Part of this Act—

- (a) to give leave to appeal ;
- (b) to extend the period within which an application for leave to appeal must be lodged ;
- (c) to grant an appellant legal aid ;



(d) to allow an appellant to be present at any proceedings under this Part of this Act ;

PART I  
—cont.

(e) to make an order under subsection (3) of section thirteen of this Act for the payment of costs ;

may be exercised by any judge of the Court in the same manner as they may be exercised by the Court, and subject to the same provisions ; but, if the judge refuses an application on the part of an appellant to exercise in his favour any of the powers mentioned in paragraphs (a) to (d) of this section, the appellant, upon making a requisition in that behalf within the prescribed period and in the prescribed form and manner, shall be entitled to have the application determined by the Court as duly constituted for the hearing and determination of appeals under this Part of this Act.

**22.**—(1) Rules of court may provide for regulating the procedure and practice to be followed in the Court. Rules of court.

(2) Rules of court made for the purposes of any provision of this Part of this Act may make different provision in relation to different classes of cases and may provide for any incidental or supplementary matters for which it appears to the authority making the rules to be necessary or expedient for the purposes of that provision to provide.

(3) Any power conferred by this Part of this Act to make rules of court shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules of court made under this Part of this Act in like manner as if the rules had been made by a Minister of the Crown.

(4) A statutory instrument containing rules of court made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**23.**—(1) Any expenses incurred under this Part of this Act by the Admiralty or the Secretary of State shall be defrayed out of moneys provided by Parliament. Expenses and receipts.

(2) Any sums which, by virtue of paragraph (a) of subsection (3) of section thirteen of this Act, are recovered from any person by the Admiralty or the Secretary of State shall be paid into the Exchequer.

**24.**—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say— Interpretation of Part I.

“ air force court-martial ” means a court-martial under the Air Force Act ;

**PART I**  
—*cont.*

“appellant” includes a person who has been convicted by a court-martial and desires to appeal under this Part of this Act to the Court ;

“army court-martial” means a court-martial under the Army Act ;

“the Court” means the Courts-Martial Appeal Court constituted by this Part of this Act ;

“court-martial” means a naval, army or air force court-martial ;

“the Judge Advocate General” means the Advocate General or Judge Martial of all His Majesty’s regular, auxiliary and reserve land and air forces ;

“the Lord Chief Justice” means the Lord Chief Justice of England ;

“naval court-martial” means a court-martial under the Naval Discipline Act, and includes a disciplinary court constituted under section fifty-seven A of that Act ;

“prescribed” means prescribed by rules of court ;

“the registrar” means the registrar of the Court ;

“rules of court” means rules of court made by the Lord Chief Justice with the approval of the Lord Chancellor.

(2) In this Part of this Act the expression “on active service”, in relation to a person subject to military law, has the meaning assigned to it by subsection (1) of section one hundred and eighty-nine of the Army Act and, in relation to a person subject to the Air Force Act, has the meaning assigned to it by subsection (1) of section one hundred and eighty-nine of that Act, and a person who is deemed for the purposes of either of those Acts to be on active service shall be deemed also for the purposes of this Part of this Act to be on active service.

(3) For the purposes of this Part of this Act, any finding or sentence substituted, by virtue of powers conferred in that behalf by the Army Act or the Air Force Act, for a finding of, or sentence passed by, a court-martial shall be deemed to be a finding of, or sentence passed by, that court-martial, and any conviction obtaining by virtue of a finding substituted as aforesaid shall be deemed to be a conviction by the court-martial.

Operation of provisions of Part I relating to appeals and references.

25. Subject to the provisions of the next following section, the provisions of this Part of this Act relating to appeals to the Court against convictions by courts-martial and the provisions of this Part of this Act relating to references to the Court, in cases

of convictions by courts-martial, of the findings of the courts-martial—

PART I  
—cont.

- (a) shall have effect in relation to convictions by naval courts-martial on or after such date as His Majesty may by Order in Council appoint in relation to such courts-martial;
- (b) shall have effect in relation to convictions by army or air force courts-martial the findings whereof are promulgated on or after such date as His Majesty may by Order in Council appoint in relation to such courts-martial.

26. Nothing in this Part of this Act shall be construed as conferring a right of appeal against the conviction by a naval court-martial of a person who, at the time of the conviction, was borne on the books of a ship of the Royal Australian Navy or the Royal New Zealand Navy, not being a ship which at that time was placed at the disposal of the Admiralty, and the provisions of this Part of this Act relating to references to the Court, in cases of convictions by courts-martial, of the findings of the courts-martial shall not apply in the case of any such conviction as aforesaid.

Exclusion of appeals from, and references of findings of, certain Dominion naval courts-martial.

27. Nothing in this Part of this Act shall affect His Majesty's Royal prerogative to quash a conviction by a court-martial, so far as regards the exercise thereof at a time before the receipt by the registrar of an application for leave to appeal to the Court against the conviction or the receipt by him of particulars of such an application furnished in pursuance of paragraph (b) of subsection (3) of section four of this Act, whichever event first occurs, and nothing in this Part of this Act shall affect His Majesty's Royal prerogative of mercy.

Saving for prerogative.

## PART II

### PROVISIONS WITH RESPECT TO OFFICES OF JUDGE ADVOCATE OF HIS MAJESTY'S FLEET AND JUDGE ADVOCATE GENERAL

#### *Provisions with respect to Office of Judge Advocate of His Majesty's Fleet*

- 28.—(1) Any appointment made by His Majesty after the passing of this Act of a person to be the Judge Advocate of His Majesty's Fleet shall be of a person recommended to His Majesty by the Lord Chancellor.
- (2) No person shall be qualified for appointment as Judge Advocate of His Majesty's Fleet unless he is a barrister-at-law of not less than ten years' standing or an advocate of not less than ten years' standing.

Provisions with respect to office of Judge Advocate of His Majesty's Fleet.

PART II  
—cont.

(3) The Judge Advocate of His Majesty's Fleet shall be removable by His Majesty on the ground of inability or misbehaviour upon a recommendation in that behalf made by the Lord Chancellor, and shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain the Judge Advocate of His Majesty's Fleet in office after the time when his office is required to be vacated under the foregoing provisions of this subsection, the Lord Chancellor may from time to time authorise the continuance of the Judge Advocate of His Majesty's Fleet in office up to such age (not exceeding seventy-two years) as the Lord Chancellor thinks fit.

(4) There may be paid to the Judge Advocate of His Majesty's Fleet, out of moneys provided by Parliament, such salary and such travelling and subsistence allowances as the Lord Chancellor may, with the approval of the Treasury, determine.

(5) In this section the reference to a barrister-at-law shall be construed as a reference to one who is a member of the bar either of England or of Northern Ireland, whether or not he is a member of the bar of the other country also.

*Provisions with respect to Office of  
Judge Advocate General*Appointment  
of Judge  
Advocate  
General.

**29.** Any appointment after the passing of this Act of a person to be the Advocate General or Judge Martial of all His Majesty's regular, auxiliary and reserve land and air forces (commonly known, and hereafter in this Part of this Act referred to, as the "Judge Advocate General") shall be of a person recommended to His Majesty by the Lord Chancellor.

Assistants to  
Judge  
Advocate  
General.

**30.—(1)** For the purpose of assisting the Judge Advocate General in the exercise and performance of his powers and duties there shall be—

- (a) an officer to be known as the Vice Judge Advocate General, to be appointed by the Lord Chancellor; and
- (b) such number of officers to be known as Assistant Judge Advocates General, and such number of officers to be known as Deputy Judge Advocates, to be appointed in each case by the Lord Chancellor, as the Lord Chancellor, with the approval of the Treasury, may determine.

(2) If at any time it appears to the Lord Chancellor that it is expedient that the Judge Advocate General should be temporarily assisted in the exercise and performance of his powers

and duties by more persons than hold appointments by virtue of the foregoing subsection, the Lord Chancellor may appoint such persons temporarily to assist the Judge Advocate General in the exercise and performance of his powers and duties as the Lord Chancellor may, with the approval of the Treasury as to numbers, determine.

PART II  
—cont.

31.—(1) No person shall be qualified for appointment as Judge Advocate General unless he is a barrister-at-law of not less than ten years' standing or an advocate of not less than ten years' standing or is the Vice Judge Advocate General or an Assistant Judge Advocate General. Qualifications of Judge Advocate General and assistants.

(2) No person shall be qualified for appointment as the Vice Judge Advocate General or an Assistant Judge Advocate General unless he is a barrister-at-law of not less than seven years' standing or an advocate of not less than seven years' standing or a Deputy Judge Advocate.

(3) No person shall be qualified for appointment as a Deputy Judge Advocate unless he is a barrister-at-law of not less than five years' standing or an advocate of not less than five years' standing.

(4) Before recommending a person for appointment as Judge Advocate General or appointing a person to be the Vice Judge Advocate General, an Assistant Judge Advocate General or a Deputy Judge Advocate, the Lord Chancellor shall take steps to satisfy himself that the health of the person proposed to be recommended for appointment, or to be appointed, as the case may be, is satisfactory.

(5) In this section the references to a barrister-at-law shall be construed as references to one who is a member of the bar either of England or of Northern Ireland, whether or not he is a member of the bar of the other country also.

32.—(1) The Judge Advocate General shall be removable by His Majesty on the ground of inability or misbehaviour upon a recommendation in that behalf made by the Lord Chancellor, and the Lord Chancellor may remove the Vice Judge Advocate General, an Assistant Judge Advocate General or a Deputy Judge Advocate for inability or misbehaviour. Tenure of office of Judge Advocate General and assistants.

(2) The Judge Advocate General shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy years, and any such officer as is mentioned in subsection (1) of section thirty of this Act shall vacate his office at the end of the completed year of service in the course of which he attains the age of sixty-five years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain the Judge Advocate General or any such officer as aforesaid in office after the time when his office is required to be vacated under the foregoing provisions

PART II  
—cont.

of this subsection, the Lord Chancellor may, from time to time authorise the continuance of the Judge Advocate General or officer in office up to such age (not exceeding seventy-two years in the case of the Judge Advocate General and seventy years in any other case) as the Lord Chancellor thinks fit.

(3) A person appointed under subsection (2) of section thirty of this Act temporarily to assist the Judge Advocate General in the exercise and performance of his powers and duties shall hold and vacate office in accordance with the terms of his appointment.

Salaries of  
Judge  
Advocate  
General and  
assistants.

**33.** There may be paid to the Judge Advocate General and the persons appointed under this Part of this Act to assist him in the exercise and performance of his powers and duties, out of moneys provided by Parliament, such salaries and such travelling and subsistence allowances as the Lord Chancellor may, with the approval of the Treasury, determine.

Pension of  
Judge  
Advocate  
General.

**34.**—(1) Subject to the provisions of this section, there may be paid to any person who has held the office of Judge Advocate General for a period of not less than fifteen years, on his ceasing to hold that office, a pension at the following rate:—

(a) if he has held that office for a period of not less than twenty years, two-thirds of the salary payable to him immediately before he ceased to hold it;

(b) if he has held that office for a period of less than twenty years, one-half of that salary.

(2) No pension shall be paid to any person under the foregoing subsection unless at the time of his ceasing to hold the office of Judge Advocate General he has attained the age of sixty years or is disabled by a permanent infirmity from performing the functions of that office.

(3) No pension shall be paid to any person under subsection (1) of this section unless within three months after his appointment to the office of Judge Advocate General he gives notice in writing to the Treasury that he elects that that subsection shall apply to him.

(4) Unless a person who holds the office of Judge Advocate General duly elects that subsection (1) of this section shall apply to him, the Superannuation Acts, 1834 to 1950, shall have effect in his case as if service in that office were service in an established capacity in the civil service of the State in an appointment held directly from the Crown; but, where such a person duly elects that the said subsection (1) shall apply to him—

(a) for the purposes of section forty-one of the Superannuation Act, 1949 (which empowers the Treasury to pay a gratuity or allowance to or in respect of a civil servant who is injured in the actual discharge of his duty or contracts a disease to which the nature of his duty exposes him) he shall be deemed to be a civil servant

and any pension payable to him under the said subsection (1) shall be deemed to be a superannuation allowance ; but

PART II  
—cont.

(b) no pension, allowance or gratuity shall be payable to or in respect of him under any other provision of the Superannuation Acts, 1834 to 1950, by reference to any service of his (whether before or after the date of the election).

(5) The foregoing provisions of this section shall not apply to any person who ceased to hold the office of Judge Advocate General before the date of the passing of this Act, and in their application to the person who holds that office at that date shall have effect with the substitution, in subsection (3), for the reference to three months after his appointment to that office, of a reference to three months from the said date.

(6) Any pension paid to a person under subsection (1) of this section, and any increase attributable to subsection (4) of this section in the sums which, under the Superannuation Acts, 1834 to 1950, are payable out of moneys provided by Parliament, shall be paid out of moneys so provided.

35.—(1) The Superannuation Acts, 1834 to 1950, shall have effect as if service as such an officer as is mentioned in subsection (1) of section thirty of this Act were service in an established capacity in the permanent civil service of the State in an appointment held directly from the Crown. Pensions of assistants to Judge Advocate General.

(2) Any increase attributable to the foregoing subsection in the sums which, under the Superannuation Acts, 1834 to 1950, are payable out of moneys provided by Parliament shall be paid out of moneys so provided.

PART III  
SHORT TITLE

36. This Act may be cited as the Courts-Martial (Appeals) Act, 1951. Short title.

*Table of Statutes referred to in this Act*

| Short Title                                  | Session and Chapter           |
|----------------------------------------------|-------------------------------|
| General Prisons (Ireland) Act, 1877 ... ..   | 40 & 41 Vict. c. 49.          |
| Statutory Instruments Act, 1946 ... ..       | 9 & 10 Geo. 6. c. 36.         |
| Criminal Justice Act, 1948 ... ..            | 11 & 12 Geo. 6.<br>c. 58.     |
| Superannuation Act, 1949 ... ..              | 12, 13 & 14 Geo. 6.<br>c. 44. |
| Criminal Justice (Scotland) Act, 1949 ... .. | 12, 13 & 14 Geo. 6.<br>c. 94. |

## CHAPTER 47

An Act to authorise the making of additional loans to the company formed for the purpose of managing the festival gardens provided in Battersea Park as part of the Festival of Britain, 1951; and for purposes connected therewith. [1st August 1951.]

**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:—

Additional loans to festival gardens company.

1.—(1) The Minister may, with the approval of the Treasury, make to the festival gardens company (in addition to any loans made by him thereto under section two of the Act of 1949) loans of an amount not exceeding one million pounds, and any loans under this section shall be made on such terms and conditions as the Minister thinks fit.

(2) The Minister may, with the approval of the Treasury, at any time release, in whole or in part, a claim against the festival gardens company in respect of a loan made by him thereto under this section.

(3) Any sums required by the Minister for the purpose of making loans under this section shall be paid out of moneys provided by Parliament, and any sums received by the Minister by way of interest on, or the repayment of, any loans made by him under this section shall be paid into the Exchequer.

(4) In this section the following expressions have the meanings hereby assigned to them respectively, that is to say—

12, 13 & 14  
Geo. 6. c. 102.

“ the Act of 1949 ” means the Festival of Britain (Supplementary Provisions) Act, 1949;

“ the festival gardens company ” means the company formed for the purpose of managing the festival gardens provided, as part of the Festival of Britain, 1951, on lands in Battersea Park enclosed by virtue of subsection (1) of section one of the Act of 1949;

“ the Minister ” means the Minister of the Crown who, by virtue of an Order in Council under section eleven of the Act of 1949, is the Minister for the purposes of section two of that Act.

Short title and commencement.

2.—(1) This Act may be cited as the Festival of Britain (Additional Loans) Act, 1951.

(2) This Act shall be deemed to have come into operation on the twentieth day of March, nineteen hundred and fifty-one.



**CHAPTER 48***Dangerous Drugs Act, 1951*

## ARRANGEMENT OF SECTIONS

## PART I

## RAW OPIUM, COCA LEAVES, INDIAN HEMP, &amp;C.

## Section

1. Restriction on importation of drugs to which Part I applies.
2. Restriction on exportation of drugs to which Part I applies.
3. Power to control production, sale, &c., of drugs to which Part I applies.
4. Drugs to which Part I applies.

## PART II

## PREPARED OPIUM

5. Prohibition of importation and exportation of prepared opium.
6. Penalty for manufacturing, selling, using, &c., prepared opium.
7. Meaning of "prepared opium".

## PART III

## MEDICINAL OPIUM, COCAINE, MORPHINE, &amp;C.

8. Restriction on importation and exportation of drugs to which Part III applies.
9. Power to control manufacture, sale, &c., of drugs to which Part III applies.
10. Drugs to which Part III applies.

## PART IV

## CONTROL OF TRADE IN NEW DRUGS

11. Prohibition of trade, &c., in new drugs.
12. Power to apply Part III of this Act to new drugs.

## PART V

## GENERAL

*Offences and Legal Proceedings*

13. Application of Customs Acts.
14. Entry and search of premises, &c., to obtain evidence of offences.
15. Offences and penalties.
16. Attempts, &c., to commit offences.
17. Offences by companies.
18. Legal proceedings.
19. Power of arrest.
20. Destination of fines in certain cases.

*Supplementary*

21. Licences and authorities.
22. Orders, Declarations and regulations.
23. Interpretation.
24. Provisions as to Northern Ireland.
25. Repeal and savings.
26. Short title and commencement.

SCHEDULE.—Enactments Repealed.

An Act to consolidate the Dangerous Drugs Acts, 1920 to 1950, and section twenty-eight of the Pharmacy and Poisons Act, 1933. [1st August 1951.]

**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

### RAW OPIUM, COCA LEAVES, INDIAN HEMP, &C.

Restriction on importation of drugs to which Part I applies.

1.—(1) It shall not be lawful for a person to import or bring into the United Kingdom a drug to which this Part of this Act applies except under a licence granted by a Secretary of State and into an approved port.

(2) In this section the expression “approved port” means a port approved by the Commissioners of Customs and Excise for the importation of drugs to which this Part of this Act applies.

Restriction on exportation of drugs to which Part I applies.

2.—(1) It shall not be lawful for a person to export from the United Kingdom a drug to which this Part of this Act applies except under a licence granted by a Secretary of State and from an approved port.

(2) If at any time the importation into a foreign country of a drug to which this Part of this Act applies is prohibited or restricted by the laws of that country, there shall, while that prohibition or restriction is in force, be attached to every licence which is issued by a Secretary of State under this Act authorising the export of that drug from the United Kingdom such conditions as appear to him necessary for preventing or restricting, as the case may be, the exportation of that drug from the United Kingdom to that country during such time as the importation of that drug into that country is so prohibited or restricted, and any such licences issued before the prohibition or restriction came into force shall, if a Secretary of State by order so directs, be deemed to be subject to the like conditions.

(3) In this section the expression “approved port” means a port approved by the Commissioners of Customs and Excise for the exportation of drugs to which this Part of this Act applies.

Power to control production, sale, &c., of drugs to which Part I applies.

3.—(1) A Secretary of State may by regulations provide for controlling or restricting the production, possession, sale and distribution of drugs to which this Part of this Act applies, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of any such drug except by persons licensed or otherwise authorised in that behalf by a Secretary of State.

(2) This section shall, in its application to Northern Ireland, have effect with the substitution, for references to a Secretary of State, of references to the Ministry of Home Affairs for Northern Ireland.

PART I  
—cont.

4.—(1) The drugs to which this Part of this Act applies are raw opium, coca leaves, Indian hemp, and resins obtained from Indian hemp and all preparations of which such resins form the base. Drugs to which Part I applies.

(2) In this section—

- (a) the expression “raw opium” includes powdered or granulated opium, but does not include medicinal opium;
- (b) the expression “medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopœia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;
- (c) the expression “coca leaves” means the leaves of any plant of the genus of the erythroxylaceæ from which cocaine can be extracted either directly or by chemical transformation; and
- (d) the expression “Indian hemp” means the dried flowering or fruiting tops of the pistillate plant known as *cannabis sativa* from which the resin has not been extracted, by whatever name such tops are called.

## PART II

### PREPARED OPIUM

5. It shall not be lawful for a person to import or bring into, or to export from, the United Kingdom, any prepared opium. Prohibition of importation and exportation of prepared opium.

6. If a person—

- (a) manufactures, sells or otherwise deals in prepared opium; or
- (b) has in his possession any prepared opium; or
- (c) being the occupier of any premises, permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or
- (d) is concerned in the management of any premises used for any such purpose as aforesaid; or

Penalty for manufacturing, selling, using, &c., prepared opium.

PART II  
—cont.

- (e) has in his possession any pipes or other utensils for use in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium or frequents a place used for the purpose of opium smoking;
- he shall be guilty of an offence against this Act.

Meaning of  
“prepared  
opium”.

7. In this Part of this Act the expression “prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

## PART III

## MEDICINAL OPIUM, COCAINE, MORPHINE, &amp;C.

Restriction on  
importation and  
exportation of  
drugs to which  
Part III applies.

8. It shall not be lawful for a person to import or bring into, or to export from, the United Kingdom a drug to which this Part of this Act applies except under a licence granted by a Secretary of State.

Power to  
control  
manufacture,  
sale, &c., of  
drugs to  
which Part III  
applies.

9.—(1) For the purpose of preventing the improper use of the drugs to which this Part of this Act applies, a Secretary of State may by regulations provide for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for—

- (a) prohibiting the manufacture of a drug to which this Part of this Act applies except on premises licensed for the purpose by a Secretary of State and subject to any conditions specified in the licence;
- (b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorised under the regulations by a Secretary of State and subject to any conditions specified in the licence or authority;
- (c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and
- (d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed by the regulations.

(2) The regulations under this section shall provide for authorising a person lawfully carrying on business in accordance with the provisions of the Pharmacy and Poisons Act, 1933, as an authorised seller of poisons—

- (a) in the ordinary course of his retail business to manufacture, at any premises duly registered under Part I of that Act, any preparation, admixture or extract of a drug to which this Part of this Act applies; or

(b) to carry on at any such premises as aforesaid the business of retailing, dispensing or compounding any such drug; subject to the power of the Secretary of State to withdraw the authorisation in the case of a person who has been convicted of an offence against this Act or the Dangerous Drugs Act, 1920, or of an offence under the enactments relating to the customs as applied by this Act or that Act and who cannot, in the opinion of the Secretary of State, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug:

Provided that the Secretary of State shall, before withdrawing the authorisation in the case of any such person, consult the Council of the Pharmaceutical Society of Great Britain.

(3) Nothing in any regulations made under this section shall be taken to authorise the sale by retail of poisons by a person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Acts, 1852 to 1941, or to be in derogation of the provisions of those Acts for prohibiting, restricting or regulating the sale of poisons.

(4) This section shall, in its application to Northern Ireland, have effect with the substitution, in subsection (1) thereof, for references to a Secretary of State, of references to the Ministry of Home Affairs for Northern Ireland and with the substitution, for subsections (2) and (3) thereof, of the following subsections:—

“(2) The regulations under this section shall provide for authorising a person who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy and Poisons Acts (Northern Ireland), 1925 and 1945—

(a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture or extract of a drug to which this Part of this Act applies; or

(b) to carry on at the shop the business of retailing, dispensing or compounding any such drug;

subject to the power of the Ministry of Home Affairs for Northern Ireland to withdraw the authorisation in the case of a person who has been convicted of an offence against this Act or the Dangerous Drugs Act, 1920, or of an offence under the enactments relating to the customs as applied by this Act or that Act and who cannot, in the opinion of that Ministry, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug:

Provided that the said Ministry shall, before withdrawing the authorisation in the case of any such person, consult the Council of the Pharmaceutical Society of Northern Ireland.

PART III  
—cont.

(3) Nothing in any regulations made under this section shall be taken to authorise the sale, or the keeping of an open shop for the retailing, dispensing or compounding, of poisons by a person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Acts (Northern Ireland), 1925 and 1945, or to be in derogation of the provisions of those Acts for prohibiting, restricting or regulating the sale of poisons."

Drugs to which  
Part III  
applies.

10.—(1) Subject to the following provisions of this section and to the provisions of Part IV of this Act, the drugs to which this Part of this Act applies are—

- (a) medicinal opium;
- (b) any extract or tincture of Indian hemp;
- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;
- (e) any solution or dilution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine;
- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (g) dihydrohydroxycodine, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts;
- (i) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (g) or in paragraph (h) of this subsection.

For the purposes of this subsection—

- (i) the expression “ecgonine” means lævo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially;
- (ii) the expression “medicinal opium” has the meaning assigned to it by subsection (2) of section four of this Act;

and percentages, in the case of morphine, shall be calculated as in respect of anhydrous morphine and, in the case of liquid preparations, shall, unless other provision in that behalf is made by regulations made by a Secretary of State, be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

(2) If it appears to His Majesty that a new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind—

- (a) is, or is likely to be, productive, if improperly used, of ill effects substantially of the same character or nature as, or analogous to, those produced by morphine or cocaine; or
- (b) is capable of being converted into a substance which is, or is likely to be, productive, if improperly used, of such effects;

he may by Order in Council declare that this Part of this Act shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in the foregoing subsection.

(3) His Majesty may by Order in Council apply this Part of this Act, with such modifications as may be specified in the Order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

(4) If His Majesty in Council thinks fit to declare that a finding with respect to a preparation containing any of the drugs to which this Part of this Act applies has, in pursuance of Article 8 of the Geneva Convention (No. 1), been communicated by the Economic and Social Council of the United Nations to the parties to the said Convention, the provisions of this Part of this Act shall, as from such date as may be specified in the Declaration, cease to apply to the preparation specified therein.

## PART IV

## CONTROL OF TRADE IN NEW DRUGS

Prohibition of  
trade, &c., in  
new drugs.

11.—(1) It shall not be lawful for a person in the United Kingdom to trade in, or manufacture for the purpose of trade, any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was, on the thirteenth day of July, nineteen hundred and thirty-one, being used for medical or scientific purposes:

Provided that if His Majesty is at any time satisfied as respects any such product that it is of medical or scientific value, he may by Order in Council direct that this subsection shall cease to apply to that product.

(2) If a person acts in contravention of the foregoing subsection he shall be guilty of an offence against this Act.

Power to apply  
Part III of this  
Act to new  
drugs.

12. If it is made to appear to His Majesty that a decision with respect to any such product as is mentioned in subsection (1) of the last foregoing section has, in pursuance of Article 11 of the Geneva Convention (No. 2), been communicated by the Secretary-General of the United Nations to the parties to the said Convention, His Majesty, by Order in Council, may, as the case requires, either declare that the provisions of Part III of this Act shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) of section ten of this Act or apply the said Part III to that product with such modifications as may be specified in the Order.

## PART V

## GENERAL

*Offences and Legal Proceedings*

Application  
of Customs  
Acts.

13.—(1) Articles prohibited to be imported by virtue of this Act shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of this Act relating to the prohibition of the export of articles shall have effect as though they were included in that Act, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

(2) If any goods prohibited to be exported by virtue of this Act are exported from the United Kingdom in contravention thereof, or brought to a quay or other place to be shipped for the purpose of being so exported or of being waterborne to be so exported, the exporter or his agent shall be liable to the same



penalty as that to which a person is liable under section one hundred and eighty-six of the Customs Consolidation Act, 1876, for illegally importing prohibited goods.

PART V  
—cont.

14.—(1) A constable or other person authorised in that behalf by a general or special order of a Secretary of State (or in Northern Ireland either of a Secretary of State or of the Ministry of Home Affairs for Northern Ireland) shall, for the purposes of the execution of Parts I, II and III of this Act, have power to enter the premises of a person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which Part I, II or III of this Act applies, and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

Entry and search of premises, &c., to obtain evidence of offences.

(2) If a justice of the peace (or in Scotland either a justice of the peace or a sheriff) is satisfied by information on oath that there is reasonable ground for suspecting—

- (a) that any drugs to which Part I, II or III of this Act applies are, in contravention of the provisions of this Act or any regulations made thereunder, in the possession or under the control of a person in any premises; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence against this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the United Kingdom, an offence against the provisions of a corresponding law in force in that place, is in the possession or under the control of a person in any premises,

he may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that a document which may be so found is such a document as is mentioned in paragraph (b) of this subsection, to seize and detain those drugs or that document, as the case may be.

(3) If a person wilfully delays or obstructs a person in the exercise of his powers under this section or fails to produce, or conceals or attempts to conceal, any such books, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Act.

**PART V**  
—*cont.*  
**Offences and  
penalties.**

**15.—(1) A person—**

- (a) who acts in contravention of, or fails to comply with, a regulation made under this Act; or
- (b) who acts in contravention of, or fails to comply with, the conditions of a licence issued or authority granted under, or in pursuance of, this Act; or
- (c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes a declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or a document containing the same; or
- (d) who in the United Kingdom aids, abets, counsels, or procures the commission in a place outside the United Kingdom of an offence punishable under the provisions of a corresponding law in force in that place, or does an act preparatory to, or in furtherance of, an act which if committed in the United Kingdom would constitute an offence against this Act,

shall be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act shall, in respect of each offence, be liable—

- (a) on conviction on indictment, to a fine not exceeding one thousand pounds, or to imprisonment for a period not exceeding ten years, or to both such fine and imprisonment; or
- (b) on summary conviction, to a fine not exceeding two hundred and fifty pounds, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment;

and shall, in every case, on conviction for the offence, forfeit to His Majesty all articles in respect of which the offence was committed:

Provided that no person shall, on conviction for an offence against this Act consisting of a contravention or failure to comply with a regulation under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Act.

(3) The court before which a person is convicted for an offence against this Act may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

PART V  
—cont.

(4) This section shall, in its application to Northern Ireland, have effect with the substitution, for references in paragraph (a) of subsection (2) thereof to imprisonment, of references to penal servitude, and with the substitution, for references in paragraph (b) of that subsection to imprisonment, of references to imprisonment with or without hard labour.

16. If a person attempts to commit an offence against this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on summary conviction to the same punishment and forfeiture as if he had committed an offence under this Act.

Attempts, &c.,  
to commit  
offences.

17. Where a person convicted of an offence under this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Offences by  
companies.

18.—(1) No person shall—

- (a) in England or Wales, be proceeded against by indictment for an offence under this Act unless the proceedings are instituted by, or with the consent of, the Attorney General or by the Director of Public Prosecutions; Legal proceedings.
- (b) in Northern Ireland, be proceeded against as aforesaid unless the proceedings are instituted by, or with the consent of, the Attorney General for Northern Ireland:

Provided that paragraph (a) of this subsection shall not apply where the person charged claims, in pursuance of section seventeen of the Summary Jurisdiction Act, 1879, to be tried by a jury.

(2) Any proceedings before a court of summary jurisdiction for an offence against this Act or for attempting to commit or soliciting or inciting another person to commit such an offence may, notwithstanding any enactment prescribing the time within which such proceedings may be brought, be brought either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of a Secretary of State to justify a prosecution for the offence comes to his knowledge, whichever is the longer, and for the purposes of this subsection a certificate purporting to be signed by a Secretary of State as to the date on which such evidence as aforesaid comes to his knowledge shall be conclusive evidence thereof.

In the application of this subsection to Scotland references to the Lord Advocate, and in the application of this subsection to Northern Ireland references to the Attorney General for Northern Ireland, shall be substituted for the references to a Secretary of State.

**PART V**  
—*cont.*

(3) For the avoidance of doubt it is hereby declared that in any proceedings against a person for an offence against this Act it is not necessary to negative by evidence a licence, authority or other matter of exception or defence, and that the burden of proving any such matter lies on the person seeking to avail himself thereof.

**Power of  
arrest.**

19. A constable may arrest without warrant a person who has committed, or attempted to commit, or is reasonably suspected by the constable of having committed or attempted to commit, an offence against this Act, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to, and cannot be ascertained by, him.

**Destination of  
fines in certain  
cases.**

20. One half of the amount of a fine imposed by a court of summary jurisdiction in pursuance of this Act in proceedings taken by the direction of a Secretary of State or by, or by the direction of, the Director of Public Prosecutions shall, notwithstanding anything in any other enactment, be paid into the Exchequer of the United Kingdom in such manner as the Treasury may from time to time direct, and one half of the amount of a fine so imposed in proceedings taken by the direction of the Attorney General for Northern Ireland shall, notwithstanding anything in any other enactment, be paid into the Exchequer of Northern Ireland in such manner as the Ministry of Finance for Northern Ireland may from time to time direct:

Provided that, on the coming into operation of section twenty-seven of the Justices of the Peace Act, 1949 (which provides for the payment to the Secretary of State of all fines imposed by a court of summary jurisdiction in England or Wales) the foregoing provisions of this section shall cease to have effect so far as regards fines imposed by any such court.

*Supplementary***Licences and  
authorities.**

21. A licence or authority issued or granted for the purposes of this Act by a Secretary of State or the Ministry of Home Affairs for Northern Ireland may be issued or granted on such terms and subject to such conditions (including, in the case of a licence, the payment of a fee) as the Secretary of State or the said Ministry, as the case may be, thinks proper.

**Orders,  
Declarations  
and  
regulations.**

22.—(1) An Order or Declaration made under this Act by His Majesty in Council may be varied or revoked by a subsequent Order or Declaration made in the like manner and subject to the like provisions.

(2) Any power to make regulations conferred by this Act on a Secretary of State shall be exercisable by statutory instrument,

and a statutory instrument made in exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART V  
—cont.

(3) Every regulation made under this Act by the Ministry of Home Affairs for Northern Ireland shall be laid forthwith before each House of the Parliament of Northern Ireland, and if an Address is presented to the Governor of Northern Ireland within the period hereinafter mentioned praying that the regulation may be annulled, the Governor of Northern Ireland in Council may annul the regulation and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

The period referred to in the foregoing provisions of this subsection is, in relation to either House of the Parliament of Northern Ireland, a period beginning with the day following that on which the regulation is laid before it and comprising ten days at least on which that House has sat, but not being in any case shorter in duration than twenty days; and days comprised in more than one Session of the Parliament of Northern Ireland may be reckoned for the purposes of this provision.

23.—(1) In this Act the expression “corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the United Kingdom to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of the Hague Convention, the Geneva Convention (No. 1) and the Geneva Convention (No. 2), and a statement in any such certificate as to the effect of the law mentioned in the certificate or a statement in any such certificate that any facts constitute an offence against that law shall be conclusive. Interpretation.

(2) In this Act—

- (a) the expression “the Hague Convention” means the International Opium Convention signed at the Hague on the third day of January, nineteen hundred and twelve;
- (b) the expression “the Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the nineteenth day of February, nineteen hundred and twenty-five; and
- (c) the expression “the Geneva Convention (No. 2)” means the Convention for the purpose of supplementing the provisions of the Conventions aforesaid which was signed at Geneva on the thirteenth day of July, nineteen hundred and thirty-one;

and any reference in the provisions of this Act (other than those of this subsection) to any of the said Conventions shall be

L

**PART V**  
—*cont.*

construed as a reference to that Convention as amended by the Protocol on Narcotic Drugs signed at Lake Success, New York, on the eleventh day of December, nineteen hundred and forty-six.

(3) For the purposes of this Act, an article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence issued under this Act authorising the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence, but not otherwise.

**Provisions as  
to Northern  
Ireland.**

**24.—**(1) For the purposes of the application of this Act to Northern Ireland, the expression “court of summary jurisdiction” shall mean a court of summary jurisdiction constituted in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction, and the expression “summary conviction” shall mean conviction in accordance with those enactments.

(2) For the avoidance of doubt it is hereby declared that, where a term of imprisonment is imposed under section fifteen of this Act on a person by a court of summary jurisdiction in Northern Ireland in respect of the non-payment of a fine for an offence against this Act, the provisions of section forty-four of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 (which relates to consecutive sentences of imprisonment) apply to that term of imprisonment.

(3) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws) this Act shall be deemed to have been passed before the day appointed for the purposes of that section.

**Repeal and  
savings.**

**25.—**(1) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and in Article 35 of the Government of Ireland (Adaptation of Enactments) (No. 3) Order, 1922, the words “and in the Dangerous Drugs Act, 1920,” are hereby revoked.

(2) Nothing in this Act shall affect any Order or Declaration in Council, order or regulation made, licence issued, authority or warrant granted or any other thing done under an enactment repealed by this Act, but any such Order or Declaration in Council, order, regulation, licence, authority, warrant or thing which is in force at the commencement of this Act shall continue in force and so far as it could have been made, issued, granted or done under the corresponding provision of this Act shall have effect

as if it had been made, issued, granted or done under that corresponding provision:

PART V  
—cont.

Provided that this subsection shall not apply to any such approval as is mentioned in the next following subsection.

(3) Approval for the importation of raw opium given under the Dangerous Drugs Act, 1920, by the Commissioners of Customs and Excise to a port shall have effect as if it were approval for the importation of drugs to which Part I of this Act applies given under this Act by those Commissioners to that port, and approval for the exportation of raw opium given under the said Act of 1920 by those Commissioners to a port shall have effect as if it were approval for the exportation of drugs to which Part I of this Act applies given under this Act by those Commissioners to that port.

(4) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(5) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

26.—(1) This Act may be cited as the Dangerous Drugs Act, 1951. Short title  
and commence-  
ment.

(2) This Act shall come into operation on the day appointed for the coming into operation of the Dangerous Drugs (Amendment) Act, 1950, and immediately after that Act comes into operation.

## SCHEDULE

Section 25.

### ENACTMENTS REPEALED

| Session and Chapter.      | Short Title.                                           | Extent of Repeal.     |
|---------------------------|--------------------------------------------------------|-----------------------|
| 10 & 11 Geo. 5.<br>c. 46. | The Dangerous Drugs Act, 1920.                         | The whole Act.        |
| 13 & 14 Geo. 5.<br>c. 5.  | The Dangerous Drugs and Poisons (Amendment) Act, 1923. | The whole Act.        |
| 15 & 16 Geo. 5.<br>c. 74. | The Dangerous Drugs Act, 1925.                         | The whole Act.        |
| 22 & 23 Geo. 5.<br>c. 15. | The Dangerous Drugs Act, 1932.                         | The whole Act.        |
| 23 & 24 Geo. 5.<br>c. 25. | The Pharmacy and Poisons Act, 1933.                    | Section twenty-eight. |
| 14 & 15 Geo. 6.<br>c. 7.  | The Dangerous Drugs (Amendment) Act, 1950.             | The whole Act.        |

## Table of Statutes referred to in this Act

| Short Title                                  | Session and Chapter         |
|----------------------------------------------|-----------------------------|
| Customs Consolidation Act, 1876 ... ..       | 39 & 40 Vict. c. 36.        |
| Summary Jurisdiction Act, 1879 ... ..        | 42 & 43 Vict. c. 49.        |
| Interpretation Act, 1889 ... ..              | 52 & 53 Vict. c. 63.        |
| Dangerous Drugs Act, 1920 ... ..             | 10 & 11 Geo. 5. c. 46.      |
| Government of Ireland Act, 1920 ... ..       | 10 & 11 Geo. 5. c. 67.      |
| Pharmacy and Poisons Act, 1933... ..         | 23 & 24 Geo. 5. c. 25.      |
| Justices of the Peace Act, 1949 ... ..       | 12, 13 & 14 Geo. 6. c. 101. |
| Dangerous Drugs (Amendment) Act, 1950 ... .. | 14 & 15 Geo. 6. c. 7.       |

## CHAPTER 49

An Act to extend the provisions of the Slaughter of Animals Act, 1933, and to implement certain recommendations of the departmental committee on the export and slaughter of horses. [1st August 1951.]

**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:—

Obligation to water and feed animals in lairages.

1.—(1) The occupier of every lairage shall cause every animal brought to the lairage to be provided with a sufficient quantity of wholesome water and, when it is necessary to confine any such animal for a period exceeding twelve hours, shall cause it to be provided with a sufficient quantity of wholesome food in each morning and each afternoon during which it is in confinement (including that in which it is brought into confinement):

Provided that no person shall be liable for a contravention of the requirement as to the provision of food hereby imposed—

- (a) in the case of any animal, by reason of its not having been fed in the morning or afternoon in which it is slaughtered, or
- (b) in the case of an animal which is slaughtered in any morning or afternoon for butcher's meat, by reason of its not having been fed in the preceding afternoon, or in the preceding morning, as the case may be, or
- (c) in the case of an animal as to which it is proved that it was intended that it should be slaughtered for butcher's meat in a given morning or afternoon, by reason of its not having been fed in the preceding afternoon, or in the preceding morning, as the case may be.



In this provision the expressions “ morning ” and “ afternoon ” mean the periods of twelve hours ending and beginning respectively with mid-day.

(2) In this section the expression “ lairage ” means any premises, yard or field used for the confinement of animals awaiting slaughter.

(3) In the Slaughter of Animals Act, 1933 (hereinafter called the principal Act) section five (which provides penalties for contravention) shall have effect as if the preceding provisions of this section were included in the Second Schedule to that Act. <sup>23 & 24 Geo. 5. c. 39.</sup>

(4) For the purpose of this section and paragraph 2 of the Second Schedule to the principal Act, consecutive periods of confinement, whether in a slaughterhouse, knacker’s yard or lairage, shall count as one continuous period.

2. Paragraph 2 of the Second Schedule to the principal Act shall be amended as follows, that is to say, for the words from “ exceeding twenty-four hours ” to the end of the paragraph there shall be substituted the words set out in subsection (1) of section one of this Act from “ exceeding twelve hours ” to the end of that subsection. <sup>Amendment of para. 2 of Second Schedule to principal Act.</sup>

3. In paragraph 3 of the Second Schedule to the principal Act (which requires the heads of certain animals to be securely fastened before stunning) the words from “ horse ” to “ mule ” shall be omitted. <sup>Amendment of para. 3 of Second Schedule to principal Act.</sup>

4.—(1) This Act may be cited as the Slaughter of Animals (Amendment) Act, 1951, and this Act and the principal Act shall be construed as one and may be cited together as the Slaughter of Animals Acts, 1933 and 1951. <sup>Short title, construction, extent and commencement.</sup>

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

(3) This Act shall come into operation on the first day of October, nineteen hundred and fifty-one.



## CHAPTER 50

An Act to complete the charge on the Consolidated Fund of the provisions made by the Civil List Act, 1937. [1st August 1951.]

**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:—

Charge on the Consolidated Fund.  
1 Edw. 8. &  
1 Geo. 6. c. 32.

1. Section thirteen of the Civil List Act, 1937 (which directs payment out of the Consolidated Fund of the sums required under that Act for the provisions mentioned in that section) shall apply to the sums the payment of which is required by section six of that Act.

Short title.

2. This Act may be cited as the Consolidated Fund (Civil List Provisions) Act, 1951.

## CHAPTER 51

*Isle of Man (Customs) Act, 1951*

## ARRANGEMENT OF SECTIONS

## Section

1. Matches.
2. Annual duties (continuation).
3. Valuation of goods for purpose of ad valorem duties.
4. Duty-free importations for blind welfare.
5. Bottling of wine in bond for home consumption.
6. Time for laying annual account before House of Commons.
7. Short title.

SCHEDULE.—Value of goods removed or imported into the Isle of Man.

An Act to amend the law with respect to customs in the Isle of Man. [1st August 1951.]

**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:—

Reduction of match duties.

1.—(1) In lieu of the duties imposed on matches by section four of the Act of 1949, there shall, until the first day of August, nineteen hundred and fifty-two, be payable, on the removal or importation of matches into the Isle of Man, duties of customs at the following rates, that is to say—

|                                                                                           | <i>Rate of<br/>duty</i> |
|-------------------------------------------------------------------------------------------|-------------------------|
| (a) for every 10,000 matches in containers in which there are not more than 30 matches... | 19s. 11d.               |
| (b) for every 7,200 matches in containers in which there are more than 30 matches ...     | 14s. 5d.                |

and so in proportion for any less number of matches.

(2) For the purposes of the duties under this section, a match which has more than one point of ignition shall be reckoned as so many matches as there are points of ignition.

(3) The Commissioners may by statutory instrument make regulations with respect to the collection of the duties under this section, and may for that purpose apply, with the necessary modifications, to matches removed or imported into the Isle of Man any enactments applicable to duties on matches imported into Great Britain and Northern Ireland.

(4) Section four of the Act of 1949 is hereby repealed.

(5) This section shall have effect from the first day of August, nineteen hundred and fifty-one.

2.—(1) Subject to the provisions of this section, the duties of Annual duties 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 until the first day of August, nineteen hundred and fifty-two:— (continuation).

TABLE

| Description of goods                                                                            | Enactment imposing duty                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ale and beer ... ..                                                                             | Section three of the Act of 1950.                                                                                                                                                                                                                                                                                     |
| Cocoa ... ..                                                                                    | Section four of the Act of 1924.                                                                                                                                                                                                                                                                                      |
| Hops and extracts, essences and other similar preparations (other than hop oil) made from hops. | Section five of the Act of 1925.                                                                                                                                                                                                                                                                                      |
| Hop oil ... ..                                                                                  | Section three of the Act of 1929.                                                                                                                                                                                                                                                                                     |
| Mechanical lighters ...                                                                         | Section five of the Act of 1949.                                                                                                                                                                                                                                                                                      |
| Silk and artificial silk and articles made wholly or in part of silk or artificial silk.        | Section seven of the Act of 1925, as amended by section eight of the Act of 1926, section nine of the second Act of 1932, section four of the Act of 1933, section three of the Act of 1936, section three of the Act of 1937, section four of the Act of 1947 and subsection (2) of section five of the Act of 1948. |
| Spirits ... ..                                                                                  | Section two of the Act of 1948.                                                                                                                                                                                                                                                                                       |
| Sweets ... ..                                                                                   | Section three of the Act of 1949.                                                                                                                                                                                                                                                                                     |
| Tea ... ..                                                                                      | Section one of the Act of 1949.                                                                                                                                                                                                                                                                                       |
| Tobacco ... ..                                                                                  | Section one of the Act of 1948.                                                                                                                                                                                                                                                                                       |
| Wines ... ..                                                                                    | Section two of the Act of 1949.                                                                                                                                                                                                                                                                                       |

(2) 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 fifty-two, 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.

Valuation of goods for purpose of ad valorem duties.

3.—(1) For the purpose of any enactment for the time being in force under which a duty of customs is chargeable in the Isle of Man on goods by reference to their value, the value of any goods removed or imported into the Isle of Man shall be taken to be that laid down by the Schedule to this Act, and duty shall be paid on that value:

Provided that, in the case of goods entered for home consumption, being goods which are—

- (a) imported into the Isle of Man under a contract of sale or
- (b) removed into the Isle of Man after being imported into the United Kingdom under a contract of sale,

duty shall be deemed to have been paid on that value if, before the goods are delivered for home consumption, duty is tendered and accepted on a declared value based on the contract price.

(2) For the purpose of the proviso to the foregoing subsection—

- (a) the declared value of any goods is their value as declared on entry for home consumption by or on behalf of the person making the entry;
- (b) that value shall be deemed to be based on the contract price if, but only if, it represents that price properly adjusted to take account of circumstances differentiating the contract from such a contract of sale as is contemplated by the Schedule to this Act;
- (c) the rate of exchange to be used for determining the equivalent in sterling of any foreign currency shall be the current selling rate in the United Kingdom as last notified before the time when the goods are entered for home consumption.

(3) The Commissioners may by statutory instrument make regulations for the purpose of giving effect to the foregoing provisions of this section, and in particular for requiring any person concerned with the removal or importation of goods into the Isle of Man, or with the importation into the United Kingdom of goods subsequently removed into the Isle of Man, to furnish to the Commissioners, in such form as they may require, such

information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, removal, importation, or sale of the goods by that person; and if any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

As from the commencement of this Act, any regulations made by the Commissioners under subsection (6) of section six of the Act of 1935 which are in force at that commencement shall have effect as if made under this subsection.

(4) The foregoing provisions of this section shall not affect the law relating to purchase tax in the Isle of Man.

(5) Section six of the Act of 1935 is hereby repealed.

4.—(1) Where the Governor is satisfied that any goods imported or removed, or proposed to be imported or removed, into the Isle of Man after the coming into force of this section, being goods consigned, or proposed to be consigned, to any organisation appearing to the Governor to have for its sole or principal object, or among its principal objects, the promotion of the welfare of the blind, consist of articles specially designed for the educational, scientific or cultural advancement of the blind, he may, if he thinks it expedient so to do, by order authorise either—

Duty-free importations for blind welfare.

- (a) the removal or importation of the goods into the Isle of Man without payment of any duties to which this section applies; or
- (b) the repayment of any such duties already paid in respect of the goods.

(2) This section applies to duties of customs payable or deemed to be payable under Part I of the first Act of 1932 and to duties of customs chargeable on silk or artificial silk, or articles made wholly or in part of silk or artificial silk.

5. Section ninety-five of the Customs Consolidation Act, 1876 (under which British spirits may be bottled in warehouse for home consumption, but wine may be so bottled for export only) shall, in its application to the Isle of Man, have effect with the substitution for the words “draw off British spirits into bottles for home consumption” of the words “draw off wine or British spirits into bottles for home consumption”.

Bottling of wine in bond for home consumption. 39 & 40 Vict. c. 36.

6. Section eleven of the Isle of Man Customs, Harbours and Public Purposes Act, 1866 (which requires the Treasury on or before the thirtieth of June in each year to lay before the House of Commons the Commissioners' annual account of their receipts

Time for laying annual account before House of Commons. 29 & 30 Vict. c. 23.

L\* c. 23.

and expenditure in respect of Isle of Man customs duties, together with other documents) shall have effect as if for the words "on or before the thirtieth of June" there were substituted the words "on or before the thirty-first of December."

Short title. 7. This Act may be cited as the Isle of Man (Customs) Act, 1951.

Section 3.

## SCHEDULE

### VALUE OF GOODS REMOVED OR IMPORTED INTO THE ISLE OF MAN

1.—(1) The value of any goods removed or imported into the Isle of Man shall be taken to be the normal price, that is to say the price which they would fetch, at the time when they are entered for home consumption (or, in the case of imported goods not so entered, the time of importation) on a sale in the open market between buyer and seller independent of each other.

(2) The normal price of any removed or imported goods shall be determined on the following assumptions:—

- (a) that the goods are treated as having been delivered to the buyer at the port or place of importation into the United Kingdom (in the case of removed goods) or at the port or place of importation into the Isle of Man (in the case of imported goods); and
- (b) that the seller will bear freight, insurance, commission and all other costs, charges and expenses incidental to the sale and the delivery of the goods at that port or place; but
- (c) that the buyer will bear any duty or tax chargeable in the United Kingdom or the Isle of Man.

2. A sale in the open market between buyer and seller independent of each other pre-supposes—

- (a) that the price is the sole consideration; and
- (b) that the price made is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him and the buyer or any person associated in business with him (other than the relationship created by the sale of the goods in question); and
- (c) that no part of the proceeds of the subsequent re-sale, use or disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.

3.—(1) Where the goods to be valued—

- (a) are manufactured in accordance with any patented invention or are goods to which any registered design has been applied; or
- (b) are imported under a foreign trade mark, or are imported for sale (whether or not after further manufacture) under a foreign trade mark;

the normal price shall be determined on the assumption that the price covers the right to use the patent, design or trade mark in respect of the goods.

(2) For this purpose the expression " trade mark " includes a trade name and a get-up, and a foreign trade mark is a trade mark used for the purpose of indicating that goods in relation to which it is used are those of—

- (a) a person by whom the goods to be valued have been grown, produced, manufactured, selected, offered for sale or otherwise dealt with outside the United Kingdom and the Isle of Man; or
- (b) a person associated in business with any such person as is referred to in paragraph (a) of this sub-paragraph; or
- (c) a person to whom any such person as is mentioned in paragraph (a) or (b) of this sub-paragraph has assigned the goodwill of the business in connection with which the trade mark is used.

4. Two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

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## CHAPTER 52

### *Telephone Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Power of Postmaster General to regulate use of the telephone system, &c.
2. Savings and provision for certain transitional matters.
3. Repeal of ss. 17 and 18 of Telegraph Act, 1868.
4. Short title, interpretation and extent.

An Act to make further provision for enabling the Postmaster General to regulate the use of means of telephonic communication provided by him and the general conduct of telephonic business carried on under his control and to repeal sections seventeen and eighteen of the Telegraph Act, 1868.

[1st August 1951.]

**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 Postmaster General may, with the consent of the Treasury, make regulations for determining the terms and conditions on which the use of means of telephonic communication provided by him (whether through the medium of the public telephone system under his control or otherwise) will be permitted

Power of  
Postmaster  
General to  
regulate use  
of the  
telephone  
system, &c.

and for the general conduct of telephonic business carried on under his control, and in particular, but without prejudice to the generality of the foregoing words—

(a) for determining, or providing for determining, the terms and conditions on which telephone calls involving the use of the said system may be made and on which persons may avail themselves of services and facilities directly or indirectly connected with the use of the said system, for fixing, or providing for fixing, charges for such calls, services and facilities and for empowering the Postmaster General to direct that, at such times or during such periods as may be specified in the directions, the charges fixed under this paragraph by the regulations or such of those charges as may be specified in the directions shall be reduced in accordance with the directions;

(b) for fixing, or providing for fixing, charges in respect of—

(i) the provision by the Postmaster General of equipment or apparatus for the purpose of affording means of telephonic communication;

(ii) the installation by him of equipment or apparatus provided by him for that purpose and the connection thereof for use;

(iii) the maintenance and repair by him of equipment or apparatus so provided; and

(iv) the services of operators provided by him for the purpose of operating equipment or apparatus so provided;

and for providing that the provision as aforesaid by him of equipment or apparatus shall be subject to compliance with such terms and conditions as may be specified in or determined under the regulations;

(c) for providing—

(i) in a case where, after the connection for use of equipment or apparatus provided as aforesaid for the benefit of a person, it ceases, in such circumstances as may be specified in the regulations, to be so provided before the expiration of such period beginning with the day on which it was connected for use as may be specified in or determined under the regulations; and

(ii) in a case where work done by the Postmaster General for the purpose of installing equipment or apparatus for the benefit of a person is, in any such circumstances, rendered abortive before the connection of the equipment or apparatus for use;

for the payment to the Postmaster General, towards recompensing him for loss of revenue by way of charges



in respect of the provision of the equipment or apparatus or, as the case may be, for the cost incurred by him in doing the work, of a sum assessed by him in accordance with such principles as may be specified in the regulations; and

- (d) for determining the times at which, the manner in which and the persons by whom any such charges as are mentioned in paragraphs (a) and (b) of this subsection or any sum payable by virtue of paragraph (c) thereof shall be paid, for empowering the Postmaster General to require the furnishing to him of security for the payment of any such charges or sum and for empowering him to remit, in whole or in part, payment of any such charges or sum.

(2) Different provision and charges may be made and fixed by or under regulations under this section in relation to different circumstances and classes of case, and any such regulations may provide for any incidental or supplementary matters for which it appears to the Postmaster General to be requisite or expedient for the purposes of the regulations to provide.

(3) The powers conferred by this section on the Postmaster General shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2.—(1) Nothing in the foregoing section or in regulations made thereunder shall be construed as precluding the Postmaster General from entering into an agreement with a person for the provision by the Postmaster General, on terms and conditions specified in the agreement, of equipment or apparatus for the purpose of affording means of telephonic communication. Savings and provision for certain transitional matters.

(2) Nothing in the foregoing section shall authorise the making of regulations determining any such agreement as aforesaid (whether made before or after the passing of this Act).

(3) Regulations under the foregoing section may make, in relation to cases where, on the determination (whether by effluxion of time or otherwise) of any such agreement as is mentioned in subsection (1) of this section (whether made before or after the passing of this Act), enjoyment of all or any of the equipment and apparatus provided under the agreement immediately before the determination thereof continues without interruption, and so continues otherwise than by virtue of a further agreement, such provision as appears to the Postmaster General to be requisite or expedient for the purposes of, or in connection with, the transition from a system whereunder rights and obligations relating to the enjoyment of equipment and apparatus provided by the Postmaster General attach by virtue of an agreement to a system whereunder such rights and obligations attach by virtue of the regulations.

(4) Nothing in the foregoing section shall be construed as implying that the Postmaster General is under any obligation to provide equipment or apparatus for the purpose of affording means of telephonic communication.

48 & 49 Vict.  
c. 58. (5) Nothing in the foregoing section shall affect the operation of section two of the Telegraph Act, 1885 (which empowers the Postmaster General to make regulations for the conduct of telegraphic business).

Repeal of  
ss. 17 and 18  
of Telegraph  
Act, 1868.  
31 & 32 Vict.  
c. 110.

3. Sections seventeen and eighteen of the Telegraph Act, 1868 (which respectively require that telegraphic messages having priority in order of transmission over other messages shall be stamped with the word "priority" by the Secretary of State or a government department and retained for twelve months by the Postmaster General and that payments to the Postmaster General for the transmission of telegraphic messages from one place to another within the United Kingdom, the Channel Islands and the Isle of Man shall be made by means of stamps) are hereby repealed.

Short title,  
interpretation  
and extent.

4.—(1) This Act may be cited as the Telephone Act, 1951.

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

(3) It is hereby declared that this Act extends to Northern Ireland.

(4) His Majesty may by Order in Council direct that this Act shall extend to the Channel Islands subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order.

(5) This Act shall extend to the Isle of Man.

## CHAPTER 53

### *Midwives Act, 1951*

#### ARRANGEMENT OF SECTIONS

##### *The Central Midwives Board*

###### Section

1. Constitution and functions of the Central Midwives Board.

##### *Provisions relating to the Roll of Midwives and the Certification and Discipline of Midwives*

2. The roll of midwives.
3. Removal of midwives from the roll.
4. Power of the Board to make rules as to certification of midwives, &c.
5. Certification of midwives certified in Scotland or Northern Ireland.

## 1. Section

6. Certification of midwives trained outside the United Kingdom.
7. Certification not to imply possession of medical qualifications.
8. Penalization of acts falsely implying certification.

*Provisions relating to Practice of Midwifery, &c.*

9. Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.
10. Power of Board to prohibit disqualified midwives from attending, in other capacities, women in childbirth.
11. Prohibition of unqualified persons acting as maternity nurses for gain.
12. Prohibition of certain retired midwives acting as maternity nurses for gain.
13. Prohibition of employment by midwives of unqualified substitutes.
14. Duty of midwives to summon medical assistance in emergencies.

*Notices to be given by Midwives*

15. Notification by midwives of intention to practise.
16. Notification by practising midwives of change of address.

*Local Supervision of Midwives*

17. Local supervision of midwives.

*Financial and other Provisions for Benefit of Midwives*

18. Compensation to midwives for suspension from practice.
19. Power of Board to pay expenses of midwife's defence.
20. Supply of forms, &c., to midwives.
21. Avoidance of certain agreements so far as precluding wearing of authorised uniform.
22. Exemption of midwives from jury service.

*Accounts, Reports and Expenses of the  
Central Midwives Board*

23. Accounts of the Board.
24. Annual report of the Board.
25. Expenses of the Board.

*Miscellaneous and General*

26. Power of local supervising authorities to aid training of midwives.
27. Power of local supervising authorities to provide residential accommodation for pupil midwives.
28. Annual publication of list of practising midwives.
29. Prosecution of offences.
30. Approval of rules.
31. Local supervising authority for purposes of this Act.
32. Meaning of "certified midwife".
33. Amendment of s. 2 (3) of the Midwives Act, 1936.
34. Repeal and consequential savings.
35. Saving for medical practitioners.
36. Short title, extent and commencement.

## SCHEDULES:

First Schedule—Constitution and Procedure of the Central Midwives Board.

Second Schedule—Repeals.

An Act to consolidate certain enactments relating to midwives. [1st August 1951.]

**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:—

*The Central Midwives Board*

Constitution and functions of the Central Midwives Board.

1.—(1) There shall be a Board, to be called the Central Midwives Board (in this Act referred to as “the Board”) which shall have the duty of issuing, in pursuance of rules in that behalf made under the following provisions of this Act, certificates to women who comply with the rules, and shall have such other duties, and such powers, as are conferred on the Board by those provisions.

(2) Subject to the provisions of any order made under the next following subsection, the provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Board.

(3) If at any time it appears to the Minister of Health (hereafter in this Act referred to as “the Minister”) after consultation with such bodies and persons as appear to him to be concerned, to be expedient so to do, he may by order vary the constitution of the Board or reconstitute the Board.

The power conferred on the Minister by this subsection shall be exercisable by statutory instrument whereof a draft shall be laid before Parliament.

(4) An order under the last foregoing subsection may provide for any incidental or supplementary matters for which it appears to the Minister to be requisite or expedient for the purposes of the order to provide and in particular, but without prejudice to the generality of this subsection, may (so far as provision in that behalf appears to the Minister to be requisite or expedient for the purpose of giving full effect to the order) empower the Board to frame rules with respect to such matters as may be specified in the order.

*Provisions relating to the Roll of Midwives and the Certification and Discipline of Midwives*

The roll of midwives.

2.—(1) It shall be the duty of the Board to keep a roll of certified midwives (hereafter in this Act referred to as “the roll”).

(2) The secretary of the Board shall be charged with the custody of the roll.

(3) A copy of the roll shall be kept at the office of the Board and shall be open to the inspection of any person without charge during usual business hours.

(4) Each entry in the roll shall include, with respect to the woman to whom the entry relates, an indication of the manner in which she became entitled to be certified under this Act or the Midwives Act, 1902.

(5) A copy of the roll printed by the authority of the Board or signed by the secretary of the Board shall be evidence that the women specified therein are certified midwives, and the absence of the name of a woman from such a copy shall be evidence that that woman is not a certified midwife.

(6) A certificate under the hand of the secretary of the Board that the name of a woman whose name does not appear in such a copy as aforesaid is included in the roll shall be evidence that that woman is a certified midwife, and a certificate under the hand of the secretary of the Board that the name of a woman whose name appears in the roll has been removed therefrom, and of the date of the removal, shall be evidence of the fact that that woman is not a certified midwife and of the date as from which she ceased to be certified under this Act or the Midwives Act, 1902.

(7) If a person wilfully makes, or causes to be made, a falsification in a matter relating to the roll, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to imprisonment for a term not exceeding twelve months.

3.—(1) The Board may remove from the roll the name of a certified midwife who disobeys any of the rules made under or by virtue of this Act by the Board or who otherwise misconducts herself. Removal of midwives from the roll.

(2) The Board may from time to time, by registered letter addressed to a certified midwife whose name is included in the roll at her address as appearing therein, inquire of her whether she has ceased practice or has changed her residence; and if within a period of six months from the sending of the letter no answer is received thereto the Board may remove her name from the roll.

(3) Where the Board remove the name of a woman from the roll they shall forthwith give notice of that fact to all local supervising authorities concerned.

(4) The Board may restore to the roll the name of a woman removed therefrom, other than the name of a woman removed therefrom under section five of the Midwives Act, 1936.

(5) Where the Board remove the name of a woman from the roll they may cancel her certificate, but may re-issue it if they restore her name to the roll.

(6) A woman who thinks herself aggrieved by a decision of the Board to remove her name from the roll may, within three

months after the notification to her of the decision, appeal therefrom to the High Court and the order of the High Court on an appeal under this subsection shall be final.

(7) A woman whose name is ordered to be removed from the roll under subsection (1) of this section shall, within fourteen days from the making of the order, surrender to the Board her certificate and any badge issued to her in pursuance of rules made under the following provisions of this Act by the Board, and, if she fails so to do, she shall be liable on summary conviction to a fine not exceeding five pounds.

(8) The Board may make rules applying to proceedings before the Board for the removal of the name of a woman from the roll, subject to any necessary modifications, the provisions of Part I of the Arbitration Act, 1950, relating to the summoning, attendance and examination of witnesses, the production of documents, the administration of oaths and the taking of affirmations.

Power of the Board to make rules as to certification of midwives, &c.

4.—(1) The Board shall have power to make rules—

- (a) regulating the issue by them of certificates and the conditions of admission to the roll, and prescribing the courses of training to be undergone and the examinations to be passed by women as a condition of the issue of certificates to them ;
- (b) regulating, supervising and restricting within due limits the practice of certified midwives ;
- (c) prescribing the conditions under which certified midwives may be suspended from practice and in particular, but without prejudice to the generality of this paragraph, authorising the Board to suspend a certified midwife from practice for such period as they think fit in lieu of removing her name from the roll and to suspend from practice, until the case has been decided and (in the case of an appeal) until the appeal has been decided, a certified midwife accused before the Board of disobeying rules or of other misconduct ;
- (d) requiring certified midwives to attend from time to time, in accordance with the provisions of the rules, a course of instruction approved by the Board ;
- (e) regulating the grant by the Board of diplomas, being diplomas in the teaching of midwifery, to certified midwives presenting themselves for examination for such diplomas ; and
- (f) making provision with respect to the uniform which may be worn by certified midwives and as to the wearing of badges by them.

(2) Examinations prescribed by rules made under paragraph (a) of the foregoing subsection shall be held at such times and

places as the Board may determine, and the Board may appoint examiners for the purposes of such examinations and may make rules regulating the conduct of such examinations and the remuneration of examiners appointed for the purposes thereof.

(3) There shall be payable to the Board by a woman in respect of any examination for which she presents herself and in respect of the issue to her of a certificate such fees respectively as may be determined by the Board with the approval of the Minister.

5.—(1) It shall be the duty of the Board, in exercise of the power conferred on them by paragraph (a) of subsection (1) of the last foregoing section—

Certification  
of midwives  
certified  
in Scotland  
or Northern  
Ireland.

(a) after consultation with the Central Midwives Board for Scotland, to make rules enabling women certified under the Midwives (Scotland) Act, 1951, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined by the Board with the approval of the Minister; and

(b) after consultation with the Joint Nursing and Midwives Council for Northern Ireland, to make rules enabling women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined as aforesaid.

(2) The reference in paragraph (b) of the foregoing subsection to the Midwives (Ireland) Act, 1918, shall be construed as a reference to that Act as it applies to Northern Ireland under the provisions of the Government of Ireland Act, 1920, and subject to any adaptation or amendment made by Order in Council under those provisions or by any Act of the Parliament of Northern Ireland.

6.—(1) A woman who proves to the satisfaction of the Board that, elsewhere than in the United Kingdom, she successfully completed her training as a midwife in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of this subsection and that she is of good character shall, on making an application in that behalf and on payment of such fee, if any, as may be determined by the Board with the approval of the Minister, be entitled to be certified under this Act.

Certification  
of midwives  
trained outside  
the United  
Kingdom.

(2) If, in the case of a woman who proves to the satisfaction of the Board that she successfully completed her training as a midwife elsewhere than in the United Kingdom but is unable to prove that her training was in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of the foregoing subsection, the Board are of opinion

that she can properly be certified under this Act after undergoing to their satisfaction such further training in England as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that she is of good character, certify her under this Act if, after undergoing the specified training in England to their satisfaction and passing any specified examinations, she makes an application in that behalf and pays such fee, if any, as may be determined by the Board with the approval of the Minister.

Certification not to imply possession of medical qualifications.

7. A certificate issued under this Act to a woman shall not confer upon her any right or title to be registered under the Medical Acts or to assume a name, title or designation implying that she is by law recognised as a medical practitioner or that she is authorised to grant a medical certificate or a certificate of death or to undertake the charge of cases of abnormality or disease in connection with parturition.

Penalization of acts falsely implying certification.

8. A woman who, not being a certified midwife, takes or uses the name or title of midwife, either alone or in combination with any other word or words, or any name, title, addition, description, uniform or badge implying that she is a certified midwife or is a person specially qualified to practise midwifery or is recognised by law as a midwife, shall be liable on summary conviction to a fine not exceeding five pounds.

*Provisions relating to the Practice of Midwifery, &c.*

Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.

9. If a person, being either a male person or a woman who is not a certified midwife, attends a woman in childbirth otherwise than under the direction and personal supervision of a duly qualified medical practitioner, that person shall, unless he or she satisfies the court that the attention was given in a case of sudden or urgent necessity, be liable on summary conviction to a fine not exceeding ten pounds:

Provided that the provisions of this section shall not apply in the case of a person who, while undergoing training with a view to becoming a duly qualified medical practitioner or certified midwife, attends a woman in childbirth as part of a course of practical instruction in midwifery recognised by the General Medical Council or the Board.

Power of Board to prohibit disqualified midwives from attending, in other capacities, women in childbirth.

10.—(1) Where the Board remove the name of a certified midwife from the roll they may prohibit her from attending women in childbirth in any capacity other than that of midwife.

(2) A woman who thinks herself aggrieved by a decision of the Board to prohibit her as aforesaid may, within three months after the notification to her of the decision, appeal therefrom to the High Court and the order of the High Court on an appeal under this subsection shall be final.



(3) A woman who acts in contravention of a prohibition imposed under this section shall be liable on summary conviction to a fine not exceeding ten pounds unless she proves that she acted in a case of emergency.

**11.**—(1) If, on or after the date on which this section is applied to the area of a local supervising authority or to a county district contained therein, a person, being a woman who is neither a certified midwife nor registered in the general part of the register of nurses required to be kept under the Nurses Registration Act, 1919, or a male person, receives any remuneration for attending in that area or district as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, that person shall be liable on summary conviction to a fine not exceeding ten pounds:

Prohibition of unqualified persons acting as maternity nurses for gain.

Provided that the provisions of this subsection shall not apply in the case of—

- (a) a 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 the Board; or
- (b) a person who attends on a woman as aforesaid in a nursing home which is registered under Part VI of the Public Health Act, 1936, or exempt under section one hundred and ninety-two of that Act from the operation of the provisions of that Part of that Act relating to nursing homes, or in any hospital or other premises or institution which is not included in the definition of the expression “nursing home” in subsection (1) of section one hundred and ninety-nine of that Act by virtue of paragraphs (i), (ii) and (iii) thereof; or
- (c) a woman who, before the first day of January, nineteen hundred and thirty-seven, was certified, by the authorities of a hospital or other institution to which the Minister has by order applied this proviso, to have been trained in obstetric nursing and who has given notice in writing to the authority of the area that she was so certified.

(2) The Minister may by order apply this section to the area of a local supervising authority, or to a county district contained therein, when he is satisfied that that authority has secured, in pursuance of section twenty-three of the National Health Service Act, 1946, the provision of a service, adequate for the needs of the area or district, of certified midwives who are available for attendance as midwives or maternity nurses on women in their own homes.

(3) In the application of subsection (1) of this section to the administrative county of London, for references to Part VI of the Public Health Act, 1936, and sections one hundred and ninety-two and one hundred and ninety-nine of that Act there shall be substituted respectively references to Part XI of the Public Health (London) Act, 1936, and sections two hundred and forty-six and three hundred and four of that Act.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of section nine of this Act.

(5) The powers conferred on the Minister by this section to make orders shall be exercisable by statutory instrument.

Prohibition of certain retired midwives acting as maternity nurses for gain.

12. If a woman whose name was removed from the roll under section five of the Midwives Act, 1936, receives any remuneration for attending as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, she shall be liable on summary conviction to a fine not exceeding ten pounds.

Prohibition of employment by midwives of unqualified substitutes.

13. No certified midwife shall employ as her substitute a woman who is not a certified midwife.

Duty of midwives to summon medical assistance in emergencies.

14.—(1) In the event of an emergency a certified midwife shall call in to her assistance a duly qualified medical practitioner having such qualifications (if any) as may be prescribed and shall forthwith report the matter to the local supervising authority stating the nature of the emergency and the name of the medical practitioner called in.

(2) A medical practitioner called in by a certified midwife under the foregoing subsection shall, on submitting to the local supervising authority within three months from the date on which he was so called in, a claim in that behalf stating the nature of the emergency, and subject to such other conditions (if any) as may be prescribed, be entitled to be paid by the authority, in accordance with the prescribed scale, a sufficient fee with due allowance for mileage.

(3) In this section the expression "emergency" means an emergency as defined by rules having effect by virtue of paragraph (b) of subsection (1) of section four of this Act, and the expression "prescribed" means prescribed by regulations made by the Minister by statutory instrument.

#### *Notices to be given by Midwives*

Notification by midwives of intention to practise.

15.—(1) Every certified midwife shall, before holding herself out as a practising midwife or commencing to practise as a midwife in any area, give notice in writing of her intention so to do to the local supervising authority, and shall give a like notice in the month of January in every year thereafter during which she continues to practise in that area.

(2) Such notice shall be given to the local supervising authority of the area within which the midwife usually resides or carries on her practice, and the like notice shall be given to every other local supervising authority within whose area she at any time practises or acts as a midwife, within forty-eight hours at the latest after she commences so to practise or act.

(3) Every notice under this section shall contain such particulars as may be required by rules made by the Board to secure the identification of the person giving it.

(4) If a woman omits to give a notice required by this section to be given, or knowingly or wilfully makes or causes or procures any other person to make a false statement in any such notice, she shall be liable, on summary conviction, to a fine not exceeding five pounds.

16. Where a certified midwife has given a notice in compliance with the last foregoing section and subsequently changes her address, she shall, within seven days after the change, give notice of the change to every local supervising authority to which she had previously given notice under that section and, if she omits to do so, shall, on summary conviction, be liable to a fine not exceeding two pounds.

Notification by practising midwives of change of address.

*Local Supervision of Midwives*

17.—(1) It shall be the duty of every local supervising authority—

Local supervision of midwives.

- (a) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (b) of subsection (1) of section four of this Act, to exercise general supervision over all certified midwives practising within their area ;
- (b) to investigate any charge of malpractice, negligence or misconduct on the part of a certified midwife practising within their area and, if a prima facie case is established, to report it to the Board ;
- (c) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (c) of subsection (1) of section four of this Act, to suspend a certified midwife from practice if it appears necessary so to do in order to prevent the spread of infection ;
- (d) to report at once to the Board the name of a certified midwife practising within their area who is convicted of an offence ;

- (e) to supply the secretary of the Board, during the month of February in each year, with the names and addresses of all certified midwives who, during the period of twelve months ending with the thirty-first day of January in that year, have notified the authority of their intention to practise within their area ;
- (f) to report at once to the Board the death of a certified midwife or a change in the name or address of a certified midwife in their area ; and
- (g) to provide or arrange for the provision of such courses of instruction for certified midwives practising in their area as may be necessary to enable those midwives to comply with any rules having effect by virtue of paragraph (d) of subsection (1) of section four of this Act.

(2) Without prejudice to the generality of paragraph (c) of subsection (1) of section four of this Act, a local supervising authority may be authorised by rules made by the Board to suspend from practice, until the case has been decided, a certified midwife against whom the authority have instituted proceedings or a certified midwife on whose part malpractice, negligence or misconduct has been reported by them to the Board.

(3) The Minister may by statutory instrument make regulations prescribing the qualifications of persons appointed under this section by a local supervising authority to exercise supervision over certified midwives within their area, and no person shall be so appointed whose qualifications are not in accordance with the regulations.

#### *Financial and other Provisions for Benefit of Midwives*

Compensation to midwives for suspension from practice.

**18.**—(1) Where a certified midwife has been suspended from practice in order to prevent the spread of infection she shall, if she was not herself in default, be entitled to recover from the local supervising authority such amount by way of compensation for loss of practice as is reasonable in the circumstances of the case.

(2) Where, in pursuance of rules made under paragraph (c) of subsection (1) of section four of this Act or subsection (2) of the last foregoing section, a certified midwife has been suspended from practice pending the decision of her case by a court or the Board and the case is decided in her favour, the Board or the local supervising authority by which she was suspended may, if they think fit, pay her such reasonable compensation for loss of practice as under the circumstances may seem just.

Payment of expenses of midwife's defence.

**19.** The Board may, if they think fit, pay all or any part of the expenses incurred by a certified midwife required to appear before them in her own defence.

**20.—(1)** All forms required to be filled up and returned to the Board by certified midwives shall be supplied to them by the Board without charge, and all other forms required to be filled up by certified midwives and all books required to be used by them shall be supplied to them by the local supervising authority without charge.

Supply of forms, &c. to midwives.

(2) Where any such form as aforesaid is required to be returned by post to the Board or local supervising authority, the form shall be supplied duly stamped or a duly stamped envelope shall be supplied with the form.

**21.** Any agreement made (whether before or after the passing of this Act) between a local health authority or other body or association and a certified midwife employed by them for the purpose of attending on women in their homes as a midwife or maternity nurse shall be void in so far as it precludes the midwife from wearing a uniform prescribed by virtue of paragraph (f) of subsection (1) of section four of this Act.

Avoidance of certain agreements so far as precluding wearing of authorised uniform.

**22.** A certified midwife shall, if in practice as a midwife, be exempt from serving on a jury.

Exemption of midwives from jury service.

#### *Accounts, Reports and Expenses of the Central Midwives Board*

**23.—(1)** As soon as practicable after the thirty-first day of December in each year the Board shall publish a financial statement made up to that date showing the receipts and expenditure and liabilities of the Board during the year, and certified as correct by an approved accountant, and shall submit a copy of the statement to the Minister.

Accounts of the Board.

(2) The Board may apportion between the local health authorities, in proportion to their respective populations according to the last published census for the time being, any balance against the Board which is disclosed by any such statement as aforesaid and is approved by the Minister, and may recover from the authorities the amounts apportioned to them respectively.

(3) The approval by the Minister of any such balance as is mentioned in the last foregoing subsection shall, for the purposes of an apportionment under that subsection, be binding and conclusive as to the amount of the balance.

(4) In this section the expression “approved accountant” means a member of the Institute of Chartered Accountants in England and Wales or the Society of Incorporated Accountants and Auditors.

**24.** The Board shall make to the Minister an annual report of their proceedings, containing such particulars as the Minister may direct.

Annual report of the Board.

Expenses of the Board.

**25.** All fees received by the Board under this Act or any enactment repealed by this Act shall be applied by them to the payment of expenses connected with the holding of examinations and the issue of certificates under this Act or any such enactment as aforesaid and towards defraying the general expenses of the Board.

*Miscellaneous and General*

Power of local supervising authorities to aid training of midwives.

**26.** A local supervising authority may aid the training of midwives, whether within or without their area, and may make grants for that purpose.

Power of local supervising authorities to provide residential accommodation for pupil midwives.

**27.—(1)** A local supervising authority may provide, or may improve or furnish, residential accommodation for women undergoing in their area courses of training with a view to becoming certified midwives.

(2) The Minister may authorise a local supervising authority to purchase compulsorily land for the purposes of the provision of such accommodation as aforesaid, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.

(3) Expenditure incurred under this section by a local supervising authority shall be deemed for the purposes of section fifty-three of the National Health Service Act, 1946 (which provides for the payment of grants to local health authorities in respect of expenditure incurred by them in carrying out their functions as local health authorities) to be expenditure incurred by the authority in carrying out their functions under that Act as a local health authority.

Annual publication of list of practising midwives.

**28.** The Board shall publish in each year a list of the names of certified midwives supplied in that year under subsection (1) of section seventeen of this Act by local supervising authorities to the secretary of the Board.

Prosecution of offences.

**29.—(1)** Any offences under this Act punishable on summary conviction may be prosecuted by the local supervising authority.

(2) The expenses of any such prosecution shall be defrayed by the council of the county or county borough in which the prosecution takes place.

Approval of rules.

**30.—(1)** Rules made under or by virtue of this Act by the Board shall be of no effect unless they are approved by the Minister, and before approving any rules so made the Minister shall take into consideration any representations with respect thereto made by the Executive Committee of the General Medical Council.

(2) The power conferred on the Minister by the foregoing subsection shall be exercisable by statutory instrument.

**31.** Every local health authority throughout England and Wales shall be the local supervising authority over certified midwives within the area of the said authority.

Local supervising authority for purposes of this Act.

**32.—(1)** In this Act the expression “ certified midwife ” means a woman who is for the time being certified under this Act.

Meaning of “ certified midwife ”.

(2) A woman who, immediately before the commencement of this Act, is certified under the Midwives Act, 1902, shall, so long as her certificate under that Act continues in force, be deemed for all purposes to be certified under this Act.

**33.** In subsection (3) of section two of the Midwives Act, 1936, the first reference to that Act shall be construed as including a reference to section twenty-three of the National Health Service Act, 1946.

Amendment of s. 2 (3) of the Midwives Act, 1936.

**34.—(1)** The enactments mentioned in the first and second columns of Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the Orders in Council mentioned in the first and second columns of Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.

Repeal and consequential savings.

(2) Nothing in this Act shall affect any order, regulation, rule, application, specification, claim or apportionment made, prohibition imposed, authority, approval, direction or notice given, or any other thing done under an enactment repealed by this Act, but any such order, regulation, rule, application, specification, claim, apportionment, prohibition, authority, approval, direction, notice or thing shall, if and in so far as it is in force at the commencement of this Act, continue in force, and so far as it could have been made, imposed, given or done under the corresponding provision of this Act, it shall have effect as if it had been made, imposed, given or done under that corresponding provision.

(3) The repeal by this Act of the Midwives Act, 1902, shall not invalidate a certificate issued under that Act to a woman which is in force at the commencement of this Act, and any such certificate shall, for the purposes of this Act, be deemed to have been duly issued thereunder.

(4) Nothing in this Act shall be construed as revoking Regulation thirty-three of the Defence (General) Regulations, 1939 (which provides for granting to certain women temporary exemption from the enactments relating to midwives).

(5) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(6) Any person appointed to an office under or by virtue of an enactment repealed by this Act or the Central Midwives Board (Constitution) Order, 1920, shall be deemed to have been appointed to that office under or by virtue of the corresponding provision of this Act.

(7) The roll of midwives kept under the Midwives Act, 1902, shall be deemed part of the roll of certified midwives to be kept under this Act.

(8) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Saving for medical practitioners.

**35.** Nothing in this Act respecting certified midwives shall apply to duly qualified medical practitioners.

Short title, extent and commencement.

**36.—(1)** This Act may be cited as the Midwives Act, 1951.

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

(3) This Act shall come into force on the first day of September, nineteen hundred and fifty-one.

## SCHEDULES

### FIRST SCHEDULE

#### CONSTITUTION AND PROCEDURE OF THE CENTRAL MIDWIVES BOARD

1.—(1) The Board shall consist of fourteen persons, of whom—

(a) four (of whom two shall be certified midwives) shall be appointed by the Minister;

(b) four shall be duly qualified medical practitioners appointed, as to one each, by the Royal College of Physicians of London, the Royal College of Surgeons of England, the Society of Apothecaries, and the Royal College of Midwives ;

(c) two shall be certified midwives appointed by the Royal College of Midwives; and

(d) four shall be appointed, as to one each, by the Queen's Institute of District Nursing, the County Councils Association, the Association of Municipal Corporations and the Society of Medical Officers of Health.

(2) Of the members of the Board, other than those required by the foregoing sub-paragraph to be certified midwives, not more than one shall be a certified midwife.

Section 1.



2. The members of the Board shall hold office for a term of one year; and a member shall, on the expiration of his term of office, be eligible for re-appointment for a like term.

1ST SCH.  
—cont.

3. A vacancy occurring, whether by resignation or death, in the place of a member of the Board appointed by the Minister shall be filled by a person appointed by him, and a vacancy so occurring in the place of any other member of the Board shall be filled by a person appointed by the body who appointed that member.

4. The Board shall appoint one of the members thereof to act as chairman of the Board and may appoint another of the members thereof to act as deputy chairman in the absence of the chairman.

5. The Board shall be a body corporate with perpetual succession, a common seal and power to hold land without licence in mortmain.

6. The powers of the Board may be exercised notwithstanding a vacancy in the membership of the Board.

7. The Board may make rules regulating their quorum and proceedings.

8.—(1) The Board shall, with the approval of the Minister, appoint a secretary and such other officers as may be required.

(2) The officers of the Board shall be removable at the pleasure of the Board.

9. The Board may constitute such committees consisting of members of the Board as the Board consider it desirable for the exercise or performance of any of their powers or duties to constitute.

10. The Board—

(a) may pay to the members thereof sums (to be calculated in accordance with directions to be given by the Minister) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Board;

(b) shall pay to the officers thereof such salaries as may be approved by the Minister.

11. No person shall be disqualified for being elected to, or sitting or voting as a member of, the House of Commons by reason of being a member of the Board; but, in relation to a member of the Board who is a member of the House of Commons, sub-paragraph (a) of the last foregoing paragraph shall have effect with the omission of references to loss of earnings.

12. The Board may enter into such agreements, acquire such property and do such things as may, in the opinion of the Board, 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.

1ST SCH.  
—cont.

13. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf, and of the secretary of the Board or some other person authorised by the Board so to act.

14. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary of the Board or a person authorised to act in that behalf, shall, until the contrary is proved, be deemed to be a document so executed or issued, or so signed, as the case may be.

Section 34.

## SECOND SCHEDULE

### REPEALS

#### PART I

#### ENACTMENTS REPEALED

| Session and Chapter          | Short Title                                        | Extent of Repeal                                                                                                                |
|------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 2 Edw. 7. c. 17              | The Midwives Act, 1902.                            | The whole Act.                                                                                                                  |
| 8 & 9 Geo. 5. c. 43.         | The Midwives Act, 1918.                            | The whole Act.                                                                                                                  |
| 9 & 10 Geo. 5. c. 21.        | The Ministry of Health Act, 1919.                  | In section three, in subsection (1), paragraph (e).                                                                             |
| 16 & 17 Geo. 5. c. 32.       | The Midwives Act, 1926.                            | The whole Act.                                                                                                                  |
| 26 Geo. 5 & 1 Edw. 8. c. 40. | The Midwives Act, 1936.                            | In section five, subsections (8) and (9).<br>Sections six to ten.<br>In section eleven, subsection (2).<br>The Second Schedule. |
| 9 & 10 Geo. 6. c. 81.        | The National Health Service Act, 1946.             | In section twenty-three, subsections (1) and (3).                                                                               |
| 12, 13 & 14 Geo. 6. c. 93.   | The National Health Service (Amendment) Act, 1949. | In section twenty-nine, subsection (2).<br>In the First Schedule, the fourth paragraph.                                         |
| 14 Geo. 6. c. 13             | The Midwives (Amendment) Act, 1950.                | The whole Act.                                                                                                                  |

**PART II**  
**ORDERS IN COUNCIL REVOKED**

2ND SCH.  
—cont.

| Year and Number           | Short Title                                                  | Extent of Revocation                                             |
|---------------------------|--------------------------------------------------------------|------------------------------------------------------------------|
| S.R. & O. 1920, No. 2410. | The Central Midwives Board (Constitution) Order, 1920.       | The whole Order.                                                 |
| S.R. & O. 1921, No. 765.  | The Central Midwives Board (Term of Office) Order, 1921.     | The whole Order.                                                 |
| S.I. 1948, No. 2.         | The Statutory Instruments (Confirmatory Powers) Order, 1947. | In the Schedule, the entries relating to the Midwives Act, 1902. |

*Table of Statutes referred to in this Act*

| Short Title                                                    | Session and Chapter           |
|----------------------------------------------------------------|-------------------------------|
| Interpretation Act, 1889 ... ..                                | 52 & 53 Vict. c. 63.          |
| Midwives Act, 1902 ... ..                                      | 2 Edw. 7. c. 17.              |
| Midwives (Ireland) Act, 1918 ... ..                            | 7 & 8 Geo. 5. c. 59.          |
| Nurses Registration Act, 1919 ... ..                           | 9 & 10 Geo. 5. c. 94.         |
| Government of Ireland Act, 1920 ... ..                         | 10 & 11 Geo. 5. c. 67.        |
| Midwives Act, 1936 ... ..                                      | 26 Geo. 5. & 1 Edw. 8. c. 40. |
| Public Health Act, 1936 ... ..                                 | 26 Geo. 5. & 1 Edw. 8. c. 49. |
| Public Health (London) Act, 1936 ... ..                        | 26 Geo. 5. & 1 Edw. 8. c. 50. |
| Acquisition of Land (Authorisation Procedure) Act, 1946 ... .. | 9 & 10 Geo. 6. c. 49.         |
| National Health Service Act, 1946 ... ..                       | 9 & 10 Geo. 6. c. 81.         |
| Arbitration Act, 1950 ... ..                                   | 14 Geo. 6. c. 27.             |
| Midwives (Scotland) Act, 1951 ... ..                           | 14 & 15 Geo. 6. c. 54.        |

**CHAPTER 54**

*Midwives (Scotland) Act, 1951*

ARRANGEMENT OF SECTIONS

*The Central Midwives Board for Scotland*

Section

1. Constitution and functions of the Central Midwives Board for Scotland.

*Provisions relating to the Certification of Midwives, the Roll of Certified Midwives and the Discipline of Midwives*

2. Certification of Midwives.
3. The roll of certified midwives.
4. Removal of midwives from the roll.
5. Power of the Board to make rules as to certification of midwives, etc.

**Section**

6. Certification of midwives certified in England or Northern Ireland.
7. Certification of midwives trained outside the United Kingdom.
8. Certification not to imply possession of medical qualifications.
9. Penalisation of acts falsely implying certification.

*Provisions relating to Practice of Midwifery, etc.*

10. Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.
11. Prohibition of unqualified persons acting as maternity nurses for gain.
12. Prohibition of certain retired midwives acting as maternity nurses for gain.
13. Prohibition of employment by midwives of unqualified substitutes.
14. Duty of midwives to summon medical assistance in emergencies.

*Notices to be given by Midwives*

15. Notification by midwives of intention to practise.
16. Notification by practising midwives of change of address.

*Local Supervision of Midwives*

17. Local supervising authorities for purposes of this Act.
18. Local supervision of midwives.
19. Appointment of committees.
20. Powers of entry.
21. Medical officer's report.

*Financial and other Provisions for Benefit of Midwives*

22. Compensation of midwives for suspension from practice.
23. Payment of expenses of midwife's defence.
24. Payments to enable midwives to attend courses of instruction.
25. Supply of forms, etc. to midwives.
26. Avoidance of certain agreements so far as precluding wearing of authorised uniform.
27. Exemption of midwives from jury service.

*Annual Reports and Expenses of the Central Midwives Board for Scotland*

28. Accounts of the Board.
29. Annual report of the Board.
30. Expenses of the Board.

*Miscellaneous and General*

31. Power of local supervising authorities to contribute towards training of midwives.
32. Power of local supervising authorities to provide residential accommodation for pupil midwives.
33. Annual publication of list of practising midwives.
34. Approval of rules.
35. Meaning of "certified midwife".
36. Repeal and consequential savings.
37. Saving for medical practitioners.
38. Short title, extent and commencement.

**SCHEDULES :**

First Schedule—Constitution and Procedure of the Central Midwives Board for Scotland.

Second Schedule—Repeals.

An Act to consolidate certain enactments relating to midwives in Scotland. [1st August 1951.]

**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:—

*The Central Midwives Board for Scotland*

1.—(1) There shall be a Board, to be called the Central Midwives Board for Scotland (in this Act referred to as “the Board”), and the Board shall have such duties and powers as are conferred on them by the provisions of this Act.

Constitution and functions of the Central Midwives Board for Scotland.

(2) Subject to the provisions of any order made under the next following subsection, the provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Board.

(3) If at any time it appears to the Secretary of State, after consultation with such bodies and persons as appear to him to be concerned, to be expedient so to do, he may by order vary the constitution of the Board or reconstitute the Board.

The power conferred on the Secretary of State by this subsection shall be exercisable by statutory instrument whereof a draft shall be laid before Parliament.

(4) An order made under the last foregoing subsection may provide for any incidental or supplementary matters for which it appears to the Secretary of State to be requisite or expedient for the purposes of the order to provide, and in particular, but without prejudice to the generality of this subsection, may (so far as provision in that behalf appears to the Secretary of State to be requisite or expedient for the purpose of giving full effect to the order) empower the Board to make rules with respect to such matters as may be specified in the order.

*Provisions relating to the Certification of Midwives, the Roll of Certified Midwives and the Discipline of Midwives*

2. It shall be the duty of the Board to issue, in pursuance of rules in that behalf made under the following provisions of this Act, certificates to women who comply with the rules.

Certification of midwives.

3.—(1) It shall be the duty of the Board to keep a roll of certified midwives (hereinafter in this Act referred to as “the roll”).

The roll of certified midwives.

(2) The secretary of the Board, acting under the instructions of the Board, shall be charged with the preparation, correction and custody of the roll.

(3) A copy of the roll shall be kept at the office of the Board and shall be open to the inspection of any person without charge during usual business hours.

(4) Each entry in the roll shall include, with respect to the woman to whom the entry relates, an indication of the manner in which she became entitled to be certified under this Act or the Midwives (Scotland) Act, 1915.

(5) A copy of the roll printed by the authority of the Board or signed by the secretary of the Board, or other person authorised by the Board to sign on his behalf, shall be evidence that the women therein specified are certified midwives, and the absence of the name of a woman from such copy shall be evidence that that woman is not a certified midwife.

(6) A certificate under the hand of the secretary of the Board or other person authorised as aforesaid that the name of a woman whose name does not appear in such a copy as aforesaid is included in the roll shall be evidence that that woman is a certified midwife; and a certificate under the hand of the secretary of the Board or other person authorised as aforesaid that the name of a woman whose name appears in the roll has been removed therefrom, and of the date of the removal, shall be evidence of the fact that that woman is not a certified midwife and of the date as from which she ceased to be certified under this Act or the Midwives (Scotland) Act, 1915.

(7) If any person wilfully makes or causes to be made any falsification in any matter relating to the roll, he shall be guilty of an offence, and shall be liable, on conviction thereof, to imprisonment for a term not exceeding twelve months.

Removal of  
midwives from  
the roll.

4.—(1) The Board may remove from the roll the name of a certified midwife who disobeys any of the rules made under or by virtue of this Act by the Board or who otherwise misconducts herself, and where they do so they may cancel her certificate.

(2) The Board may from time to time by registered letter, addressed to any woman whose name is included in the roll at her address as appearing therein, inquire of her whether she has ceased practice or has changed her residence; and if within a period of six months from the sending of the letter no answer is received thereto the Board may remove her name from the roll, and cancel her certificate.

(3) Where the Board remove the name of a woman from the roll they shall forthwith give notice of that fact to all local supervising authorities concerned.

(4) Where the Board remove the name of a woman from the roll they may, in addition, prohibit her from attending women in childbirth in any capacity other than that of midwife.

(5) A woman who thinks herself aggrieved by any decision of the Board to remove her name from the roll or to prohibit her from attending women in childbirth may within three months after the notification to her of the decision appeal therefrom to the Court of Session, and the order of the Court of Session on an appeal under this subsection shall be final.

(6) A woman whose name is ordered to be removed from the roll under subsection (1) of this section shall within fourteen days from the notification to her of the order, surrender to the Board her certificate and any badge issued to her in pursuance of rules made under the following provisions of this Act by the Board, and, if she fails so to do, she shall be liable on summary conviction to a fine not exceeding five pounds.

(7) The Board may restore to the roll the name of a woman removed therefrom, other than the name of a woman removed therefrom under section four of the Maternity Services (Scotland) Act, 1937, and where they do so they may re-issue the woman's certificate.

(8) A woman who acts in contravention of a prohibition imposed under subsection (4) of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(9) The Board may make rules providing, in relation to proceedings before the Board for the removal of the name of a woman from the roll, for the summoning, attendance and examination of witnesses, the production of documents, the administration of oaths and the taking of affirmations.

**5.—(1) The Board shall have power to make rules—**

- (a) regulating the issue by them of certificates and the conditions of admission to the roll, and prescribing courses of training to be undergone and the examinations to be passed by women as a condition of the issue of certificates to them ;
- (b) regulating, supervising and restricting within due limits the practice of certified midwives ;
- (c) defining the emergencies in which a certified midwife shall call in a duly qualified medical practitioner to her assistance ;
- (d) prescribing the conditions under which certified midwives may be suspended from practice and in particular, but without prejudice to the generality of this paragraph, authorising the Board to suspend a certified midwife from practice in lieu of removing her name from the roll, and to suspend from practice until the case has been decided and (in the case of an appeal) until the appeal has been decided, a certified midwife accused before the Board of disobeying rules or of other misconduct ;

Power of the Board to make rules as to certification of midwives, &c.

- (e) requiring certified midwives to attend from time to time, in accordance with the provisions of the rules, a course of instruction approved by the Board ;
- (f) regulating the granting by the Board of diplomas, being diplomas in the teaching of midwifery, to certified midwives presenting themselves for examination for such diplomas ; and
- (g) making provision with respect to the uniform which may be worn by certified midwives and as to the wearing of badges by them.

(2) Examinations prescribed by rules made under paragraph (a) of the foregoing subsection shall, so far as possible, be of a practical character, and shall be held at such times and places as the Board may determine ; and the Board may appoint examiners, of whom one shall be a woman who is a duly qualified medical practitioner and none shall be a member of the Board, for the purposes of such examinations, and may make rules regulating the conduct of such examinations and the remuneration of examiners appointed for the purposes thereof.

(3) There shall be payable to the Board by a woman in respect of any examination for which she presents herself and in respect of the issue to her of a certificate such fees respectively as may be determined by the Board with the approval of the Secretary of State.

Certification  
of midwives  
certified in  
England or  
Northern  
Ireland.

6.—(1) It shall be the duty of the Board in exercise of the power conferred on them by paragraph (a) of subsection (1) of the last foregoing section—

- (a) after consultation with the Central Midwives Board, to make rules enabling women certified under the Midwives Act, 1951, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined by the Board with the approval of the Secretary of State ; and
- (b) after consultation with the Joint Nursing and Midwives Council for Northern Ireland, to make rules enabling women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined as aforesaid.

(2) The reference in paragraph (b) of the foregoing subsection to the Midwives (Ireland) Act, 1918, shall be construed as a reference to that Act as it applies to Northern Ireland under the provisions of the Government of Ireland Act, 1920,



and subject to any adaptation or amendment made by Order in Council under those provisions or by any Act of the Parliament of Northern Ireland.

**7.**—(1) A woman who proves to the satisfaction of the Board that, elsewhere than in the United Kingdom, she successfully completed her training as a midwife in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of this subsection and that she is of good character shall, on making application in that behalf and on payment of such fee, if any, as may be determined by the Board with the approval of the Secretary of State, be entitled to be certified under this Act. Certification of midwives trained outside the United Kingdom.

(2) If in the case of a woman who proves to the satisfaction of the Board that she successfully completed her training as a midwife elsewhere than in the United Kingdom but is unable to prove that her training was in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of the foregoing subsection, the Board are of opinion that she can properly be certified under this Act after undergoing to their satisfaction such further training in Scotland as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that she is of good character, certify her under this Act if, after undergoing the specified training in Scotland to their satisfaction and passing any specified examinations, she makes application in that behalf and pays such fee, if any, as may be determined by the Board with the approval of the Secretary of State.

**8.** A certificate issued under this Act to a woman shall not confer upon her any right or title to be registered under the Medical Acts or to assume any name, title or designation implying that she is by law recognised as a medical practitioner or that she is authorised to grant any medical certificate or any certificate of death or to undertake the charge of cases of abnormality or disease in connection with parturition : Certification not to imply possession of medical qualifications.

Provided that nothing herein contained shall prevent a certified midwife from granting such certificates as may be required in connection with maternity benefit under the National Insurance Act, 1946.

**9.** Any woman who, not being a certified midwife, takes or uses the name or title of midwife, either alone or in combination with any other word or words, or any name, title, addition, description, uniform or badge implying that she is a certified midwife or is a person specially qualified to practise midwifery or is recognised by law as a midwife, shall be liable on summary conviction to a fine not exceeding five pounds. Penalisation of acts falsely implying certification.

*Provisions relating to the Practice of Midwifery, etc.*

Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.

**10.** If any person, being either a male person or a woman who is not a certified midwife, attends on a woman in childbirth otherwise than under the direction and personal supervision of a duly qualified medical practitioner, that person shall, unless he or she satisfies the court that the attention was given in a case of sudden or urgent necessity, or in a case where reasonable efforts were made to obtain the services of a duly qualified medical practitioner or of a person certified under this Act, 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 person who, while undergoing training with a view to becoming a duly qualified medical practitioner or a certified midwife, attends on a woman in childbirth as part of a course of practical instruction in midwifery recognised by the General Medical Council or by the Board, if the attendance by that person is in accordance with the provisions regulating the course of study in midwifery as recognised by the said Council or the rules relating to the training of midwives made by the Board under subsection (1) of section five of this Act.

Prohibition of unqualified persons acting as maternity nurses for gain.

**11.**—(1) If any person who is neither a certified midwife nor a person registered in the general part of the register of nurses required to be kept under the Nurses (Scotland) Act, 1951 receives any remuneration for attending in any 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—
  - (i) in any maternity home which is registered under the Nursing Homes Registration (Scotland) Act, 1938, or exempt from the operation of that Act under section six thereof; or
  - (ii) in any hospital maintained or controlled by a Government department or local supervising authority; or
- (c) a woman who, before the first day of January, nineteen hundred and thirty-eight, was certified by the authorities of a hospital or other institution to which the

Secretary of State has by order applied this proviso, to have been trained in obstetric nursing, and who has given notice in writing to the local supervising authority of the area that she was so certified.

(2) The provisions of this section shall be in addition to, and not in derogation of, the provisions of the last foregoing section.

(3) The power conferred on the Secretary of State by this section to make orders shall be exercisable by statutory instrument.

**12.** If any woman whose name has been removed from the roll under section four of the Maternity Services (Scotland) Act, 1937, 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.

Prohibition of certain retired midwives from acting as maternity nurses for gain.

**13.** No certified midwife shall employ as her substitute a woman who is not a certified midwife.

Prohibition of employment by midwives of unqualified substitutes.

**14.—(1)** In the event of an emergency a certified midwife shall call in to her assistance a duly qualified medical practitioner and shall forthwith report the matter to the local supervising authority, stating the nature of the emergency and the name of the medical practitioner.

Duty of midwives to summon medical assistance in emergencies.

(2) A medical practitioner called in by a certified midwife under the foregoing subsection shall—

(a) on submitting to the local supervising authority, within three months from the date of the last visit to which the scale after-mentioned applies, a claim in that behalf stating the nature of the emergency, and

(b) subject to such other conditions, if any, as may be prescribed,

be entitled to be paid by the authority, in accordance with the prescribed scale, a sufficient fee with due allowance for mileage.

(3) The prescribed scale for the purposes of the last foregoing subsection shall, as respects any case, cover such visits by a medical practitioner in addition to his original visit, as may be specified therein.

(4) In this section the expression “emergency” means an emergency as defined by rules having effect by virtue of paragraph (c) of subsection (1) of section five of this Act, and the expression “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument.

*Notices to be given by Midwives*

Notification by midwives of intention to practise.

**15.**—(1) Every certified midwife shall, before holding herself out as a practising midwife or commencing to practise as a midwife in any area, give notice in writing to the local supervising authority of her intention so to do and of the address at which she resides, and shall give a like notice in the month of January in every year thereafter during which she continues to practise in such area.

(2) Such notice shall be given to the local supervising authority of the area within which the midwife usually resides or carries on her practice, and the like notice shall be given to every other local supervising authority within whose area she at any time practises or acts as a midwife, within forty-eight hours at the latest after she commences so to practise or act.

(3) Every notice under this section shall contain such particulars as may be required by rules made by the Board to secure the identification of the person giving it.

(4) If any woman omits to give any notice required by this section to be given or knowingly or wilfully makes or causes or procures any other person to make any false statement in any such notice, she shall be liable on summary conviction to a fine not exceeding five pounds.

Notification by practising midwives of change of address.

**16.** Where a certified midwife has given a notice in compliance with the last foregoing section and subsequently changes her address, she shall, within three days after such change, give notice of the change to every local supervising authority concerned, and if she omits to do so, shall be liable on summary conviction to a fine not exceeding five pounds.

*Local Supervision of Midwives*

Local supervising authorities for purposes of this Act.

**17.** Every local health authority within the meaning of the National Health Service (Scotland) Act, 1947, shall be the local supervising authority over certified midwives within the area of the authority, and any reference in this Act to a local supervising authority shall be construed accordingly.

Local supervision of midwives.

**18.**—(1) It shall be the duty of every local supervising authority by themselves or by their medical officer acting under their instruction—

(a) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (b) of subsection (1) of section five of this Act, to exercise general supervision over all certified midwives practising within their area ;

- (b) to investigate any charge of malpractice, negligence or misconduct on the part of a certified midwife practising within their area and, if a *prima facie* case is established, to report it to the Board ;
- (c) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (d) of subsection (1) of section five of this Act, to suspend any certified midwife from practice if it appears necessary so to do in order to prevent the spread of infection ;
- (d) to report at once to the Board the name of any certified midwife practising within their area who is convicted of an offence under this Act ;
- (e) to supply the secretary of the Board, during the month of February in each year, with the names and addresses of all certified midwives who, during the period of twelve months ending with the thirty-first day of January in that year, have notified the authority of their intention to practise within their area ;
- (f) to report at once to the Board the death of any certified midwife or any change in the name or address of any certified midwife in their area ; and
- (g) to provide or arrange for the provision of such courses of instruction for certified midwives practising in their area as may be necessary to enable those midwives to comply with any rules having effect by virtue of paragraph (e) of subsection (1) of section five of this Act :

(2) Without prejudice to the generality of paragraph (d) of subsection (1) of section five of this Act, a local supervising authority may be authorised by rules made by the Board to suspend from practice until the case has been decided any certified midwife against whom a prosecution has been instituted for a contravention of any of the provisions of this Act.

(3) The Secretary of State may by statutory instrument make regulations prescribing the qualifications of persons appointed by a local supervising authority to exercise supervision over certified 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 Secretary of State otherwise agrees, no person shall be so appointed whose qualifications are not in accordance with the regulations.

**19.** A local supervising authority and any joint committee of two or more local supervising authorities may appoint committees for the purpose of exercising all or any of their powers and duties under this Act, and any committee so appointed may consist partly of persons who are not members of the appointing authority or committee.

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Powers of  
entry.

**20.**—(1) Any person appointed by a local supervising authority to exercise supervision over certified midwives within their area may at all reasonable times enter any premises within such area which he has reason to believe to be a lying-in home conducted for profit, and in which he has reason to believe that a certified midwife is employed or practises, or that a woman who is not a certified midwife practises in contravention of this Act.

(2) Any person who wilfully obstructs any such person as aforesaid in the performance of his duties shall be liable on summary conviction to a fine not exceeding five pounds.

Medical  
officer's report.

**21.** The medical officer of every local supervising authority shall report annually to that authority on the administration of this Act within the area of the authority and shall transmit a copy of the report to the Board and to the Secretary of State.

*Financial and other Provisions for Benefit of Midwives*

Compensation  
to midwives  
for suspension  
from practice.

**22.**—(1) Where a certified midwife has been suspended from practice in order to prevent the spread of infection, she shall, if she was not herself in default, be entitled to recover from the local supervising authority such amount by way of compensation for loss of practice as is reasonable in the circumstances of the case.

(2) Where, in pursuance of rules made under paragraph (d) of subsection (1) of section five of this Act or subsection (2) of section eighteen of this Act, a certified midwife has been suspended from practice pending the decision of her case by a court or the Board and the case is decided in her favour, the Board or the local supervising authority by whom she was suspended may, if they think fit, pay her such reasonable compensation for loss of practice as under the circumstances may seem just.

Payment of  
expenses of  
midwife's  
defence.

**23.** The Board may, if they think fit, pay all or part of the expenses incurred by a certified midwife required to appear before them in her own defence.

Payments to  
enable  
midwives to  
attend courses  
of instruction.

**24.** A local supervising authority may make payments to certified midwives not employed by them to enable such midwives to attend any course of instruction provided or arranged for by them under paragraph (g) of subsection (1) of section eighteen of this Act.

Supply of  
forms, &c., to  
midwives.

**25.**—(1) All forms required to be filled up and returned to the Board by certified midwives shall be supplied to them by the Board without charge; and all other forms required to be filled up by certified midwives, other than forms required to be

filled up and returned to the Board, and all books required to be used by certified midwives shall be supplied to them by the local supervising authority without charge.

(2) Where any such form as aforesaid is required to be returned by post to the Board or the local supervising authority, the form shall be supplied duly stamped or a duly stamped envelope shall be supplied with the form.

26. Any agreement made (whether before or after the passing of this Act) between a local health authority or other body or association and a certified midwife employed by them for the purpose of attending on women in their homes as a midwife or maternity nurse shall be void in so far as it precludes the midwife from wearing a uniform prescribed by virtue of paragraph (g) of subsection (1) of section five of this Act.

Avoidance of certain agreements so far as precluding wearing of authorised uniform..

27. A certified midwife shall, if in practice as a midwife, be exempt from serving on any jury.

Exemption of midwives from jury service..

#### *Accounts, Reports and Expenses of the Central Midwives Board for Scotland*

28.—(1) As soon as practicable after the thirty-first of December in each year the Board shall publish a financial statement made up to that date showing the receipts and expenditure and liabilities of the Board during the year and certified as correct by the appointed accountant, and shall submit a copy of the statement to the Secretary of State.

Accounts of the Board.

(2) The Board may apportion between local supervising authorities in proportion to the populations of their respective areas as ascertained at the last preceding census for the time being any balance against the Board which is disclosed by any such statement as aforesaid and is approved by the Secretary of State.

(3) The Board may issue requisitions to the local supervising authorities for the amounts apportioned to them respectively under the last foregoing subsection, and every local supervising authority shall, within six months after the receipt of such requisition or such longer period as may be agreed with the Board, pay to the Board the amount required under the requisition.

(4) The approval by the Secretary of State of any such balance as is mentioned in subsection (2) of this section shall, for the purposes of apportionment under that subsection, be binding and conclusive as to the amount of the balance.

(5) In this section the expression "appointed accountant" in relation to the financial statement for any year means such accountant, being an accountant practising in Scotland, as may be appointed in that behalf by the Secretary of State.

Annual report  
of the Board.

**29.** The Board shall, within three months after the termination of each year, present to the Secretary of State a report of their proceedings during the year containing such particulars as the Secretary of State may direct.

Expenses of  
the Board.

**30.** All fees received by the Board under this Act or any enactment repealed by this Act shall be applied by them to the payment of expenses connected with the holding of examinations and the issue of certificates under this Act or any such enactment as aforesaid and towards defraying the general expenses of the Board.

#### *Miscellaneous and General*

Powers of local  
supervising  
authorities to  
contribute  
towards  
training of  
midwives.

**31.** A local supervising authority may contribute towards the training of midwives within or without their area in such manner and to such extent as may be approved by the Secretary of State.

Power of local  
supervising  
authorities to  
provide  
residential  
accom-  
modation for  
pupil midwives.

**32.—(1)** A local supervising authority may provide, or may improve or furnish, residential accommodation for women undergoing in their area courses of training with a view to becoming certified midwives.

(2) The Secretary of State may authorise a local supervising authority to purchase compulsorily land for the purposes of the provision of such accommodation as aforesaid, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to the compulsory purchase of land under this subsection as if this subsection had been in force immediately before the commencement of that Act.

(3) Expenditure incurred under this section by a local supervising authority shall be deemed for the purposes of section fifty-three of the National Health Service (Scotland) Act, 1947, (which provides for the payment of grants to local health authorities in respect of expenditure incurred by them in carrying out their functions as local health authorities) to be expenditure incurred by the authority in carrying out their functions under that Act as a local health authority.

Annual  
publication of  
list of  
practising  
midwives.

**33.** The Board shall publish in each year a list of the names of certified midwives supplied in that year under subsection (1) of section eighteen of this Act by local supervising authorities to the secretary of the Board.



**34.**—(1) Rules made under or by virtue of this Act by the Board shall not come into operation until they have been communicated to the Executive Committee of the General Medical Council and are approved by the Secretary of State; and before approving any rules so made the Secretary of State shall take into consideration any representations with respect thereto made by the said Executive Committee. Approval of rules.

(2) The power conferred on the Secretary of State by the foregoing subsection shall be exercisable by statutory instrument.

**35.**—(1) In this Act the expression “certified midwife” means a woman who is for the time being certified under this Act. Meaning of “certified midwife”.

(2) A woman who immediately before the commencement of this Act is certified under the Midwives (Scotland) Act, 1915, shall, so long as her certificate under that Act continues in force, be deemed for all purposes to be certified under this Act.

**36.**—(1) The enactments mentioned in the first and second columns of Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule; and the Orders in Council mentioned in the first and second columns of Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of the Schedule. Repeal and consequential savings.

(2) Nothing in this Act shall affect any order, regulation, rule, application, specification, claim or apportionment made, prohibition imposed, authority, approval, direction or notice given, requisition issued or any other thing done under an enactment repealed by this Act, but any such order, regulation, rule, application, specification, claim, apportionment, prohibition, authority, approval, direction, notice, requisition or thing shall, if and in so far as it is in force at the commencement of this Act, continue in force, and so far as it could have been made, imposed, given or done under the corresponding provision of this Act it shall have effect as if it had been made, imposed, given, issued or done under that corresponding provision.

(3) The repeal by this Act of the Midwives (Scotland) Act, 1915, shall not invalidate any certificate issued under that Act to a woman, which is in force at the commencement of this Act, and any such certificate shall, for the purposes of this Act, be deemed to have been duly issued thereunder.

(4) Nothing in this Act shall be construed as revoking Regulation thirty-three of the Defence (General) Regulations, 1939, (which provides for granting to certain women temporary exemption from the enactments relating to midwives).

(5) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(6) Any person appointed to an office under or by virtue of an enactment repealed by this Act or the Central Midwives Board for Scotland (Constitution) Order, 1936, shall be deemed to have been appointed to that office under or by virtue of the corresponding provision of this Act.

(7) The roll of midwives kept under the Midwives (Scotland) Act, 1915, shall be deemed part of the roll of certified midwives to be kept under this Act.

(8) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Saving for  
medical  
practitioners.

37. Nothing in this Act respecting certified midwives shall apply to duly qualified medical practitioners.

Short title,  
extent and  
commence-  
ment.

38.—(1) This Act may be cited as the Midwives (Scotland) Act, 1951.

(2) This Act shall apply to Scotland only.

(3) This Act shall come into force on the first day of September, nineteen hundred and fifty-one.

## SCHEDULES

### FIRST SCHEDULE

#### CONSTITUTION AND PROCEDURE OF THE CENTRAL MIDWIVES BOARD FOR SCOTLAND

1. The Board shall consist of sixteen persons of whom—

- (a) five (of whom four shall be certified midwives practising in Scotland) shall be appointed by the Secretary of State;
- (b) seven shall be duly qualified medical practitioners appointed, as to one each, by the University Courts of the Universities of Edinburgh, St. Andrews, Glasgow and Aberdeen; as to one by the Royal College of Physicians of Edinburgh, the Royal College of Surgeons of Edinburgh, and the Royal Faculty of Physicians and Surgeons of Glasgow jointly; and as to two by the Scottish Committee of the British Medical Association;
- (c) four shall be appointed, as to one each, by the Association of County Councils in Scotland, the Convention of Royal Burghs of Scotland, the Scottish Branch of the Queen's Institute of District Nursing, and the Society of Medical Officers of Health of Scotland.

Section 1.

2. The members of the Board shall hold office for a term of five years; and a member shall, on the expiration of his term of office, be eligible for reappointment for a like term.

1ST SCH.  
—cont.

3.—(1) A vacancy occurring, whether by resignation or death or any cause other than retirement in ordinary course, in the place of a member of the Board appointed by the Secretary of State shall be filled by a person appointed by him; and a vacancy so occurring in the place of any other member of the Board shall be filled by a person appointed by the body or bodies who appointed that member.

(2) Where the place of a member of the Board is vacant as aforesaid and the member was appointed thereto as a certified midwife or a duly qualified medical practitioner, the person appointed to fill the vacancy under the foregoing sub-paragraph shall be a certified midwife or a duly qualified medical practitioner as the case may be.

4. The Board shall appoint one of the members thereof to act as chairman of the Board and may appoint another of the members thereof to act as deputy chairman in the absence of the chairman.

5. The Board shall be a body corporate with perpetual succession, a common seal and power to hold land.

6. The powers of the Board may be exercised notwithstanding a vacancy in the membership of the Board.

7. The Board may make rules regulating their quorum and proceedings.

8.—(1) The Board shall, with the approval of the Secretary of State, appoint a secretary and such other officers as may be required.

(2) The officers of the Board shall be removable at the pleasure of the Board.

9. The Board may constitute such committees consisting of members of the Board as the Board consider it desirable for the exercise or performance of any of their powers or duties to constitute.

10. The Board—

(a) may pay to the members thereof sums (to be calculated in accordance with directions to be given by the Secretary of State) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Board;

(b) shall pay to the officers thereof such salaries as may be approved by the Secretary of State.

11. No person shall be disqualified for being elected to, or sitting or voting as a member of, the House of Commons by reason of being a member of the Board; but in relation to a member of the Board

1ST SCH.  
—cont.

who is a member of the House of Commons, sub-paragraph (a) of the last foregoing paragraph shall have effect with the omission of references to loss of earnings.

12. The Board may enter into such agreements, acquire such property and do such things as may, in the opinion of the Board, 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.

13. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf, and of the secretary of the Board or some other person authorised by the Board so to act.

14. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary of the Board or any person authorised to act in that behalf, shall, until the contrary is proved, be deemed to be a document so executed or issued, or so signed as the case may be.

Section 36.

## SECOND SCHEDULE

### REPEALS

#### PART I

#### ENACTMENTS REPEALED

| Session and Chapter          | Short Title                                        | Extent of Repeal                                    |
|------------------------------|----------------------------------------------------|-----------------------------------------------------|
| 5 & 6 Geo. 5. c. 91          | The Midwives (Scotland) Act, 1915.                 | The whole Act.                                      |
| 9 & 10 Geo. 5. c. 20.        | The Scottish Board of Health Act, 1919.            | In section four, in sub-section (1), paragraph (c). |
| 17 & 18 Geo. 5. c. 17.       | The Midwives (Scotland) Act, 1927.                 | The whole Act.                                      |
| 1 Edw. 8. & 1 Geo. 6. c. 30. | The Maternity Services (Scotland) Act, 1937.       | The whole Act.                                      |
| 10 & 11 Geo. 6. c. 27.       | The National Health Service (Scotland) Act, 1947.  | In section twenty-three, subsection (1).            |
| 12, 13 & 14 Geo. 6. c. 93.   | The National Health Service (Amendment) Act, 1949. | In section twenty-nine, subsections (2) and (4).    |
| 14 Geo. 6. c. 13             | The Midwives (Amendment) Act, 1950.                | The whole Act.                                      |

PART II  
ORDERS IN COUNCIL REVOKED2ND SCH.  
—cont.

| Year and Number                   | Short Title                                                         | Extent of Revocation                                                        |
|-----------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------|
| S.R. & O. 1936,<br>No. 1150/S. 36 | The Central Midwives Board for Scotland (Constitution) Order, 1936. | The whole Order.                                                            |
| S.I. 1948, No. 2                  | The Statutory Instruments (Confirmatory Powers) Order, 1947.        | In the Schedule, the entries relating to the Midwives (Scotland) Act, 1915. |

*Table of Statutes referred to in this Act*

| Short Title                                                               | Session and Chapter          |
|---------------------------------------------------------------------------|------------------------------|
| Interpretation Act, 1889 ... ..                                           | 52 & 53 Vict. c. 63.         |
| Midwives (Scotland) Act, 1915 ... ..                                      | 5 & 6 Geo. 5. c. 91.         |
| Midwives (Ireland) Act, 1918 ... ..                                       | 7 & 8 Geo. 5. c. 59.         |
| Government of Ireland Act, 1920 ... ..                                    | 10 & 11 Geo. 5. c. 67.       |
| Maternity Services (Scotland) Act, 1937 ... ..                            | 1 Edw. 8. & 1 Geo. 6. c. 30. |
| Nursing Homes Registration (Scotland) Act, 1938 ... ..                    | 1 & 2 Geo. 6. c. 73.         |
| National Insurance Act, 1946 ... ..                                       | 9 & 10 Geo. 6. c. 67.        |
| National Health Service (Scotland) Act, 1947                              | 10 & 11 Geo. 6. c. 27.       |
| Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 42.       |
| Midwives Act, 1951 ... ..                                                 | 14 & 15 Geo. 6. c. 53.       |
| Nurses (Scotland) Act, 1951 ... ..                                        | 14 & 15 Geo. 6. c. 55.       |

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CHAPTER 55

Nurses (Scotland) Act, 1951

ARRANGEMENT OF SECTIONS

PART I

GENERAL PROVISIONS AS TO THE GENERAL NURSING COUNCIL
FOR SCOTLAND, ETC.*The General Nursing Council for Scotland*

Section

1. The General Nursing Council for Scotland.

The Register of Nurses

2. The register of nurses.

The Roll of Assistant Nurses

Section

3. The roll of assistant nurses.

The Assistant Nurses Committee

4. The Assistant Nurses Committee.

The Mental Nurses Committee

5. The Mental Nurses Committee.

Provisions as to Rules

6. Rules.

Supplementary Provisions as to Register and Roll

7. Registration of nurses trained abroad.
8. Information with respect to nurses.
9. Fees.
10. Appeal against removal from register or roll.
11. Closing of parts of register.
12. Restriction on use of title of registered nurse, nurse and assistant nurse, and penalties for unlawful assumption thereof, for misuse of certificates, for false representation and for falsification.

Supplementary provisions as to Council, etc.

13. General provisions as to Council.
14. Officers of Council.
15. Allowances to members of Council, Assistant Nurses Committee and Mental Nurses Committee.
16. Expenses of Council.
17. Accounts of Council.
18. Membership of Council, etc., not to involve parliamentary disqualification.

PART II

TRAINING OF NURSES

19. Regional nurse-training committees.
20. Schemes for training of nurses.
21. Research and experimental training of nurses.
22. Expenditure on training of nurses.
23. Expenses of regional nurse-training committees.
24. Provisions relating to approval of training institutions.
25. Fees and contributions in respect of training institutions.
26. Reports by Council to Secretary of State with respect to training of nurses.

PART III

AGENCIES FOR THE SUPPLY OF NURSES

27. Conduct of agencies for supply of nurses.
28. Licensing of agencies.
29. Powers of entry and inspection.
30. Penalties.
31. Application of this Part of this Act and of existing enactments.
32. Supplemental.

PART IV

SUPPLEMENTARY PROVISIONS

Section

33. Procedure as to rules, regulations and orders.
34. Interpretation.
35. Repeals and savings.
36. Short title, extent and commencement.

SCHEDULES :

- First Schedule—The General Nursing Council for Scotland.
 Second Schedule—The Assistant Nurses Committee.
 Third Schedule—The Mental Nurses Committee.
 Fourth Schedule—Regional Nurse-training Committees.
 Fifth Schedule—Enactments Repealed.

An Act to consolidate certain enactments relating to nurses for the sick in Scotland. [1st August 1951.]

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

GENERAL PROVISIONS AS TO THE GENERAL NURSING COUNCIL FOR SCOTLAND, ETC.

The General Nursing Council for Scotland

1.—(1) There shall be a General Nursing Council for Scotland The General Nursing Council for Scotland. (in this Act referred to as "the Council") constituted in accordance with the provisions contained in the First Schedule to this Act.

(2) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the Council as constituted by this section.

The Register of Nurses

2.—(1) It shall be the duty of the Council to keep a register The register of nurses. of nurses for the sick (in this Act referred to as "the register") subject to and in accordance with the provisions of this Act.

(2) The register shall consist of the following parts:—

- (a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;
- (b) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

PART I
—cont.

- (c) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental defect ;
- (d) a supplementary part containing the names of nurses trained in the nursing of sick children ;
- (e) a supplementary part containing the names of nurses trained in the nursing of persons suffering from fever ;
and
- (f) such other supplementary part as may be prescribed.

(3) Where any person satisfies the conditions of admission to any supplementary part of the register, his name may be included in that part of the register notwithstanding that it is also included in the general part.

(4) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly registered shall be evidence in all courts of law of the fact stated in the certificate.

(5) Any reference in this Act to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register, and the expression "registered" shall be construed accordingly.

The Roll of Assistant Nurses

The roll of
assistant
nurses.

3.—(1) It shall be the duty of the Council to keep a roll of assistant nurses (in this Act referred to as "the roll") subject to and in accordance with the provisions of this Act.

(2) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly enrolled shall be evidence in all courts of law of the fact stated in the certificate.

The Assistant Nurses Committee

The Assistant
Nurses
Committee.

4.—(1) There shall be a Committee of the Council, to be called the Assistant Nurses Committee, constituted in accordance with the provisions contained in the Second Schedule to this Act.

(2) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Assistant Nurses Committee and any other matter may be referred by the Council to that Committee ; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking

any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

PART I
—cont.

Provided that the following matters, that is to say—

- (a) any question whether any person shall be removed from or restored to the roll, and any matter arising out of any such question ; and
- (b) any other matter referred to the Committee in so far as the Council expressly authorise the Committee to deal with it,

shall be finally dealt with by the Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

(3) The supplementary provisions contained in the Second Schedule to this Act shall have effect with respect to the Assistant Nurses Committee.

The Mental Nurses Committee

5.—(1) There shall be a Committee of the Council, to be called the Mental Nurses Committee, constituted in accordance with the provisions contained in the Third Schedule to this Act. The Mental Nurses Committee.

(2) The following matters, namely—

- (a) any matter which wholly or mainly concerns registered mental nurses or registered nurses for mental defectives (other than a question whether a person shall be registered or shall be removed from or restored to the register or a matter arising out of any such question) ; and
- (b) any matter relating to the training of persons for admission to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases or to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect,

shall stand referred to the Mental Nurses Committee, and any such question as aforesaid or matter arising thereout, and any other matter, may be referred by the Council to that Committee ; and the Committee shall consider all such matters and report upon them to the Council, and the Council, before taking any action on any such matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

PART I
—cont.

Provided that any matter which stands referred to the Mental Nurses Committee or is referred to them by the Council shall be finally dealt with by the Committee on behalf of the Council if, and in so far as, the Council expressly authorise the Committee to deal finally with it, and the Committee shall make a report to the Council as to the way they have dealt with it.

(3) The supplementary provisions contained in the Third Schedule to this Act shall have effect with respect to the Mental Nurses Committee.

Provisions as to Rules

Rules.

6.—(1) The Council shall make rules for the following purposes:—

- (a) for regulating the maintenance and publication of the register and the roll ;
- (b) for regulating the conditions of admission to the register and the roll ;
- (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register or the roll, and any matters ancillary to or connected with any such examinations ;
- (d) for regulating the issue of certificates to persons registered or enrolled and making provision with respect to the uniform or badge which may be worn by persons registered or enrolled ;
- (e) for prescribing the causes for which, the conditions under which, and the manner in which, persons may be removed from the register or the roll, the cancellation of the certificates of persons removed from the register or the roll, the procedure for the restoration to the register or the roll of persons who have been removed therefrom, and the fee to be payable on such restoration ; and
- (f) for regulating the issue of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.

(2) Rules made under this section shall contain provisions—

- (a) requiring as a condition of the admission of any person to the register or the roll that such person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick ;

- (b) requiring that the prescribed training shall be carried out in an institution approved by the Council in that behalf, or in the service of the Admiralty, the Army Council, or the Air Council, or in a hospital managed by a Government department ;
- (c) for the reduction by the Council, to such extent as they may think appropriate, of the period of training prescribed under this section as a condition of the admission of any person to the register, in the case of persons enrolled as assistant nurses who have at any time before their admission to the roll undergone training with a view to qualifying for admission to the register but have not so qualified ; and
- (d) for the admission to the register, on payment of such fees (if any) as may be prescribed, of persons who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of October, nineteen hundred and twenty-five, a course of training in nursing in the institution and who satisfy the Council that they are of good character and have adequate knowledge and experience of nursing.
- (3) The Council shall make rules under this section enabling persons registered as nurses or enrolled as assistant nurses in England and Wales or Northern Ireland to obtain admission to the register or the roll, as the case may be.
- (4) With a view to securing a uniform standard of qualification in all parts of the United Kingdom, the Council shall consult with the General Nursing Council for England and Wales and the Joint Nursing and Midwives Council for Northern Ireland before making any rules under this section with respect to the conditions of admission to the register or the roll.

Supplementary Provisions as to Register and Roll

7.—(1) A person who proves to the satisfaction of the Council that in a country or territory outside the United Kingdom he successfully completed his training either generally as a nurse or as a nurse of some special class in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of this subsection, that he underwent his training in an institution so recognised and that he is of good character shall, on making an application in the prescribed manner and on payment of such fee, if any, as may be prescribed, be entitled to be registered in the part of the register appearing to the Council to be appropriate to his case.

Registration
of nurses
trained abroad.

PART I
—cont.

(2) If, in the case of a person who proves to the satisfaction of the Council that he successfully completed his training either generally as a nurse or as a nurse of some special class in a country or territory outside the United Kingdom but who is unable to prove that his training was in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of the foregoing subsection and that he underwent his training in an institution so recognised, the Council are of opinion that he could properly be registered after undergoing to their satisfaction such further training in the United Kingdom as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that he is of good character, register him if, after undergoing the specified training in the United Kingdom to their satisfaction and passing any specified examinations, he makes, in the prescribed manner, an application in that behalf and pays such fees as may be prescribed.

Information
with respect
to nurses.

8.—(1) Copies of the register and the roll shall be kept at the office of the Council and shall be open to the inspection of any person without charge during usual business hours.

(2) If the Council determine in any year not to publish the register or the roll, it shall be their duty to publish, in such manner as the Secretary of State may direct, lists of persons who have been admitted to, removed from, or restored to, the register or the roll during that year.

Fees.

9.—(1) There shall be paid to the Council in respect of every application to be examined or to be registered or enrolled under this Act, and in respect of the retention in any year of the name of any person on the register or the roll, such fees, respectively, as the Council may, with the approval of the Secretary of State, from time to time determine.

(2) The Council may charge for any certificate or other document issued, or in respect of any services performed by them, such fees as may be prescribed.

Appeal against
removal from
register or
roll.

10. Any person aggrieved by the removal of his name from the register or the roll may, within three months after the date on which notice is given to him by the Council or by the Assistant Nurses Committee, as the case may be, that his name has been so removed, appeal against the removal to the Court of Session, and on any such appeal the Court of Session may give such directions in the matter as it thinks proper, including directions as to the expenses of the appeal, and the order of the Court of Session shall be final.

11.—(1) If, with respect to any part of the register (other than the general part), the Council at any time make a request in that behalf to the Secretary of State, he may by order direct that, after such a date as may be specified in the order, no person shall be admitted to that part of the register.

PART I
—cont.
Closing of
parts of the
register.

(2) No request under the last foregoing subsection shall be made by the Council with respect to—

- (a) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases ;
- (b) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect ; or
- (c) the supplementary part of the register containing the names of nurses trained in the nursing of sick children,

unless the Council are satisfied that means exist whereby members of the public can readily ascertain whether a registered nurse has been trained in the nursing and care of persons suffering from mental diseases or in the nursing and care of persons suffering from mental defect or in the nursing of sick children, as the case may be.

(3) Where a direction is given under subsection (1) of this section with respect to the supplementary part of the register containing the names of registered mental nurses or with respect to the supplementary part of the register containing the names of registered nurses for mental defectives, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the First and Third Schedules to this Act to such an extent as appears to him requisite or expedient in consequence of the giving of the direction, and where a direction is given under the last mentioned subsection with respect to the supplementary part of the register containing the names of registered sick children's nurses, or with respect to the supplementary part of the register containing the names of registered fever nurses, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the said First Schedule to such an extent as appears to him requisite or expedient in consequence of the giving of the direction.

(4) Nothing in this section shall affect the power of the Council to remove a person from, or restore a person to, the register.

PART I

—cont.

Restriction on use of title of registered nurse, nurse and assistant nurse, and penalties for unlawful assumption thereof, for misuse of certificates, for false representation and for falsification.

12.—(1) Any person who, not being a person duly registered under this Act, takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(2) Any person who, not being a duly registered nurse or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds :

Provided that (without prejudice to the provisions of the last foregoing subsection)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse ;
- (b) the Secretary of State may by regulations authorise the use, either generally or by specified classes of persons or in specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations ;
- (c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him.

(3) Any person who—

- (a) not being a person duly registered or enrolled, takes or uses any name, title, addition, description, uniform or badge, implying that he is registered or enrolled or is recognised by law as registered or enrolled ; or
- (b) being a person whose name is included in any part of the register, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register ; or
- (c) at any time with intent to deceive makes use of any certificate of registration or enrolment issued to him or any other person,

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(4) Any person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(5) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the register or the roll, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

Supplementary Provisions as to Council, etc.

13.—(1) The Council shall be a body corporate by the name of the General Nursing Council for Scotland, with perpetual succession and a common seal, and may sue and be sued by that name, and service on the Council of all legal processes and notices may be effected by service on their registrar.

General
provisions as
to Council.

(2) The Council may enter into such agreements, acquire such property and do such things, as may in the opinion of the Council 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.

(3) Any document purporting to be sealed with the seal of the Council, or to be signed in the name of the Council by their registrar or any person authorised by the Council to act in that behalf, shall be receivable in evidence of the particulars stated in that document.

14.—(1) The Council may appoint—

(a) with the previous sanction of the Secretary of State, a registrar, who shall act as secretary and treasurer to the Council, and shall be charged, subject to the instructions of the Council, with the preparation, correction and custody of the register; and

(b) subject to the consent of the Secretary of State as to numbers, such other officers as the Council consider necessary.

Officers of
Council.

(2) There shall be paid to the registrar and the other officers of the Council such salaries or remuneration as the Council, with the approval of the Secretary of State, may from time to time determine.

15. The Council may pay to the members thereof and to the members of the Assistant Nurses Committee and to the members of the Mental Nurses Committee sums (to be calculated in accordance with directions to be given by the Secretary of State) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have

Allowances to
members of
Council,
Assistant
Nurses
Committee and
Mental Nurses
Committee.

PART I
—cont.

been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Council, or either of the said Committees, as the case may be.

Expenses of
Council.

16. All expenses incurred by the Council with the approval of the Secretary of State which are attributable to defraying expenditure incurred by regional nurse-training committees shall be defrayed by the Secretary of State out of moneys provided by Parliament, and all other expenses incurred by the Council under this Act shall be defrayed out of fees and contributions received by them under this Act or out of any other sums received by the Council.

Accounts of
Council.

17. The accounts of the Council shall be made up annually as at such date as the Secretary of State may fix, and shall be audited in such manner, and by such person, as the Secretary of State may from time to time direct, and copies of the accounts and of any report made on the accounts shall, within three months after the date as at which the accounts are made up, be transmitted by the Council to the Secretary of State and to such persons as the Secretary of State may direct.

Membership of
Council,
etc., not to
involve
Parliamentary
disqualification.

18. A member of the Council, the Assistant Nurses Committee, the Mental Nurses Committee, a regional nurse-training committee or a sub-committee of a regional nurse-training committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.

PART II

TRAINING OF NURSES

Regional
nurse-training
committees.

19.—(1) The Secretary of State shall, after consulting the Council, by order constitute, in accordance with the provisions contained in the Fourth Schedule to this Act, a regional nurse-training committee for each area as hereinafter defined and any such committee shall exercise, as respects the area for which it has been so constituted, the functions in this Act assigned to it.

(2) It shall be the duty of a regional nurse-training committee—

- (a) generally to supervise the training of nurses in accordance with the training rules, and in particular to have regard, as respects persons engaged in such training, to the methods employed by those persons of training nurses ;
- (b) to report to the Council from time to time on the matters referred to in the last foregoing paragraph ; and

(c) to advise and assist the Council on matters referred to it by the Council which may include matters relating to the approval of institutions for the purposes of the training rules.

PART II
—cont.

(3) The supplementary provisions contained in the Fourth Schedule to this Act shall have effect with respect to regional nurse-training committees.

(4) In this section the expression “area” means a hospital area:

Provided that the Secretary of State may by order direct that an area consisting of two or more hospital areas shall be an area for the purposes of this section.

20.—(1) Where it appears to it necessary, in order to ensure that full and proper use is made of resources available for the purpose, a regional nurse-training committee may prepare and submit to the Council a scheme for the training of nurses, either by a Board of Management acting on behalf of a Regional Hospital Board, or by any other authority or person engaged in the training of nurses who makes a request in that behalf to the committee, or jointly by any two or more such Boards of Management, authorities or persons.

Schemes for
training
of nurses.

(2) Before preparing a scheme under the last foregoing subsection a regional nurse-training committee shall consult any Regional Hospital Board concerned, and shall on or before the day on which the scheme is submitted to the Council serve a copy of the scheme on any such Regional Hospital Board.

(3) The Council may approve, with or without modifications (which may include additions or exceptions), any scheme submitted to them under subsection (1) of this section:

Provided that where any Regional Hospital Board on whom a copy of the scheme is required by the last foregoing subsection to be served, represents, within two months after such service, that the scheme, so far as it relates to a hospital vested in the Secretary of State and situated in the area of the Board, should not be approved or should be approved subject to such modifications as may be specified in the representations, the Council shall before approving the scheme give due consideration to the representations.

(4) Subject to the provisions of section twenty-four of this Act, a scheme approved under this section may be varied or revoked by a subsequent scheme so approved, or by the Council.

(5) An institution in which the training of nurses is carried on in accordance with a scheme for the time being approved under this section shall be deemed to be an approved institution for the purposes of the training rules.

PART II
—*cont.***Research and
experimental
training
of nurses.**

21.—(1) It shall be the duty of a regional nurse-training committee to promote, with a view to securing the improvement of methods of training nurses, research and investigation into matters relating to the training of nurses, and to render to the Council reports of the results of research and investigation promoted by the committee.

(2) If the Council are of opinion that it would be advantageous that a trial should be made of a scheme of training and examinations to be undergone and passed by persons as a condition of their admission to the register or, as the case may be, the roll, being training and examinations differing from, but appearing to the Council to be no less efficient than, the training and examinations for the time being required by rules made by the Council to be so undergone and passed, they may, with the approval of the Secretary of State, by resolution adopt the scheme for such period as may be specified in the resolution and in relation to such institutions situated in such area for which a regional nurse-training committee is constituted under this Act as may be so specified, being institutions appearing to the Council to be suitable for the purpose of carrying out the scheme therein.

(3) A scheme of training and examinations adopted by a resolution of the Council under this section shall provide that, during the period for which it is so adopted, persons who undergo to the satisfaction of the Council, in an institution or institutions specified in the resolution adopting the scheme, the training specified in the scheme and who pass the examinations so specified shall, notwithstanding anything in any rules made by the Council, be entitled on making an application in that behalf to be admitted to the register or, as the case may be, the roll, and may contain such incidental and supplementary provisions (including provisions for charging fees in respect of the undergoing of examinations specified in the scheme) as appear to the Council to be requisite or expedient for the purposes of the scheme.

(4) The period for which a scheme of training and examinations is adopted under this section may from time to time be extended by resolution of the Council for such period as may be specified in the resolution.

**Expenditure
on training
of nurses.**

22.—(1) Expenditure incurred by a Board of Management in respect of the training of nurses, being expenditure of such description as the Secretary of State may specify for the purpose of this subsection, shall, so far as it is incurred in accordance with estimates approved by the regional nurse-training committee, instead of being defrayed in accordance with section fifty-four of the National Health Service (Scotland) Act, 1947, be defrayed by that committee.

(2) A regional nurse-training committee may make contributions towards the expenses incurred in training nurses by any authority or person, other than a Board of Management, engaged in training nurses in the area for which the committee is constituted.

PART II
—cont.

(3) Any question arising under subsection (1) of this section shall be determined by the Secretary of State.

23. All expenses incurred by a regional nurse-training committee with the approval of the Council shall be defrayed by the Council. Expenses of regional nurse-training committees.

24.—(1) If the Council are of opinion that they would be justified in— Provisions relating to approval of training institutions.

- (a) refusing to approve an institution for the purposes of the training rules, or
- (b) withdrawing approval given by them for those purposes to an institution, or
- (c) varying or revoking a scheme for the training of nurses approved under section twenty of this Act,

they shall give to the persons responsible for the management of the institution or, as the case may be, to the persons responsible for the management of any institution which, if the variation or revocation of the scheme takes effect, would cease to be an approved institution for the purposes of the training rules, notice of such opinion and of the grounds on which it was arrived at, and shall not proceed to a final determination of the question whether or not to refuse to approve the institution or to withdraw their approval thereof or to vary or revoke the scheme, as the case may be, until they have afforded those persons an opportunity of making representations in writing to the Council and, if required by such persons, of being heard by the Council.

(2) The Council shall notify their final determination of any such question as aforesaid to the persons to whom they are required by the last foregoing subsection to give such a notice as is therein mentioned, and any such persons may at any time before the expiry of twenty-eight days from the notification to them of the determination of the Council require the matter to be referred to the decision of two persons or more appointed for the purpose by the Lord President of the Court of Session.

(3) There shall be paid to any persons appointed under the last foregoing subsection such fees and allowances as the Treasury may determine, and any sums required for the payment of such fees and allowances shall be paid out of moneys provided by Parliament.

PART II
—cont.

Fees and contributions in respect of training institutions.

25.—(1) The Council may charge the persons responsible for the management of institutions approved by the Council for the purposes of the training rules and the persons responsible for the management of institutions the approval whereof by the Council for those purposes is sought by them, not being, in either case, institutions vested in the Secretary of State, such fees respectively, by way of contribution towards the expenses incurred in inspecting and approving institutions for those purposes, as may be prescribed.

(2) The Secretary of State may make to the Council, out of moneys provided by Parliament, contributions of such amounts as he may determine towards the expenses of the Council in inspecting and approving for the purposes of the training rules institutions vested in him.

Reports by Council to Secretary of State with respect to training of nurses.

26. The Council shall annually, at such date as the Secretary of State may direct, make to the Secretary of State a report as to the discharge by them during the preceding year of their functions with respect to the training of nurses, and the Secretary of State shall lay every such report before Parliament.

PART III

AGENCIES FOR THE SUPPLY OF NURSES

Conduct of agencies for supply of nurses.

27.—(1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—

- (a) registered nurses ;
- (b) enrolled assistant nurses ;
- (c) certified midwives ;
- (d) such other classes of persons as may be prescribed.

(2) A person carrying on an agency for the supply of nurses shall, at the prescribed time and in the prescribed manner, give to every person to whom he supplies a nurse, midwife or other person a statement in writing in the prescribed form as to the qualifications of the person supplied.

(3) No person shall carry on an agency for the supply of nurses unless the selection of the person to be supplied for each particular case is made by or under the supervision of a registered nurse or a duly qualified medical practitioner.

(4) A person carrying on an agency for the supply of nurses shall keep such records in relation thereto as may be prescribed.

Licensing of agencies.

28.—(1) No person shall carry on an agency for the supply of nurses on any premises in the area of any licensing authority unless he is the holder of a licence from that authority authorising him so to do on those premises.

(2) Subject to the provisions of this section, if any person who desires to carry on an agency for the supply of nurses in the area of any licensing authority makes an application in that behalf to that authority in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to that authority such fee as may be prescribed, the authority shall grant him a licence accordingly, subject, however, to such conditions as they may think fit for securing the proper conduct of the agency, including conditions as to the fees to be charged by the person carrying on the agency, whether to the nurses or other persons supplied, or to the persons to whom they are supplied.

(3) Any such application may be refused, and any such licence which has been granted may be revoked, on any of the following grounds, that is to say—

- (a) that the applicant or, as the case may be, the holder of the licence is an individual under the age of twenty-one years or is unsuitable to hold such a licence ;
- (b) that the premises are unsuitable ;
- (c) that the agency has been or is being improperly conducted ; or
- (d) that offences against this Part of this Act have been committed in connection with the carrying on of the agency.

(4) An applicant for or holder of any such licence who is aggrieved by the refusal of the licensing authority to grant such a licence, or by the revocation by the licensing authority of the licence, or by any conditions attached to the licence, may, within twenty-one days from the receipt by him of notice of the refusal or of the revocation or of the grant of the licence subject to the conditions, appeal to the sheriff within whose jurisdiction the premises are situate, who may make such order as he thinks just ; and the authority shall, if required by any such applicant or holder in writing so to do, send or deliver to him within seven days of the receipt of the requirement particulars in writing of the ground for the refusal, the revocation or the attachment of the conditions, as the case may be.

(5) An application under this Part of this Act for the grant of a licence in respect of an agency in respect of which a licence is in force at the time of the application shall not be refused and a licence under this Part of this Act shall not be revoked by a licensing authority unless the holder has been given an opportunity of being heard by the licensing authority or a committee thereof.

PART III
—cont.

(6) Every licensing authority shall in each year cause an annual meeting (either of the authority themselves or, if under any powers enabling them in that behalf they have delegated their powers under this section to a committee, of that committee) to be held for the purpose of considering applications for licences under this Part of this Act ; and every licence granted under this Part of this Act shall (unless revoked) be valid until the thirty-first day of December in the year next following that in which the licence is granted and no longer :

Provided that nothing in this subsection shall be construed as preventing the consideration of applications otherwise than at any such annual meeting.

(7) On the death of the holder of a licence under this Part of this Act, the licence shall enure for the benefit of his personal representatives, and references in this Part of this Act to the holder of such a licence shall be construed accordingly.

Powers of
entry and
inspection.

29. Any registered nurse or other officer duly authorised in that behalf by the licensing authority may at all reasonable times on producing, if so required, some duly authenticated document showing his authority—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used, or which that officer has reasonable cause to believe are used, for the purposes of or in connection with an agency for the supply of nurses ; and
- (b) inspect those premises and the records kept in connection with any such agency as aforesaid carried on at those premises,

and no person shall obstruct any such officer in the execution of his duty.

Penalties.

30.—(1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section twenty-seven of this Act or without a licence under this Part of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds and, if he continues so to do after conviction, he shall be guilty of a further offence and shall be liable on summary conviction in respect thereof to a fine not exceeding five pounds for each day on which he so continues so to carry on the agency.

(2) Any person who carries on an agency for the supply of nurses otherwise than in accordance with the conditions of his licence shall be liable on summary conviction to a fine not exceeding five pounds and, if the contravention in respect of which he was so convicted is continued after the conviction, shall

be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding two pounds for each day on which the contravention is so continued.

PART III
—cont.—

(3) Any person carrying on an agency for the supply of nurses who, in carrying on that agency, supplies any person in contravention of the provisions of subsection (1) of section twenty-seven of this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) Any person who—

(a) makes or causes to be made or knowingly allows to be made any entry in a record required to be kept under this Part of this Act, which he knows to be false in a material particular, or for purposes connected with this Part of this Act produces or furnishes, or causes or knowingly allows to be produced or furnished, any record or information which he knows to be false in a material particular; or

(b) for the purpose of obtaining a licence under this Part of this Act makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

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.

(5) Any person who commits any contravention of this Part of this Act for which no special penalty is thereby provided shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) Where the person carrying on an agency for the supply of nurses is convicted under this Part of this Act of an offence committed in the carrying on of that agency on any premises, the court may (in lieu of or in addition to imposing any other penalty) make an order revoking the licence (if any) under this Part of this Act authorising the carrying on of that agency on those premises.

(7) Where any offence against this Part of this Act by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he as well as the corporation shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

31.—(1) The foregoing provisions of this Part of this Act shall not apply to any agency for the supply of nurses carried on in connection with any hospital maintained or controlled by a Government department or local authority or combination of

Application
of this Part
of this Act
and of existing
enactments.

PART III
—cont.

local authorities, or by any body constituted by special Act of Parliament or incorporated by Royal Charter.

(2) Any provisions relating to employment agencies or servants registries contained in any local Act shall not apply to an agency for the supply of nurses, but this subsection shall not be taken as exempting from any such provisions any other business carried on in conjunction with an agency for the supply of nurses.

Supplemental. 32. In this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

“agency for the supply of nurses” means the business (whether or not carried on for gain and whether or not carried on in conjunction with another business) of supplying persons to act as nurses or of supplying persons to act as nurses and persons to act as midwives, but shall not include the business carried on by any county or district nursing association or other similar organisation, being an association or organisation—

(a) established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their homes without himself taking up residence there ; or

(b) mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house ;

“certified midwife” means a person certified under the Midwives (Scotland) Act, 1951, and includes any person who, by virtue of an order made under Regulation thirty-three of the Defence (General) Regulations, 1939, is for the time being deemed, for the purposes of subsection (2) of section twenty-three of the National Health Service (Scotland) Act, 1947, to be a certified midwife ;

“county” means a county inclusive of any small burgh within the meaning of the Local Government (Scotland) Act, 1947, situate in the county ;

“licensing authority” means—

(a) in the case of a large burgh within the meaning of the last mentioned Act, the town council ; and

(b) in the case of a county, the county council.

PART IV

SUPPLEMENTARY PROVISIONS

33.—(1) The Council may make rules generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Act (apart from Part III thereof) into effect and for prescribing anything which by this Act (apart from Part III thereof) is required or authorised to be prescribed. Procedure as to rules, regulations and orders.

(2) At least thirty days before any rules are made under this Act, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published by the Council in the Edinburgh Gazette and in such other manner as the Council think best adapted for ensuring publicity:

Provided that this subsection shall not apply to rules made by the Council under paragraph (d) of subsection (2) of section six, section seven, or subsection (1) of section twenty-five of, or under paragraph 4 of the First Schedule or paragraph 2 of the Third Schedule to, this Act.

(3) Rules made by the Council under this Act shall not come into operation unless and until they are approved by the Secretary of State.

(4) The Secretary of State may make regulations prescribing anything which is required to be prescribed under Part III of this Act.

(5) The power to approve rules conferred on the Secretary of State by subsection (3) of this section and any power to make an order or regulations conferred on him by this Act shall be exercisable by statutory instrument.

(6) A statutory instrument by which the power to approve rules conferred on the Secretary of State by subsection (3) of this section is exercised and a statutory instrument containing a regulation or an order made under the provisions of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Any power to make an order conferred on the Secretary of State by this Act shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to revoke or vary the order.

34. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:— Interpretation.

“chief male nurse” means a male nurse in charge of the male nurses employed in a mental hospital;

PART IV
—cont.

- “ children’s nurse ” means a person whose avocation is that of caring for children ;
- “ the Council ” has the meaning assigned to it by subsection (1) of section one of this Act ;
- “ education authority ” has the same meaning as in the Education (Scotland) Act, 1946 ;
- “ hospital ” has the same meaning as in the National Health Service (Scotland) Act, 1947 ;
- “ hospital area ” means an area for which a Regional Hospital Board is for the time being constituted under subsection (1) of section eleven of the National Health Service (Scotland) Act, 1947 ;
- “ mental hospital ” means a mental hospital for the purposes of the Lunacy (Scotland) Acts, 1857 to 1913 ;
- “ nurse ” means a nurse for the sick and “ nursing ” shall be construed accordingly ;
- “ prescribed ” means, except when it occurs in Part III of this Act, prescribed by rules made by the Council under this Act, and in the said Part III means prescribed by regulations made by the Secretary of State ;
- “ regional nurse-training committee ” means a committee constituted by an order of the Secretary of State under subsection (1) of section nineteen of this Act ;
- “ the register ” means the register of nurses kept under section two of this Act, and “ register ”, “ registered ” and “ registration ” shall be construed accordingly ;
- “ registered fever nurse ” means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing of persons suffering from fever ;
- “ registered nurse for mental defectives ” means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect ;
- “ registered mental nurse ” means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases ;
- “ registered sick children’s nurse ” means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing of sick children ;

“ the roll ” means the roll of assistant nurses kept under section three of this Act, and “ enrol,” “ enrolled ” and “ enrolment ” shall be construed accordingly ;

PART IV
—cont.

“ the training rules ” means rules relating to training made by the Council under section six of this Act.

35.—(1) The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals and savings.

(2) Nothing in this Act shall affect any order, regulation, scheme, rule, specification or determination made, licence granted, resolution passed, direction, certificate or approval given, application made or granted, notice served or given, date fixed or any other thing done under an enactment repealed by this Act, but any such order, regulation, scheme, rule, specification, determination, licence, resolution, direction, certificate, approval, application, notice, date or thing shall, if in force at the passing of this Act, continue in force, and so far as it could have been made, granted, passed, given, served, fixed or done under the corresponding provision of this Act, it shall have effect as if it had been made, granted, passed, given, served, fixed or done under that corresponding provision and, in the case of an approval, had been given for the purposes of that provision.

(3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(4) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.

(5) The register of nurses kept under the Nurses Registration (Scotland) Act, 1919, and the roll of assistant nurses kept under the Nurses (Scotland) Act, 1943, shall be deemed the register of nurses and the roll of assistant nurses respectively to be kept under this Act.

(6) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

36.—(1) This Act may be cited as the Nurses (Scotland) Act, 1951. Short title, extent and commencement.

(2) This Act shall apply to Scotland only.

(3) This Act shall come into force on the first day of September, nineteen hundred and fifty-one.

SCHEDULES

Section 1.

FIRST SCHEDULE

THE GENERAL NURSING COUNCIL FOR SCOTLAND

Constitution of the Council

1. The Council shall consist of—

- (a) thirteen persons elected as hereinafter mentioned;
- (b) eleven persons appointed by the Secretary of State;
- (c) two persons appointed by the Privy Council, of whom one shall be appointed to represent universities in Scotland.

2.—(1) Of the elected members of the Council—

- (a) seven, who shall be nurses (including male nurses) registered in the general part of the register, shall be elected by nurses so registered;
- (b) two, who shall be registered mental nurses or registered nurses for mental defectives, shall be elected by nurses so registered, and one of the persons so elected shall be a man and one a woman;
- (c) one, who shall be a registered fever nurse, shall be elected by registered fever nurses;
- (d) one, who shall be a registered sick children's nurse, shall be elected by registered sick children's nurses;
- (e) two, who shall be persons holding certificates given by virtue of paragraph (f) of subsection (1) of section six of this Act (which paragraph provides for the giving of certificates to persons trained in the teaching of nursing) shall be elected by such persons.

(2) Each of the nurses to be elected in pursuance of the last foregoing sub-paragraph shall, on the date of election, be engaged in Scotland in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.

3. The members of the Council appointed by the Secretary of State shall include—

- (a) two registered nurses employed in services provided under Part III of the National Health Service (Scotland) Act, 1947, appointed by him after consultation with such persons and

bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of nurses so employed;

- (b) duly qualified medical practitioners, appointed by him after consultation with such organisations representative of the medical profession as he thinks fit;
- (c) persons with experience in hospital management, appointed by him after consultation with such persons and bodies having experience in hospital management as he thinks fit;
- (d) persons with experience in local government, appointed by him after consultation with such local health authorities, or such organisations representative of local health authorities, as he thinks fit; and
- (e) a person or persons with financial experience.

1ST SCH.
—cont.

Supplementary Provisions

4. The members of the Council required by the foregoing provisions of this Schedule to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner.

5. The members of the Council holding office at the date of the passing of this Act shall vacate office, if they were appointed by the Secretary of State or the Privy Council, on the expiry of a term of three years commencing on the first day of December, nineteen hundred and fifty, and, in any other case, on the expiry of a term of five years commencing on the last-mentioned date; and the successors in office of all the members of the Council shall hold office for a term of five years.

6.—(1) If the place of a member of the Council becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall, if the member was appointed by the Secretary of State or the Privy Council, be filled by a person appointed by the Secretary of State or the Privy Council, as the case may be, and in any other case shall be filled by a person appointed by the Council.

(2) A person appointed to fill a casual vacancy occurring in the place of an elected member of the Council shall be a person who would be qualified for election to that place if an election were to take place on the date on which he is appointed, and a person appointed to fill any other casual vacancy shall, if the place vacant was originally filled by a person required by the foregoing provisions of this Schedule to be a person of a particular class, himself be of that class.

(3) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

7. A person ceasing to be a member of the Council shall be eligible for re-appointment or re-election.

8. The powers of the Council may be exercised notwithstanding a vacancy in their number.

N*

1st SCH.
—cont.

9. The Council shall make rules—

- (a) for regulating the summoning of meetings of the Council and the proceedings (including quorum) of the Council; and
- (b) for enabling the Council to constitute committees and for authorising the delegation to committees of any of the powers of the Council, and for regulating the proceedings (including quorum) of committees.

Section 4.

SECOND SCHEDULE

THE ASSISTANT NURSES COMMITTEE

Constitution of the Assistant Nurses Committee

1.—(1) The Assistant Nurses Committee shall consist of nine persons, of whom—

- (a) five shall be members of the Council appointed by the Council;
- (b) three shall be such persons, being registered nurses or enrolled assistant nurses, as may be elected to represent assistant nurses by persons who, on the date of the election, are enrolled assistant nurses; and
- (c) one shall be a person appointed by the Secretary of State to represent assistant nurses.

(2) Of the members appointed by the Council, at least one shall not be a registered nurse.

Supplementary Provisions

2. The members of the Assistant Nurses Committee required by the foregoing provisions of this Schedule to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner.

3. The members of the Assistant Nurses Committee shall hold office for a term of five years.

4.—(1) If the place of a member of the Assistant Nurses Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled, if the member was appointed by the Council, by the Council, and, if the member represented assistant nurses, by the Secretary of State.

(2) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

5. A person ceasing to be a member of the Assistant Nurses Committee shall be eligible for re-appointment or re-election.

6. The powers of the Assistant Nurses Committee may be exercised notwithstanding a vacancy in their number.

7. The chairman of the Assistant Nurses Committee shall be such one of the members of the Committee, being a member appointed by the Council, as may be selected by the Committee.

8. The quorum of the Assistant Nurses Committee shall be four.

9. The Assistant Nurses Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

THIRD SCHEDULE

Section 5.

THE MENTAL NURSES COMMITTEE

Constitution of the Mental Nurses Committee

1.—(1) The Mental Nurses Committee shall consist of eleven persons, of whom—

- (a) five shall be members of the Council appointed by the Council;
- (b) one shall be a registered mental nurse elected by persons who, on the date of the election, are registered mental nurses;
- (c) one shall be a registered nurse for mental defectives elected by persons who, on the date of the election, are registered nurses for mental defectives; and
- (d) four shall be appointed by the Secretary of State.

(2) Of the members appointed by the Council, two shall be the registered mental nurses or registered nurses for mental defectives elected to membership thereof by nurses so registered.

(3) The members appointed by the Secretary of State shall respectively be a matron of a mental hospital which is an institution approved by the Council for the purposes of the training rules, a registered mental nurse engaged in the teaching of the nursing and care of persons suffering from mental diseases, a duly qualified medical practitioner engaged in the teaching of psychiatry and a chief male nurse of such a mental hospital as aforesaid, and the appointment of each of those persons shall be made by the Secretary of State after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of persons of the class to which the person to be appointed belongs.

Supplementary Provisions

2. The members of the Mental Nurses Committee required by the foregoing provisions of this Schedule to be elected shall be elected in accordance with the prescribed scheme and in the prescribed manner.

3.—(1) The members of the Mental Nurses Committee holding office at the date of the passing of this Act shall vacate office, if they were appointed by the Secretary of State, on the expiry of a term of three years commencing on the first day of March, nineteen hundred and fifty-one, and, in any other case, on the expiry of a term of five years commencing on the last-mentioned date; and the successors in office of all the members of the Committee shall hold office for a term of five years.

(2) A member of the Committee appointed by the Council shall cease to hold office as such member if he ceases to be a member of the Council.

4.—(1) If the place of a member of the Mental Nurses Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall, if the member was appointed by the Secretary of State, be filled by a person appointed by the Secretary of State, and, in any other case, shall be filled by a person appointed by the Council.

3RD SCH.
—cont.

(2) A person shall not be appointed to fill a casual vacancy in the place of any member of the Committee unless he possesses the qualification required by the foregoing provisions of this Schedule for election or, as the case may be, appointment under the said provisions to that place.

(3) A person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

5. A person ceasing to be a member of the Mental Nurses Committee shall be eligible for re-appointment or re-election.

6. The powers of the Mental Nurses Committee may be exercised notwithstanding a vacancy in their number.

7. The chairman of the Mental Nurses Committee shall be such one of the members of the Committee who are members of the Council as may be selected by the Committee.

8. The quorum of the Mental Nurses Committee shall be four.

9. The Mental Nurses Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

Section 19.

FOURTH SCHEDULE

REGIONAL NURSE-TRAINING COMMITTEES

Constitution of Regional Nurse-Training Committees

1. A regional nurse-training committee for any area shall consist of such number of persons of each of the following classes as may be specified in the order constituting the committee, that is to say—

- (a) persons appointed by the Regional Hospital Board for the area for which the Committee is constituted, or, if that area comprises more than one hospital area, by the Regional Hospital Boards for those areas;
- (b) persons appointed by the Council;
- (c) persons appointed by the Central Midwives Board for Scotland;
- (d) persons appointed by the Secretary of State after consultation with the local health authorities in the area;
- (e) persons appointed by the Secretary of State after consultation with the education authorities in the area; and
- (f) persons appointed by the Secretary of State after consultation with such universities as he thinks fit;

and the said order may contain provisions with respect to the qualifications of members of the committee, so, however, that a majority of the members shall be registered nurses.

*Supplementary Provisions*4TH SCH.
—cont.

2. The Secretary of State may by order make provision—

- (a) with respect to the appointment, tenure of office and vacation of office of the members of a regional nurse-training committee for any area;
- (b) with respect to the appointment of sub-committees of such a committee consisting wholly or partly of the members thereof and the delegation of functions to such sub-committees;
- (c) for the making by such a committee to the members thereof and to the members of any sub-committee thereof of such payments as may be specified in the order in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the committee or sub-committee as the case may be;
- (d) with respect to the keeping of accounts of sums received and expended by such a committee and the making up and audit of those accounts and the times at which and the form in which estimates of their expenditure are to be submitted by them to the Council; and
- (e) with respect to the procedure (including quorum) of such a committee.

3. It shall be the duty of the Regional Hospital Board for a hospital area for which a regional nurse-training committee is constituted under this Act, or, where the area for which the committee is constituted comprises more than one hospital area, of such one of the Regional Hospital Boards for those areas as the Secretary of State may direct, to take, so soon as may be after the constitution of the committee, the requisite steps to convoke the committee for the first meeting thereof.

4.—(1) It shall be the duty of the Regional Hospital Board for any area for which a regional nurse-training committee is constituted under this Act or, where the area for which the committee is constituted comprises more than one hospital area, of such one of the Regional Hospital Boards for those areas as the Secretary of State may direct, to provide that committee, on such terms as may, in default of agreement, be determined by the Secretary of State, with the services of such of the officers and servants of the Board and with such office accommodation as the committee may reasonably require.

(2) Without prejudice to the foregoing sub-paragraph, a regional nurse-training committee may, with the consent of the Secretary of State, themselves employ officers and servants and may pay officers and servants employed by them such remuneration as they may determine.

4TH SCH.
—cont.

(3) Any dispute arising under sub-paragraph (1) of this paragraph as to the reasonableness of any requirement shall be determined by the Secretary of State.

5. The powers of a regional nurse-training committee may be exercised notwithstanding a vacancy in their number.

6. The chairman of a regional nurse-training committee shall be such one of the members thereof as may be selected by the committee.

Section 35.

FIFTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 95.	The Nurses Registration (Scotland) Act, 1919.	The whole Act.
6 & 7 Geo. 6. c. 33.	The Nurses (Scotland) Act, 1943.	The whole Act.
8 & 9 Geo. 6. c. 6.	The Nurses Act, 1945 ...	Section two; in section three, the words from "and the Nurses (Scotland) Acts, 1919 and 1943" to the end of the section.
12, 13 & 14 Geo. 6. c. 95.	The Nurses (Scotland) Act, 1949.	The whole Act.

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Nurses Registration (Scotland) Act, 1919	9 & 10 Geo. 5. c. 95.
Nurses (Scotland) Act, 1943	6 & 7 Geo. 6. c. 33.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Midwives (Scotland) Act, 1951	14 & 15 Geo. 6. c. 54.

CHAPTER 56

An Act to extend jurisdiction under the Guardianship of Infants Acts, 1886 and 1925, to certain county courts and courts of summary jurisdiction; to provide for increasing the sums that may be awarded by courts of summary jurisdiction under the said Acts or under section seven of the Summary Jurisdiction (Married Women) Act, 1895, towards the maintenance of children, for enabling payments of maintenance under the said section seven to be continued in respect of children over the age of sixteen engaged in a course of education or training, and for requiring certain payments of maintenance in respect of children under the said Acts or under the said section seven to be paid without deduction of income tax; and for purposes connected with the matters aforesaid.

[1st August 1951.]

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 following provisions of this section, the expression “the court”, for the purposes of the Guardianship of Infants Acts, 1886 and 1925, means in England and Wales the High Court or the county court of the district, or a court of summary jurisdiction having jurisdiction in the place, in which the respondent or any of the respondents or the applicant or the infant to whom the application relates resides; and the foregoing definition shall have effect in substitution for the definition contained in section nine of the Guardianship of Infants Act, 1886 (so far as that definition relates to England and Wales) as amended by subsection (1) of section seven of the Guardianship of Infants Act, 1925.

Extension of jurisdiction under Guardianship of Infants Acts, 1886 and 1925, to certain county courts and courts of summary jurisdiction.

(2) Notwithstanding anything in the preceding subsection, a county court or court of summary jurisdiction in England or Wales shall not have jurisdiction under the said Acts in any case where the respondent or any of the respondents resides in Scotland or Northern Ireland—

- (a) except in so far as such jurisdiction may be exercisable by virtue of the Maintenance Orders Act, 1950; or
- (b) unless a summons or other originating process can be served and is served on the respondent or, as the case may be, all the respondents in England or Wales.

(3) The proviso to subsection (1) of section seven of the Guardianship of Infants Act, 1925 (which imposes certain limitations on the exercise of jurisdiction by courts of summary jurisdiction) shall remain in force and apply in relation to any court of summary jurisdiction exercising jurisdiction under the Guardianship of Infants Acts, 1886 and 1925, but paragraph (c) of that proviso (which limits the sums that may be ordered to be paid towards the maintenance of any infant to twenty shillings a week) shall have effect with the substitution for the reference to twenty shillings of a reference to thirty shillings.

Increase of maintenance for infants under Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949, and continuance of such maintenance after sixteen.

2.—(1) Paragraph (b) of the proviso to section seven of the Summary Jurisdiction (Married Women) Act, 1895, (which, as amended by section two of the Summary Jurisdiction (Separation and Maintenance) Act, 1925, empowers the court to order the payment of sums for the maintenance of children not exceeding ten shillings a week for each child) shall have effect with the substitution for the reference to ten shillings of a reference to thirty shillings.

(2) Section two of the Married Women (Maintenance) Act, 1949 (which empowers the court to vary an order made by virtue of section one of the Married Women (Maintenance) Act, 1920, so as to enable payments for the maintenance of a child to be continued after the age of sixteen but not after the age of twenty-one if the child is engaged in a course of education or training) shall have effect as if the reference to such an order as aforesaid included a reference to an order made by virtue of paragraph (b) of the proviso to the said section seven.

Extension of s. 25 of Finance Act, 1944.

3. In relation to payments pursuant to any order made under the Guardianship of Infants Acts, 1886 and 1925, or any order made under paragraph (b) of the proviso to section seven of the Summary Jurisdiction (Married Women) Act, 1895, section twenty-five of the Finance Act, 1944, (which requires among other things that certain payments for the benefit, maintenance or education of a person under sixteen years of age which do not exceed one pound a week shall be made without deduction of tax) shall have effect as if in subsection (1) of that section for the words "sixteen years of age" there were substituted the words "twenty-one years of age" and for the words "one pound" there were substituted the words "thirty shillings".

Transitional provisions.

4.—(1) Any order made before the commencement of this Act under the Guardianship of Infants Acts, 1886 and 1925, by a court on which jurisdiction under those Acts is conferred by subsection (1) of section one of this Act, except an order which has been quashed or discharged before the commencement of

this Act for want of jurisdiction, shall have effect, and be deemed always to have had effect, as if that jurisdiction had been conferred at the time when the order was made.

(2) Any order made by a court of summary jurisdiction under the Guardianship of Infants Acts, 1886 and 1925, before the commencement of this Act for the payment of any sum towards the maintenance of an infant, and any order made by virtue of paragraph (b) of the proviso to section seven of the Summary Jurisdiction (Married Women) Act, 1895, before the commencement of this Act, may be varied so as to include from the date of the variation of the order a provision for the payment of such increased sums as would have been lawful if the order had been made after the commencement of this Act.

5.—(1) This Act may be cited as the Guardianship and Maintenance of Infants Act, 1951.

Short title, interpretation and extent.

(2) 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 this Act.

(3) This Act, except section three thereof, shall not extend to Scotland.

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

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Guardianship of Infants Act, 1886	49 & 50 Vict. c. 27.
Summary Jurisdiction (Married Women) Act, 1895	58 & 59 Vict. c. 39.
Married Women (Maintenance) Act, 1920	10 & 11 Geo. 5. c. 63.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Summary Jurisdiction (Separation and Maintenance) Act, 1925	15 & 16 Geo. 5. c. 51.
Finance Act, 1944	7 & 8 Geo. 6. c. 23.
Married Women (Maintenance) Act, 1949	12, 13 & 14 Geo. 6. c. 99.
Maintenance Orders Act, 1950	14 Geo. 6. c. 37.

CHAPTER 57

An Act to amend section forty-seven of the National Assistance Act, 1948 [1st August 1951.]

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) An order under subsection (3) of section forty-seven of the National Assistance Act, 1948, for the removal of any such person as is mentioned in subsection (1) of that section may be made without the notice required by subsection (7) of that Amendment of 11 & 12 Geo. 6. c. 29. s. 47.

section if it is certified by the medical officer of health and another registered medical practitioner that in their opinion it is necessary in the interests of that person to remove him without delay.

(2) If in any such case it is shown by the applicant that the manager of any such hospital or place as is mentioned in the said subsection (3) agrees to accommodate therein the person in respect of whom the application is made, the proviso to that subsection (which requires that the manager of the premises to which a person is to be removed must be heard in the proceedings or receive notice of the application) shall not apply in relation to an order for the removal of that person to that hospital or place.

(3) Any such order as is authorised by this section may be made on the application either of the appropriate authority within the meaning of the said section forty-seven or, if the medical officer of health is authorised by that authority to make such applications, by that officer, and may be made either by a court of summary jurisdiction having jurisdiction in the place where the premises are situated in which the person in respect of whom the application is made resides, or by a single justice having such jurisdiction; and the order may, if the court or justice thinks it necessary, be made *ex parte*.

(4) In relation to any such order as is authorised by this section the provisions of the said section forty-seven shall have effect subject to the following modifications:—

(a) in subsection (4) (which specifies the period for which a person may be detained pursuant to an order) for the words “three months” in the first place where those words occur, there shall be substituted the words “three weeks” and subsection (6) (which enables an application to be made for the revocation of an order) shall not apply;

(b) where the order is made by a single justice, any reference in subsections (4) and (5) to the court shall be construed as a reference to a court of summary jurisdiction having jurisdiction in the same place as that justice.

(5) In the application of this section to Scotland for any reference to a court of summary jurisdiction or a single justice there shall be substituted a reference to the sheriff, and paragraph (b) of subsection (4) shall not apply.

Short title,
citation,
commencement
and extent.

2.—(1) This Act may be cited as the National Assistance (Amendment) Act, 1951, and this Act and the National Assistance Act, 1948, may be cited together as the National Assistance Acts, 1948 and 1951.

(2) This Act shall come into operation one month after the passing of this Act.

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

CHAPTER 58

Fireworks Act, 1951

ARRANGEMENT OF SECTIONS

Section

1. Destruction of dangerous fireworks.
2. Determination or amendment of licences for factory where dangerous fireworks made.
3. Standard by which fireworks to be judged dangerous.
4. Determination or amendment of licences for factory where there is negligent manufacture.
5. Marking of fireworks.
6. Penalty for defacement of marks.
7. Small firework factory licences.
8. Service of notices.
9. Interpretation.
10. Short title, extent and commencement.

SCHEDULE.

An Act to confer powers of seizure where dangerous fireworks are found, and powers to determine or amend licences or certificates for explosives factories where fireworks are made, to make provision for the marking of fireworks and containers in which fireworks are kept and to amend the law relating to licences for small firework factories ; and for purposes connected with the matters aforesaid. [1st August 1951.]

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) Where a government inspector for the purposes of the Explosives Act, 1875 (hereinafter referred to as “ the principal Act ”) finds in a factory, magazine or store fireworks which he has reason for thinking may be dangerous when in the possession of the public, he may take a number of them as a sample and require the occupier of the factory, magazine or store to keep the remainder of such fireworks in the factory, magazine or store for a period of three weeks, or such shorter period as the inspector may specify, and to take such steps as the inspector may specify to secure that they are not moved or tampered with during that period.

Destruction of dangerous fireworks.
38 & 39 Vict. c. 17.

(2) If the Secretary of State is satisfied as a result of examination and testing that the fireworks removed by the inspector would be dangerous when in the possession of the public and is satisfied that the sample is a fair one, the Secretary of State may require the occupier to deliver at the factory, magazine or store the fireworks kept there in pursuance of the inspector's requirement to a person authorised by the Secretary of State to receive

them; and the Secretary of State shall cause the fireworks so delivered to be destroyed or otherwise rendered harmless and disposed of as he directs.

(3) Where the Secretary of State does not act under subsection (2) of this section, he shall return to the occupier any fireworks forming part of the sample unless their value after examination and testing is so small that it appears to him unreasonable so to do.

(4) If the occupier fails to comply with any requirement made under this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) References in this section to fireworks include references to partly finished fireworks but in considering whether they would be dangerous it shall be assumed that they are finished before they come into the possession of the public.

Determination
or amendment
of licences for
factory where
dangerous
fireworks
made.

2.—(1) If the Secretary of State is of opinion that in any factory there are being manufactured fireworks which would be dangerous when in the possession of the public, and considers that a notice should be served on the occupier of the factory under the following provisions of this section, he shall give to the occupier a statement setting out his opinion and the facts on which his opinion is based and shall afford to him a reasonable opportunity of making representations as to the accuracy of those facts.

(2) If the Secretary of State, having considered any representations made to him under the foregoing subsection, remains of the same opinion, he may at any time more than fourteen days after the giving of the statement serve a notice on the occupier of the factory—

- (a) stating that on the expiration of a period of seven days beginning with the date of service of the notice any licence under the principal Act relating to the factory shall be determined; and
- (b) requiring the occupier within the said period to deliver any such licence as aforesaid to the Secretary of State for cancellation.

(3) Upon the expiration of the said period of seven days any licence under the principal Act relating to the factory shall (whether duly delivered up or not) be determined for all the purposes of the principal Act, but without prejudice to the granting of a new licence under that Act:

Provided that notwithstanding that on the determination of the licence the factory becomes an unauthorised place, no proceedings shall be taken under section five of the principal Act in respect of the keeping of fireworks in the factory in pursuance of a requirement of a government inspector under the foregoing section.

(4) Where a licence under the principal Act permits in the factory the manufacture of explosives other than fireworks, the notice may, if the Secretary of State thinks fit, instead of stating that on the expiration of the said period of seven days any licence shall be determined, state that on the expiration of the said period of seven days it shall be a term of any licence that no fireworks are manufactured and shall then refer to the amendment instead of the cancellation of any licence; and then on the expiration of the said period of seven days the last foregoing subsection shall not apply but for all the purposes of the principal Act it shall be a term of the licence for the factory (whether duly delivered up or not) that no fireworks shall be manufactured in the factory.

Any term imposed under this subsection shall be included among the terms which may be amended under the principal Act.

(5) If the occupier of a factory fails to deliver up a licence as required by this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) Where the factory is a lawfully existing factory within the meaning of the principal Act (that is to say a factory already in use when that Act was passed) any reference in the foregoing provisions of this section to a licence (other than the reference to a new licence) shall be taken as a reference to a continuing certificate.

3. In deciding under either of the foregoing sections whether any fireworks would be dangerous when in the possession of the public it shall be assumed that a reasonable standard of care is maintained in handling and using the fireworks.

Standard by which fireworks to be judged dangerous.

4.—(1) If the Secretary of State is of opinion that in any factory the manufacture or storing of fireworks is being carried on in such a way as to cause danger to persons in or about the factory from explosion or fire, and considers that a notice should be served on the occupier of the factory under the following provisions of this section, he shall give to the occupier a statement setting out his opinion and the facts on which his opinion is based and shall afford to him a reasonable opportunity of making representations as to the accuracy of those facts.

Determination or amendment of licences for factory where there is negligent manufacture.

(2) If the Secretary of State, having considered any representations made to him under the foregoing subsection, remains of the same opinion, he may, at any time more than fourteen days after the giving of the statement, and subject to the next following subsection, serve on the occupier of the factory any such notice as he might serve under section two of this Act if he were then of the opinion that there were being manufactured in the

factory fireworks which would be dangerous when in the possession of the public, and the like consequences shall ensue as would ensue upon service of the like notice under that section.

(3) The Secretary of State shall not serve a notice under this section as respects any factory unless within the period of two years ending with the service of the notice a person has been convicted under section nine of the principal Act (which as extended by section thirty-nine of the same Act, relates to the contravention of the terms on which explosives factories are licensed) or section ten of the principal Act (which, as extended by the said section thirty-nine, relates to general rules for explosives factories) or section seventeen of the principal Act (which, as applied by section forty-nine of the same Act, relates to general rules for small firework factories) and the offence for which the person was convicted related to that factory.

(4) Account may be taken under this section of any offence relating to a factory notwithstanding any subsequent change in the occupier of the factory but no account shall be taken under this section of any conviction before the commencement of this Act.

Marking
of fireworks.

5.—(1) Subject to the provisions of this section, no fireworks shall be consigned from the factory in which they were made unless each firework bears conspicuously the name of the occupier of the factory and the address of the factory.

(2) The foregoing subsection shall not apply to—

- (a) fireworks weighing less than one-eighth of an ounce each;
- (b) fireworks of the kinds set out in the Schedule to this Act;
- (c) fireworks of such other kinds as the Secretary of State may by regulations contained in a statutory instrument prescribe,

but no fireworks of the kinds set out in the foregoing paragraphs shall be consigned from the factory in which they were made unless every container in which they are consigned, including both containers in which they are to be sold to the public and containers for consignment in bulk, bears conspicuously the name of the occupier of the factory and the address of the factory.

(3) Nothing in either of the foregoing subsections shall apply to fireworks consigned from a factory under a contract for the supply of those fireworks to the Crown.

(4) If the foregoing provisions of this section are contravened in respect of any fireworks, the occupier of the factory shall on summary conviction be liable to a penalty not exceeding—

(a) ten pounds; or

(b) an amount equal to twenty shillings for every pound weight of fireworks in respect of which he is convicted,

whichever is the greater:

Provided that the maximum fine in respect of fireworks consigned on any one day shall be one hundred pounds.

(5) Without prejudice to the generality of paragraph (9) of section forty of the principal Act (which, as extended by an Order in Council under that Act, requires the import of fireworks to be under licence from the Secretary of State) the Secretary of State may, for the purpose of ensuring that imported fireworks in the possession of the public can be traced back to the person who imported them, annex to an importation licence under that paragraph for the importation of fireworks requirements as to the marking, whether before or after importation, of fireworks or their containers similar to the requirements imposed by the foregoing subsections.

The reference in this subsection to the provisions of the principal Act shall include a reference to those provisions as they have effect in Northern Ireland.

(6) A person against whom proceedings are brought under this section shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person, to whose act or default he alleges that the contravention of the provisions in question was due, brought before the court in the proceedings, and, if after the contravention has been proved the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(7) Where a defendant seeks to avail himself of the provisions of the last foregoing subsection—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(8) Where it appears to a government inspector for the purposes of the principal Act that an offence has been committed in respect of which proceedings might be taken under this section against the occupier of a factory and the inspector is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the said occupier could establish a defence under subsection (6) of this section, he may cause proceedings to be taken against that other person without first causing proceedings to be taken against the said occupier.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the said occupier might have been charged.

(9) In Scotland the three last foregoing subsections shall not apply but—

- (a) where a contravention of any provision of this section for which any person is liable to a fine under this section was due to an act or default of any other person, then, whether proceedings are or are not taken against the first mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the first mentioned person if he had been convicted of the contravention; and
- (b) where a person who is charged with a contravention of any provision of this section proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first mentioned person shall be acquitted of the contravention.

Penalty for defacement of marks.

6. If any person in the course of a trade or business sells, or offers or exposes for sale, any fireworks and a name or address put on them in pursuance of section five of this Act has been removed, obliterated or altered, he shall on summary conviction be liable to a fine not exceeding twenty-five pounds :

Provided that it shall be a defence—

- (a) to prove that the removal, obliteration or alteration was such as the defendant could not have reasonably been expected to observe; or
- (b) in the case of fireworks which at the time of the alleged offence were in a container, to prove that the container had not been opened since it came into the possession of the defendant; or

- (c) to prove that the removal, obliteration or alteration was not carried out for the purpose of concealing the identity of the maker, or, as the case may be, of the importer, of the fireworks.

7.—(1) The power under section forty-nine of the principal Act of granting a licence for a small firework factory shall be transferred from the local authority to the Secretary of State and, accordingly, for any reference in that section to the local authority there shall be substituted a reference to the Secretary of State: Small firework factory licences.

Provided that the Secretary of State before granting a licence under that section shall consult with the local authority as to whether the proposed site, construction of the factory and amount of explosive is in accordance with the Order in Council regulating small firework factories.

(2) Nothing in this section shall invalidate any licence granted before the commencement of this Act but an application to be made after the commencement of this Act for the renewal of a licence granted under the said section forty-nine shall be made to the Secretary of State and not to the local authority and accordingly in section eighteen of the principal Act, as applied by the said section forty-nine, for the references to the local authority there shall be substituted references to the Secretary of State.

(3) In accordance with the foregoing subsections, in section forty-eight of the principal Act for the words “ a licence from the local authority under this Part of this Act ” and for the words “ such licence from the local authority ” there shall be substituted in each case the words “ a licence under the next following section ”.

8. Any notice authorised by this Act to be served by the Secretary of State on the occupier of a factory may be served either— Service of notices.

- (a) by delivering it to the occupier, or by sending it in a prepaid registered letter addressed to him at the factory to which the notice relates; or
- (b) where the occupier is an incorporated company, by delivering it to their clerk or secretary at the company's registered office, or sending it in a prepaid registered letter addressed to the company at that office.

9. In this Act, except where the context otherwise requires— Interpretation.

“ factory ” means a factory licensed under the principal Act;
 “ magazine ” means a magazine licensed under the principal Act;

“ the principal Act ” means the Explosives Act, 1875, and other expressions have the same meanings as in the principal Act.

Short title,
extent and
commence-
ment.

10.—(1) This Act may be cited as the Fireworks Act, 1951.

(2) Subject as otherwise expressly provided, this Act shall not extend to Northern Ireland.

(3) This Act shall come into operation at the expiration of a period of three months beginning with the date on which it was passed.

Section 5.

SCHEDULE

KINDS OF FIREWORKS WHICH NEED NOT BE MARKED

Aluminium or magnesium torches (“Sparklers”).

Jumping crackers.

“Throw-downs”.



CHAPTER 59

An Act to grant an indemnity in respect of there not having been laid before Parliament, with instruments required to be so laid, certain Schedules or other documents by reference to which such instruments operated, and to provide that such instruments shall be deemed to have been duly laid. [1st August 1951.]

WHEREAS in exercise of powers conferred on them by sections one and two of the Goods and Services (Price Control) Act, 1941, the Board of Trade made the Orders specified in Part I of the First Schedule to this Act, being Orders which provided for the computation of maximum prices and operated by reference, amongst other things, to matters specified in documents issued by the Board which were in the said Orders referred to as Related Schedules or Related Price Lists:

And whereas in exercise of powers conferred on them by Regulations fifty-five and fifty-five AB of the Defence (General) Regulations, 1939, the Board made the Orders specified in Part II of the said First Schedule, being Orders which made provision as to the control of prices, and the manufacture, of apparel and textiles and operated by reference, amongst other things, to matters specified in documents issued by the Board analogous to the said Related Schedules:

And whereas in exercise of powers conferred on him by Regulations fifty-five, fifty-five AA and fifty-five AB of the Defence (General) Regulations, 1939, the Minister of Supply made the

Orders specified in the Second Schedule to this Act, being Orders which made provision as to the control of prices of iron and steel and operated by reference, amongst other things, to matters specified in documents lodged with the said Minister analogous to the said Related Schedules:

And whereas by virtue of subsection (2) of section seventeen of the said Act of 1941 or of subsection (1) of section four of the Supplies and Services (Transitional Powers) Act, 1945 (as to such of the said Orders as were made before the commencement of the Statutory Instruments Act, 1946) and by virtue of the joint operation of those subsections and of subsection (3) of section four of the Statutory Instruments Act, 1946 (as to such of the said Orders as were made after the commencement of that Act) the said Orders were required to be laid before Parliament:

And whereas documents were laid before Parliament in intended compliance with the said requirement as to each of the said Orders, but some of the said Related Schedules or other documents issued by the Board, or lodged with the said Minister, by reference to which the said Orders operated were not included in the documents so laid:

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:—

1.—(1) The President of the Board of Trade for the time being ^{Indemnity.} (as to the Orders specified in the First Schedule to this Act) and the Minister of Supply for the time being (as to the Orders specified in the Second Schedule to this Act) and all other persons having any duty to secure compliance with the said requirement as to any of the said Orders are, and each of them is, hereby freed, discharged and indemnified from and against all consequences whatsoever, if any, incurred or to be incurred by him or them by reason of any omission to lay before Parliament in accordance with the said requirement any Related Schedule or other document by reference to which any of the said Orders operated and which ought to have been so laid.

(2) Notwithstanding any such omission each of the said Orders shall be deemed to have been duly laid before Parliament in accordance with the said requirement at the time when documents were laid in intended compliance therewith.

(3) The preceding subsections shall have effect as to any instrument made before the passing of this Act other than the said Orders, being an instrument to which those subsections are extended by an Order in Council made after a draft thereof has been approved by resolution of each House of Parliament, as

respects any omission to lay before Parliament in accordance with a requirement corresponding to the said requirement mentioned in those subsections any Related Schedule or other document by reference to which that instrument operated and which ought to have been so laid, with the substitution for the reference in subsection (1) to the President of the Board of Trade and the Minister of Supply of a reference to the authority by whom the instrument was made.

(4) References in this Act to the Orders specified in Part II of the First Schedule to this Act include references to the Directions therein specified.

Short title.

2. This Act may be cited as the Price Control and other Orders (Indemnity) Act, 1951.

SCHEDULES

FIRST SCHEDULE

ORDERS MADE BY THE BOARD OF TRADE

PART I

Orders made under the Goods and Services (Price Control) Act, 1941

The Knitting Yarns (Maximum Prices) Order, 1942 (S.R. & O. 1942 No. 751).

The Blankets (Maximum Prices) Order, 1942 (S.R. & O. 1942 No. 1291).

The General Apparel and Cloth (Maximum Prices and Charges) Order, 1942 (S.R. & O. 1942 No. 1407).

The Knitting Yarns (Maximum Prices) (No. 2) Order, 1942 (S.R. & O. 1942 No. 2373).

The Fountain Pens (Maximum Prices) Order, 1942 (S.R. & O. 1942 No. 2542).

The General Apparel and Cloth (Maximum Prices and Charges) (No. 3) Order, 1942 (S.R. & O. 1942 No. 2606).

The Utility Apparel (Maximum Prices and Charges) Order, 1943 (S.R. & O. 1943 No. 335).

The General Footwear (Maximum Prices) Order, 1943 (S.R. & O. 1943 No. 525).

The General Apparel and Cloth (Maximum Prices and Charges) (No. 2) Order, 1943 (S.R. & O. 1943 No. 708).

The Wool Yarn and Wool Cloth (Maximum Prices and Charges) Order, 1943 (S.R. & O. 1943 No. 1187).

The General Footwear (Maximum Prices) (No. 2) Order, 1943 (S.R. & O. 1943 No. 1281).

The General Apparel and Cloth (Maximum Prices and Charges) Order, 1944 (S.R. & O. 1944 No. 140).

Preamble and section 1.

The Utility Apparel (Maximum Prices and Charges) Order, 1945 (S.R. & O. 1945 No. 184).

1ST SCH.
—cont.

The Utility Apparel (Maximum Prices and Charges) (No. 4) Order, 1945 (S.R. & O. 1945 No. 1022).

The Utility Apparel (Maximum Prices and Charges) (No. 2) Order, 1946 (S.R. & O. 1946 No. 159).

The Cloth and Household Textiles (Utility) (Maximum Prices) Order, 1946 (S.R. & O. 1946 No. 179).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 3) Order, 1946 (S.R. & O. 1946 No. 642).

The Utility Apparel (Maximum Prices and Charges) (No. 6) Order, 1946 (S.R. & O. 1946 No. 1436).

The Utility Apparel (Maximum Prices and Charges) (No. 7) Order, 1946 (S.R. & O. 1946 No. 1470).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 6) Order, 1946 (S.R. & O. 1946 No. 1520).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 7) Order, 1946 (S.R. & O. 1946 No. 1623).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 8) Order, 1946 (S.R. & O. 1946 No. 1970).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 2) Order, 1947 (S.R. & O. 1947 No. 87).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 3) Order, 1947 (S.R. & O. 1947 No. 179).

The Utility Apparel (Maximum Prices and Charges) (No. 3) Order, 1947 (S.R. & O. 1947 No. 467).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 4) Order, 1947 (S.R. & O. 1947 No. 514).

The Utility Apparel (Maximum Prices and Charges) (No. 7) Order, 1947 (S.R. & O. 1947 No. 880).

The Utility Apparel (Maximum Prices and Charges) (No. 8) Order, 1947 (S.R. & O. 1947 No. 1246).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 5) Order, 1947 (S.R. & O. 1947 No. 1248).

The Utility Apparel (Maximum Prices and Charges) (No. 9) Order, 1947 (S.R. & O. 1947 No. 1674).

The Furniture (Maximum Prices and Charges) (Amendment) Order, 1947 (S.R. & O. 1947 No. 1743).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 6) Order, 1947 (S.R. & O. 1947 No. 1802).

The Utility Apparel (Maximum Prices and Charges) (No. 10) Order, 1947 (S.R. & O. 1947 No. 1918).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 7) Order, 1947 (S.R. & O. 1947 No. 1937).

The Furniture (Maximum Prices and Charges) (Amendment No. 2) Order, 1947 (S.R. & O. 1947 No. 2000).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 8) Order, 1947 (S.R. & O. 1947 No. 2150).

1ST SCH.
—cont.

The Furniture (Maximum Prices and Charges) (Amendment No. 3) Order, 1947 (S.R. & O. 1947 No. 2168).

The Furniture (Maximum Prices and Charges) (Amendment No. 4) Order, 1947 (S.R. & O. 1947 No. 2343).

The Utility Apparel (Maximum Prices and Charges) (No. 11) Order, 1947 (S.R. & O. 1947 No. 2388).

The Furniture (Maximum Prices and Charges) (Amendment No. 5) Order, 1947 (S.R. & O. 1947 No. 2574).

The Furniture (Maximum Prices and Charges) (Amendment No. 6) Order, 1947 (S.R. & O. 1947 No. 2733).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 10) Order, 1947 (S.R. & O. 1947 No. 2760).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 11) Order, 1948 (S.I. 1948 No. 10).

The Furniture (Maximum Prices and Charges) (Amendment No. 7) Order, 1948 (S.I. 1948 No. 59).

The Furniture (Maximum Prices and Charges) (Amendment No. 8) Order, 1948 (S.I. 1948 No. 180).

The Utility Apparel (Maximum Prices and Charges) (No. 15) Order, 1948 (S.I. 1948 No. 273).

The Utility Apparel (Maximum Prices and Charges) (No. 16) Order, 1948 (S.I. 1948 No. 460).

The Furniture (Maximum Prices and Charges) (Amendment No. 9) Order, 1948 (S.I. 1948 No. 518).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 12) Order, 1948 (S.I. 1948 No. 582).

The Utility Apparel (Maximum Prices and Charges) (No. 17) Order, 1948 (S.I. 1948 No. 587).

The Furniture (Maximum Prices and Charges) (Amendment No. 10) Order, 1948 (S.I. 1948 No. 795).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 13) Order, 1948 (S.I. 1948 No. 861).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 14) Order, 1948 (S.I. 1948 No. 1038).

The Furniture (Maximum Prices and Charges) (Amendment No. 11) Order, 1948 (S.I. 1948 No. 1072).

The Utility Apparel (Maximum Prices and Charges) (No. 20) Order, 1948 (S.I. 1948 No. 1243).

The Furniture (Maximum Prices and Charges) (Amendment No. 12) Order, 1948 (S.I. 1948 No. 1252).

The Utility Apparel (Maximum Prices and Charges) (No. 21) Order, 1948 (S.I. 1948 No. 1556).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 15) Order, 1948 (S.I. 1948 No. 1659).

The Utility Apparel (Maximum Prices and Charges) (No. 22) Order, 1948 (S.I. 1948 No. 1671).

The Furniture (Maximum Prices and Charges) (Amendment No. 13) Order, 1948 (S.I. 1948 No. 1772).

1ST SCH.
—cont.

The Utility Apparel (Maximum Prices and Charges) (No. 23) Order, 1948 (S.I. 1948 No. 2027).

The Utility Apparel (Maximum Prices and Charges) (No. 24) Order, 1948 (S.I. 1948 No. 2120).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 16) Order, 1948 (S.I. 1948 No. 2121).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 17) Order, 1948 (S.I. 1948 No. 2308).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 18) Order, 1948 (S.I. 1948 No. 2466).

The Utility Apparel (Maximum Prices and Charges) (Amendment) Order, 1948 (S.I. 1948 No. 2468).

The Furniture (Maximum Prices and Charges) Order, 1948 (S.I. 1948 No. 2624).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 19) Order, 1948 (S.I. 1948 No. 2684).

The Cloth and Household Textiles (Utility) (Maximum Prices) (No. 20) Order, 1949 (S.I. 1949 No. 43).

The Furniture (Maximum Prices and Charges) (Amendment) Order, 1949 (S.I. 1949 No. 163).

The Utility Apparel (Maximum Prices and Charges) (Amendment) Order, 1949 (S.I. 1949 No. 174).

The Utility Apparel (Maximum Prices and Charges) (Amendment) (No. 2) Order, 1949 (S.I. 1949 No. 226).

The Utility Apparel (Maximum Prices and Charges) (Amendment No. 3) Order, 1949 (S.I. 1949 No. 966).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (S.I. 1949 No. 1132).

The Utility Cloth and Utility Household Textiles (Maximum Prices) Order, 1949 (S.I. 1949 No. 1311).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment) Order, 1949 (S.I. 1949 No. 1475).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment) Order, 1949 (S.I. 1949 No. 1510).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 3) Order, 1949 (S.I. 1949 No. 1930).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 4) Order, 1949 (S.I. 1949 No. 2154).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 4) Order, 1949 (S.I. 1949 No. 2155).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 5) Order, 1949 (S.I. 1949 No. 2418).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 6) Order, 1950 (S.I. 1950 No. 90).

1st SCH.
—cont.

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 5) Order, 1950 (S.I. 1950 No. 160).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 7) Order, 1950 (S.I. 1950 No. 298).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 6) Order, 1950 (S.I. 1950 No. 397).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 8) Order, 1950 (S.I. 1950 No. 585).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 8) Order, 1950 (S.I. 1950 No. 1001).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 9) Order, 1950 (S.I. 1950 No. 1092).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 9) Order, 1950 (S.I. 1950 No. 1305).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 10) Order, 1950 (S.I. 1950 No. 1308).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 10) Order, 1950 (S.I. 1950 No. 1372).

The Utility Cloth and Utility Household Textiles (Maximum Prices) (Amendment No. 11) Order, 1950 (S.I. 1950 No. 1466).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 11) Order, 1950 (S.I. 1950 No. 1518).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 13) Order, 1950 (S.I. 1950 No. 1606).

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 14) Order, 1950 (S.I. 1950 No. 1636).

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PART II

Orders made under Defence (General) Regulations, 1939

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The Footwear (Supply, Marking and Manufacturers' Prices) (No. 2) Directions, 1945 (S.R. & O. 1945 No. 1684).

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The Knitted Goods (No. 5) Directions, 1946 (S.R. & O. 1946 No. 206).

The Knitted Goods (Consolidation) Directions, 1946 (S.R. & O. 1946 No. 1104).

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The Knitted Goods (Amendment) (No. 3) Directions, 1947 (S.R. & O. 1947 No. 334).

The Knitted Goods (Amendment) (No. 4) Directions, 1947 (S.R. & O. 1947 No. 472).

The Footwear (Supply, Marking and Manufacturers' Prices) Directions, 1947 (S.R. & O. 1947 No. 1616).

The Knitted Goods (Amendment) (No. 6) Directions, 1947 (S.R. & O. 1947 No. 2308).

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The Knitted Goods (Manufacture and Supply) (Amendment) (No. 2) Order, 1948 (S.I. 1948 No. 994).

The Knitted Goods (Manufacture and Supply) (Amendment) (No. 3) Order, 1948 (S.I. 1948 No. 1190).

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The Footwear (Supply, Marking and Manufacturers' Prices) (Amendment No. 2) Order, 1948 (S.I. 1948 No. 2105).

The Knitted Goods (Manufacture and Supply) (Amendment) (No. 5) Order, 1948 (S.I. 1948 No. 2326).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment) (No. 3) Order, 1948 (S.I. 1948 No. 2831).

The Footwear (Supply, Marking and Manufacturers' Prices) Order, 1949 (S.I. 1949 No. 222).

The Knitted Goods (Manufacture and Supply) (Amendment) (No. 7) Order, 1949 (S.I. 1949 No. 223).

The Woven Cloth (Cotton, Rayon and Linen) (Amendment) (No. 4) Order, 1949 (S.I. 1949 No. 417).

The Knitted Goods (Manufacture and Supply) (Amendment) (No. 8) Order, 1949 (S.I. 1949 No. 672).

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The Utility Apparel (Infants' and Girls' Wear) (Manufacture and Supply) Order, 1949 (S.I. 1949 No. 1002).

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The Knitted Goods (Manufacture and Supply) (Amendment) (No. 9) Order, 1949 (S.I. 1949 No. 1504).

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The Household Textiles (Marking and Manufacturers' Prices) (Amendment) Order, 1949 (S.I. 1949 No. 1641).

The Footwear (Supply, Marking and Manufacturers' Prices) (No. 2) Order, 1949 (Amendment) Order, 1949 (S.I. 1949 No. 1725).

The Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 8) Order, 1949 (S.I. 1949 No. 1819).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment No. 2) Order, 1949 (S.I. 1949 No. 1926).

The Knitted Goods (Manufacture and Supply) Order, 1949 (S.I. 1949 No. 1927).

The Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 9) Order, 1949 (S.I. 1949 No. 1940).

The Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 10) Order, 1950 (S.I. 1950 No. 27).

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The Household Textiles (Marking and Manufacturers' Prices) (Amendment) Order, 1950 (S.I. 1950 No. 299).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment) Order, 1950 (S.I. 1950 No. 450).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment No. 2) Order, 1950 (S.I. 1950 No. 451).

The Knitted Goods (Manufacture and Supply) (Amendment No. 3) Order, 1950 (S.I. 1950 No. 502).

The Footwear (Supply, Marking and Manufacturers' Prices) Order, 1950 (S.I. 1950 No. 801).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 2) Order, 1950 (S.I. 1950 No. 832).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment No. 3) Order, 1950 (S.I. 1950 No. 833).

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The Knitted Goods (Manufacture and Supply) (Amendment No. 4) Order, 1950 (S.I. 1950 No. 946).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 3) Order, 1950 (S.I. 1950 No. 1395).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment No. 4) Order, 1950 (S.I. 1950 No. 1397).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 4) Order, 1950 (S.I. 1950 No. 1568).

The Knitted Goods (Manufacture and Supply) (Amendment) Order, 1950 (S.I. 1950 No. 1855).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 5) Order, 1950 (S.I. 1950 No. 1901).

The Household Textiles (Marking and Manufacturers' Prices) (Amendment No. 6) Order, 1950 (S.I. 1950 No. 1905).

The Utility Apparel (Infants' and Girls' Wear) (Manufacture and Supply) (Amendment No. 4) Order, 1950 (S.I. 1950 No. 2083).

The Utility Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 6) Order, 1951 (S.I. 1951 No. 8).

The Knitted Goods (Manufacture and Supply) (Amendment No. 2) Order, 1951 (S.I. 1951 No. 81).

The Knitted Goods (Manufacture and Supply) (Amendment No. 3) Order, 1951 (S.I. 1951 No. 249).

The Knitted Goods (Manufacture and Supply) (Amendment No. 4) Order, 1951 (S.I. 1951 No. 395).

SECOND SCHEDULE

Preamble and
section 1.

ORDERS MADE BY THE MINISTER OF SUPPLY

Short Title	Year and Number	
The Control of Iron and Steel— (No. 48) Order, 1946. (No. 50) Order, 1946. (No. 52) Order, 1946. (No. 53) Order, 1946. (No. 55) Order, 1946.	} S.R. & O. 1946, Nos. 639, 963, 1359, 1522 and 2206.	
The Control of Iron and Steel— (No. 56) Order, 1947. (No. 58) Order, 1947. (No. 59) Order, 1947. (No. 61) Order, 1947.		} S.R. & O. 1947, Nos. 78, 796, 1897 and 2096.

2ND SCH.
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Short Title	Year and Number
The Control of Iron and Steel— (No. 62) Order, 1948. (No. 63) Order, 1948.	} S.I. 1948, Nos. 81 and 606.
The Control of Iron and Steel— (No. 68) Order, 1949. (No. 69) Order, 1949. (No. 73) Order, 1949. (No. 74) Order, 1949. (No. 76) Order, 1949.	} S.I. 1949, Nos. 12, 572, 1520, 1967 and 2302.
The Iron and Steel Prices— Order, 1950. (No. 2) Order, 1950. (No. 3) Order, 1950.	} S.I. 1950, Nos. 767, 1140 and 1427.
The Iron and Steel Prices Order, 1951.	S.I. 1951, No. 252.
The Control of Bolts, Nuts, Screws, Screw Studs, Washers and Rivets (No. 13) Order, 1947.	S.R. & O. 1947, No. 980.
The Control of Bolts, Nuts, Screws, Screw Studs, Washers and Rivets (No. 16) Order, 1948.	S.I. 1948, No. 2277.
The Control of Bolts, Nuts, etc. (No. 17) Order, 1949.	S.I. 1949, No. 573.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Goods and Services (Price Control) Act, 1941 ...	4 & 5 Geo. 6. c. 31.
Supplies and Services (Transitional Powers) Act, 1945	9 & 10 Geo. 6. c. 10.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

CHAPTER 60

Mineral Workings Act, 1951

ARRANGEMENT OF SECTIONS

The Ironstone District and the Ironstone Restoration Fund

Section

1. The ironstone district.
2. The ironstone restoration fund.

Contributions to the fund and payments to operators

3. Contributions from ironstone operators.
4. Returns by operators and payment of contributions.
5. Contributions from ironstone owners.
6. Application to land held by operators on 1st July, 1948.
7. Land held on charitable trusts.
8. Exchequer contributions.
9. Payments to operators from the fund.
10. Determination of rates of payments to operators.
11. Variation of rates of payments to operators.
12. Payments of sums due to operators.
13. Work in progress since 25th July, 1950.
14. Development charge in respect of ironstone workings.
15. Provisions relating to Iron and Steel Corporation.

Reclamation of ironstone land

16. Powers of local authorities.
17. Acquisition of land by local authorities.
18. Grants for levelling, etc.
19. Disposal of land acquired by local authorities.
20. Powers of Minister of Agriculture and Fisheries.
21. Supplementary provisions as to arrangements under s. 20.
22. Determination of tenancies.
23. Compulsory acquisition for purposes of agriculture.
24. Determination of tenancies after restoration of fertility.
25. Afforestation.
26. Acquisition of easement instead of land in certain cases.
27. Default powers of Minister.
28. Modification of payments in lieu of restoration under ironstone leases.

General amendments of law relating to mineral development

29. Mineral development charge set-off.
30. Modification of leases granted before 1st July, 1948.
31. Minerals of National Coal Board.
32. Temporary stopping up of highways.

Supplementary provisions

33. Offences.
34. Advisory Committee on Ironstone Restoration.
35. Notices.
36. Powers of entry.
37. Provisions supplementary to s. 36.
38. Powers of new town corporations.
39. Regulations.

Section

- 40. Financial provisions.
- 41. Interpretation.
- 42. Application to Scotland.
- 43. Short title, extent and repeal.

SCHEDULES :

- First Schedule—Areas comprised in the Ironstone District.
- Second Schedule—Formula for ascertaining contributions from ironstone owners.
- Third Schedule—Deductions authorised by s. 6.
- Fourth Schedule—Formula for ascertaining rate of payment for work in progress on 25th July, 1950.

An Act to establish a fund for the purpose of financing the restoration of land in England used for the working of ironstone by opencast operations and to provide for payments to and from that fund; to make provision for the reclamation, cultivation, afforestation or other treatment of such land; to provide for setting off the development charge in respect of certain minerals against payments under Part VI of the Town and Country Planning Act, 1947, or Part V of the Town and Country Planning (Scotland) Act, 1947, in respect of interests therein, for the modification of certain mining leases and orders granting working rights, and for the application of section eighty-one of the Town and Country Planning Act, 1947, and section seventy-eight of the Town and Country Planning (Scotland) Act, 1947, to certain minerals of the National Coal Board; to authorise the temporary stopping up or diversion of highways for the purpose of working minerals by opencast operations; and for purposes connected with the matters aforesaid.

[1st August 1951.]

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:—

The Ironstone District and the Ironstone Restoration Fund

The ironstone district.

1.—(1) In this Act “the ironstone district” means the areas set out in the First Schedule to this Act, including any county borough comprised in any such area.

(2) The Minister may by order direct that the said First Schedule shall have effect as if there were included therein any

other area specified in the order ; and any such order may direct that, in relation to the area so specified, this Act shall have effect as if for any reference to the twenty-fifth day of July, nineteen hundred and fifty, the fifteenth day of February, the thirtieth day of June or the first day of July, nineteen hundred and fifty-one, or the thirty-first day of March, nineteen hundred and fifty-two, or to the commencement of this Act, there were substituted a reference to such later date (whether earlier than the date of the order or not) as may be specified in the order, or to the coming into operation of the order, as the case may be.

(3) An order under this section shall be of no effect unless it is approved by resolution of each House of Parliament.

(4) The power to make orders under this section shall include power to revoke or vary any such order by a subsequent order.

2.—(1) For the purposes of this Act, there shall be established under the control of the Minister a fund, to be known as the Ironstone Restoration Fund. The ironstone restoration fund.

(2) Except as otherwise expressly provided by this Act, all sums received by the Minister under this Act shall be paid into the fund, and all sums paid by him thereunder shall be defrayed out of the fund.

(3) Any moneys forming part of the fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds ; and the National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the fund are for the time being invested.

(4) For the purpose of enabling him to defray out of the fund any expenses required by this Act to be so defrayed, the Minister may, out of moneys provided by Parliament, make to the fund advances of such amounts as he may with the consent of the Treasury determine ; and any advances so made shall be repaid by the Minister into the Exchequer, together with interest thereon at such rate as the Treasury may determine, at such times as the Treasury may direct.

(5) The Minister shall prepare, in such form and manner as the Treasury may direct, an account of all sums paid into and defrayed out of the fund in each financial year ; and every such account shall, on or before the thirtieth day of November next following the expiration of the financial year to which it relates,

be submitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies of it, together with his report, before each House of Parliament.

Contributions to the fund and payments to operators

Contributions
from
ironstone
operators.

3.—(1) In respect of all ironstone extracted by opencast operations after the thirtieth day of June, nineteen hundred and fifty-one, from land within the ironstone district, contributions at the rate prescribed by this section shall be paid to the Minister by the persons by whom those operations are carried out

(2) Subject to the following provisions of this Act, the rate of the contributions payable under this section shall be one penny and one-eighth for each ton of ironstone weighed in its crude state after extraction and before calcination.

(3) Provision may be made by regulations made by the Minister for securing that where contributions are payable under this section in respect of ironstone which is calcined on the site before weighing, the tonnage shall be estimated for the purposes of this section by reference to the weight after calcination in accordance with such formula as may be prescribed by the regulations.

(4) A person who carries out operations in respect of which contributions are payable under this section is in this Act referred to as an operator.

Returns by
operators and
payment of
contributions.

4.—(1) Every operator shall within one month after the end of the financial year ending on the thirty-first day of March, nineteen hundred and fifty-two, and every subsequent financial year—

(a) make a return to the Minister in the prescribed manner, containing particulars of the tonnage of ironstone extracted by him during that year in respect of which contributions are payable by him under section three of this Act; and

(b) pay to the Minister the amount of the contributions due from him in respect of that year.

(2) The Minister may require any operator to furnish to the Minister such particulars as the Minister may reasonably require for the purpose of verifying any return made by the operator or of ascertaining whether such a return ought to have been so made, and to produce for the inspection of a person appointed by the Minister any accounts or records relating to his business which the Minister may reasonably require as aforesaid.

(3) Any sum by which the payment, made by an operator in respect of any financial year in accordance with subsection (1) of this section, falls short of or exceeds the amount of the contributions actually due from him in respect of that year shall be

recoverable by or from the Minister, as the case may be, on demand with interest at such rate as may from time to time be determined by the Treasury.

5.—(1) Where under the scheme to be made pursuant to section fifty-eight of the principal Act a payment falls to be made in respect of any interest in land within the ironstone district, being an interest of which the development value is wholly or partly attributable to the prospect of developing the land by winning and working ironstone by opencast operations, then, subject to the provisions of this Act, a contribution shall be made to the Minister out of that payment in accordance with the following provisions of this section.

Contributions
from
ironstone
owners.

(2) The amount of the contribution payable under this section in respect of an interest in land shall be calculated in accordance with the formula set out in the Second Schedule to this Act.

(3) For the purposes of this section and of the said Second Schedule, no account shall be taken of development value attributable to the prospect of developing land by winning and working ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease.

(4) The scheme to be made under section fifty-eight of the principal Act may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient for the purposes of this section, including provision for the determination by the Lands Tribunal of questions as to liability for contributions under this section and as to the amount of such contributions; and subsection (2) of section sixty-five of that Act (which prescribes the date on which stock is to be issued in respect of such payments) shall have effect as if the reference therein to the amount of any payment required by that section to be satisfied by the issue of stock included a reference to the amount of any contribution to be made under this section out of such a payment.

(5) Any sum payable by way of a contribution under this section out of a payment under the said scheme in respect of an interest in land shall be issued to the Minister in cash out of the Consolidated Fund at the time when the balance of the payment is satisfied under the said section sixty-five, together with interest thereon at the rate determined under subsection (3) of that section; and the payment and interest on the payment shall, to the extent of that sum and interest thereon, be deemed to be satisfied accordingly.

(6) For the purpose of providing sums to be issued under subsection (5) of this section, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think

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fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939; and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act.

(7) Section sixty-eight of the principal Act (which requires the Central Land Board to pay certain sums into the Exchequer in respect of payments which are satisfied by the issue of stock under Part VI of that Act) shall apply in relation to any sums issued to the Minister under subsection (5) of this section as it applies in relation to payments satisfied by the issue of stock as aforesaid.

Application
to land held
by operators
on 1st July,
1948.

6.—(1) This section applies to ironstone to which regulations made by virtue of section twenty-nine of this Act apply, not being ironstone which immediately before the fifteenth day of February, nineteen hundred and fifty-one, was subject to a full restoring lease.

(2) Where, under the said regulations, the development charge payable in respect of the winning and working of any ironstone to which this section applies is or is to be set off against the payments falling to be made under section fifty-eight of the principal Act in respect of interests therein—

- (a) the rate of the contributions payable under section three of this Act in respect of that ironstone shall be twopence farthing instead of one penny and one eighth per ton; and
- (b) where the ironstone is comprised in a mining lease made before the commencement of this Act (not being a lease made after the fifteenth day of February, nineteen hundred and fifty-one, which expressly provides that this provision shall not apply thereto) a deduction of the amount authorised by the Third Schedule to this Act may, notwithstanding anything in the lease, be made on account of the said contributions from payments by the lessee under the lease in accordance with the provisions of that Schedule or otherwise recovered by the lessee in accordance with those provisions.

(3) Where the payment falling to be made under section fifty-eight of the principal Act in respect of any interest in land comprising ironstone to which this section applies is withheld under the said regulations, no contribution shall be payable under section five of this Act out of that payment unless and until the payment or any part thereof is satisfied (otherwise than by set-off against development charge) in pursuance of the regulations; and in any such case—

- (a) subsection (5) of the said section five shall have effect as if for the reference to section sixty-five of the principal

Act there were substituted a reference to that section as modified by the regulations ; and

(b) where a part only of the said payment is so satisfied, the amount of the contribution under the said section five shall be reduced proportionately.

(4) Regulations made by virtue of the said section twenty-nine may make provision for securing that where, after the development charge in respect of any development of ironstone to which this section applies has been set off as mentioned in subsection (2) of this section, compensation becomes payable—

(a) under section twenty-two of the principal Act, or under that section as amended by regulations made under section eighty-one of that Act, in consequence of the revocation or modification of planning permission for the development ;

(b) under subsection (4) of section fifty-one of that Act, or under that subsection as so amended, on a compulsory acquisition of an interest in land comprising the ironstone ; or

(c) under any enactment other than the principal Act, in consequence of the imposition of any prohibition or restriction in respect of that development,

a contribution shall be made to the fund not exceeding the contribution which would be payable under section five of this Act if the said compensation, so far as attributable to loss of the prospect of that development, were a payment falling to be made under section fifty-eight of that Act and satisfied (otherwise than by set-off against development charge) in pursuance of the regulations.

(5) In calculating the amount of any such compensation as is mentioned in subsection (4) of this section, no account shall be taken of the provisions of this section ; but subsection (2) of this section shall not apply to any ironstone in respect of which a contribution has become payable by virtue of the said subsection (4).

7.—(1) The Minister may by order direct that sections five and six of this Act shall not apply to ironstone specified in the order, being ironstone an interest in which is held on the date of the order on charitable trusts or for charitable purposes. Land held on charitable trusts.

(2) No order shall be made under this section after the thirty-first day of December, nineteen hundred and fifty-two.

(3) An order under this section may be made so as to take effect from the date of the order or from such earlier date as may be specified therein.

Exchequer
contributions.

8.—(1) In respect of all ironstone in respect of which contributions are payable by operators under section three of this Act, the Minister shall pay into the fund a contribution of three farthings for each ton, weighed or estimated in accordance with the provisions of that section.

(2) Any contribution payable by the Minister under this section shall be paid as soon as may be after the end of the financial year during which the ironstone to which the contribution relates is extracted.

(3) Any sums required by the Minister for the payment of contributions under this section shall be defrayed out of moneys provided by Parliament.

Payments to
operators
from the fund.

9.—(1) Subject to the provisions of this Act, an operator who carries out work for levelling worked ironstone land within the ironstone district or for respreading surface soil removed from such land or for otherwise restoring fertility thereto, being in any case work required by conditions of a planning permission, shall be entitled to receive from the Minister a payment in respect of the work.

(2) The payment to be made to an operator under this section in respect of any work shall be at such rate per acre as may be determined upon application made under section ten of this Act, being the rate which appears to the Minister to represent the amount by which the cost per acre which the operator, working efficiently with such plant as in all the circumstances of the case he might reasonably be or have been expected to use, would incur in carrying out the work exceeds the standard rate.

(3) In this section “the standard rate” means such sum per acre as the Minister may by order determine; and for the purpose of determining that sum the Minister shall have regard—

- (a) to the obligations usually imposed on lessees by mining leases of ironstone in force on the twenty-fifth day of July, nineteen hundred and fifty, with respect to the carrying out of works for the restoration of land after working by opencast operations or the payments of sums in lieu of the carrying out of such works;
- (b) to the nature and extent of any such works in progress on the said date (whether carried out under mining leases or not) and the costs incurred in carrying out those works or any other such works of which those works form part.

(4) No payment shall be made to an operator under this section in respect of any work if and so far as the carrying out of that work is necessary, apart from any conditions of the planning permission, for the purpose of extracting ironstone or of disposing of materials excavated for that purpose.

10.—(1) An application for the determination of the rate of the payments to be made under section nine of this Act in respect of any work may be made to the Minister in such manner and at such time, and shall be supported by such information, as may be prescribed. Determination of rates of payments to operators.

(2) The Minister shall not be required to determine a rate in pursuance of an application made under this section if it appears to him that the application relates to part only of an area of ironstone which the operator has the right to work by opencast operations, and which he would in the ordinary course work by means of a single cut or gully or a series of contiguous cuts or gullies, unless the Minister is satisfied that the remainder of that area consists either—

- (a) of ironstone comprised in land in respect of which no payment would be made under section nine of this Act ; or
- (b) of ironstone which would not in the ordinary course be worked by the operator within a period of fifteen years from the date of the application, and in the case of which particulars of the nature of the land lying over the ironstone sufficient for the determination of a rate under this section are not available.

(3) Upon any such application as aforesaid, the Minister may, if he thinks fit, determine different rates in respect of work to be carried out on different parts of the land to which the application relates.

(4) Subject to the foregoing provisions of this section, the Minister shall in the first instance determine the rate provisionally, and shall give notice of the provisional determination to the applicant.

(5) If the applicant is dissatisfied with the provisional determination—

- (a) the applicant may, within such period and in such manner as may be prescribed, make representations to the Minister ;
- (b) if at the time of making such representations the applicant informs the Minister that he wishes to be heard upon them, the Minister shall afford to him an opportunity of appearing before and being heard by the Advisory Committee on Ironstone Restoration or any other committee or person designated or appointed by the Minister for the purpose ;
- (c) the Minister shall, after considering the representations and the report of any such committee or person as aforesaid, either confirm the provisional determination or make a revised determination.

(6) If no such representations as aforesaid are made to the Minister within the prescribed period, the provisional determination shall be deemed to have been confirmed at the expiration of that period.

(7) Any rate determined under this section may, if the Minister thinks fit, be determined subject to variation, without the necessity for a direction under section eleven of this Act, by reference to the cost of labour or materials or such other factors as may be specified in the determination.

Variation of rates of payments to operators.

11.—(1) If, after the rate of the payment to be made under section nine of this Act in respect of any work has been determined under that section, the Minister is satisfied that by reason of circumstances which were not known or foreseen when the rate was so determined, including any order made under section twenty-one of the principal Act (which relates to the revocation and modification of planning permission) the rate so determined substantially falls short of or exceeds the difference mentioned in subsection (2) of the said section nine, he may direct that payments in respect of the work shall be made at such revised rate as he may determine having regard to those circumstances.

(2) A direction under this section may be given in pursuance either of an application made to the Minister by the operator or of a notice given to the operator by the Minister, and shall have effect in relation to any work done after the date of the direction or such earlier date (whether before or after the date of the application or notice) as may be specified in the direction; and any payment made under section nine of this Act in respect of work done after the date from which the direction has effect and before the date on which it is given shall be subject to adjustment accordingly.

(3) Section ten of this Act shall apply in relation to the determination of a revised rate under this section as it applies to the original determination of a rate, subject to the modification that where the revised rate is determined in pursuance of a notice given by the Minister to the operator subsections (1) and (2) shall not apply and references to the applicant and to the application shall be construed as references to the operator and to the notice.

(4) Unless the determination of a revised rate is required in consequence of an order under section twenty-one of the principal Act, no direction shall be given under this section until after the expiration of three years (or such period, whether longer or shorter than three years, as may be prescribed) from the date of the confirmation or revision of the determination of the

original rate or, where any previous direction has been given under this section, from the date of the last such previous direction.

12.—(1) A claim for a payment at the rate determined under the foregoing provisions of this Act may be made by the operator at any time after the completion of any of the work to which the determination relates; but where such a claim has been made, no further claim shall be made until after the expiration of the period of six months (or such period, whether longer or shorter than six months, as may be prescribed) from the date of the last previous claim. Payments of sums due to operators.

(2) A claim under this section shall be made in the prescribed manner and shall include a certificate by the claimant that the work in respect of which the claim is made has been carried out.

(3) The Minister may require any operator by whom a claim is made under this section to furnish such further particulars as the Minister may reasonably need for the purpose of verifying the claim.

(4) On being satisfied that the work in respect of which the claim is made has been duly carried out by or on behalf of the operator, or (if carried out otherwise than by or on behalf of the operator) that the cost of carrying it out has been recovered from the operator, the Minister shall pay to the operator the amount due in respect of that work.

(5) If any work in respect of which a claim for a payment under section nine of this Act has been or might be made by an operator has been carried out by the local planning authority or any person other than the operator in pursuance of an enforcement notice served under section twenty-three of the principal Act, the Minister may pay to that authority or person such sum as appears to him to be equivalent to the payment which could have been made to the operator under the said section nine if the work had been carried out by the operator and all proceedings required for determining the amount of the payment or establishing the right of the operator thereto had been taken; and any sum recoverable from the operator by that authority or person under section twenty-four of that Act in respect of that work shall be reduced by the sum so paid by the Minister.

(6) If the Minister is satisfied that any work carried out by or on behalf of an operator is work in respect of which the operator would be entitled (subject to the determination of the rate or to the making of a claim under this section) to receive a payment under section nine of this Act, he may advance to the operator such sum on account of that payment as he thinks proper, notwithstanding that the rate has not been determined or that a claim has not been made under this section.

Work in
progress since
25th July,
1950.

13.—(1) Subject to the provisions of this section, section nine of this Act shall apply to work carried out on or after the twenty-fifth day of July, nineteen hundred and fifty, and before the commencement of this Act as it applies to work carried out after the commencement of this Act.

(2) Where any such work as aforesaid has been carried out on the same land partly before and partly after the twenty-fifth day of July, nineteen hundred and fifty, the rate of the payment to be made to the operator under the said section nine in respect of the work carried out on that land on and after the said date shall be calculated in accordance with the formula set out in the Fourth Schedule to this Act.

Development
charge in
respect of
ironstone
workings.

14.—(1) For the purposes of subsection (2) of section seventy of the principal Act (which requires development charges to be determined having regard to the difference between the value of land with the benefit of planning permission and without the benefit of such permission) no account shall be taken of any liability to pay contributions under this Act in respect of ironstone extracted by opencast operations.

(2) Where the development charge payable in respect of the winning and working of any ironstone has been determined by the Central Land Board before the commencement of this Act, the Board may vary their determination to such extent, and as from such date, as appears to them to be appropriate for the purpose of taking into account the payments falling to be made under section nine of this Act in respect of works to be carried out in connection with the winning and working of that ironstone, and the determination shall have effect accordingly notwithstanding anything in section seventy-three of the principal Act.

Provisions
relating to
Iron and
Steel
Corporation.

15.—(1) Regulations made by the Minister may provide for modifying the foregoing provisions of this Act in their application to operators being publicly owned companies within the meaning of the Iron and Steel Act, 1949, so far as appears to the Minister to be expedient for the purpose of securing—

- (a) that any return, application or claim to be made under those provisions and any information to be furnished thereunder, may be made or furnished on behalf of any such operator by the Iron and Steel Corporation of Great Britain ;
- (b) that any payment falling to be made under those provisions by or to such an operator may be made by or to the said Corporation on behalf of or on account of the operator.

(2) For the purpose of determining the standard rate under section nine of this Act the Minister shall consult with the said Corporation ; and it shall be the duty of the said Corporation to furnish to the Minister such information as he may reasonably require for the purpose of determining that rate.

Reclamation of ironstone land

16.—(1) Subject to the provisions of this section, any local authority whose area is comprised in the ironstone district may carry out any works for levelling any worked ironstone land or for rendering such land suitable for use for forestry or agriculture or any other purpose (whether similar to the purposes aforesaid or not) or may plant trees or carry out other works for the purpose of restoring or improving the appearance of any such land or of screening it from view ; and any such works may be carried out either on the worked ironstone land or, so far as required for the purposes aforesaid, on neighbouring land. Powers of local authorities.

(2) The powers conferred by this section may be exercised by a local authority either on land belonging to them (including land acquired by them for the purpose under section seventeen of this Act) or, with the consent of all persons interested therein, on other land ; and in relation to such other land the said powers shall include power to make arrangements under which the works are carried out, on such terms as may be provided under the arrangements, by a person other than the local authority.

(3) Where the powers of a local authority under this section are exercised in relation to land not belonging to the authority, the management of the land, so far as it relates to works carried out by the authority, may be undertaken either by the authority or by a person interested in the land, as may be agreed upon between the authority and the persons so interested, and on such terms as may be so agreed upon.

(4) Nothing in this section shall authorise the doing of anything in contravention of any prohibition or restriction having effect under any enactment or rule of law.

(5) A local authority shall not carry out or make arrangements for the carrying out of any works under this section on land outside the area of that authority except with the consent—

- (a) in the case of land in a county borough, of the council of the borough ;
- (b) in the case of land in a county district, of the council of the district and the council of the county in which the district is comprised.

Acquisition of
land by local
authorities.

17.—(1) Subject to the provisions of this section, a local authority may acquire by agreement or compulsorily any land which they require for the purposes of carrying out any works authorised by the last foregoing section, or for the purpose of providing permanent access to such land.

(2) The power of a local authority to acquire land by agreement under this section shall be exercisable only with the consent of the Minister ; and in relation to any such acquisition the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated—

(a) this section shall be deemed to be the special Act ; and

(b) references to the promoters of the undertaking shall be construed as references to the local authority authorised to acquire the land under this section.

(3) The power of a local authority to acquire land compulsorily under this section shall be exercisable only upon the local authority being authorised in that behalf by the Minister ; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to any such acquisition as if this section had been in force immediately before the commencement of that Act.

(4) Section thirty-nine of the principal Act (which confers power to expedite the completion of a compulsory purchase under an order under section thirty-eight of that Act) shall apply to a compulsory purchase order made by virtue of this section as it applies to an order made by virtue of the said section thirty-eight.

Grants for
levelling, etc.

18.—(1) Subject to such conditions as the Treasury may determine, any local authority shall be entitled to receive from the Minister a sum equal to any expenditure incurred by that authority, being—

(a) expenditure incurred with the approval of the Minister in carrying out works authorised by section sixteen of this Act ;

(b) expenditure incurred in making payments in respect of the carrying out of such works as aforesaid in accordance with the arrangements made by the authority with the approval of the Minister under the said section sixteen ;

(c) expenditure incurred in acquiring land under section seventeen of this Act.

(2) Where an operator carries out on or in relation to worked ironstone land any such works as are authorised by the said section sixteen to be carried out by a local authority (not being

such work as is mentioned in subsection (1) of section nine of this Act) then, subject to such conditions as the Treasury may determine, the Minister may, if he thinks fit, pay to the operator a sum equal to any expenditure incurred with the approval of the Minister in carrying out those works.

(3) No payment shall be made to a local authority under paragraph (b) of subsection (1) of this section on account of expenditure incurred in accordance with such arrangements as are mentioned in that paragraph unless provision is made by those arrangements for securing that the payments made by that authority thereunder do not exceed the amount by which the expenditure in carrying out work on the land to which the arrangements relate exceeds any increase in the capital value of the land attributable to the carrying out of the work.

(4) No payment shall be made by the Minister under this section in respect of any expenditure upon work in respect of which a grant is paid by the Forestry Commissioners under the Forestry Act, 1919.

19.—(1) Subject to the following provisions of this section, section nineteen of the Town and Country Planning Act, 1944 (which, as amended by the principal Act, provides for the disposal and appropriation by local authorities of land acquired under section thirty-eight or section forty of the principal Act) shall apply in relation to land acquired by a local authority under section seventeen of this Act as it applies to land acquired under the said section thirty-eight or section forty.

Disposal of
land acquired
by local
authorities.

(2) Subsections (5) to (8) of the said section nineteen (which restrict the disposal of land in certain cases) shall not apply to land acquired by a local authority under section seventeen of this Act; but the local authority shall, if so required by the Minister, offer to dispose of the land for such interest, upon such terms and subject to such conditions as the Minister may direct, to the Minister of Agriculture and Fisheries or any person nominated by that Minister who is willing to take it for that interest, upon those terms and subject to those conditions.

(3) Any payment made to a local authority under section eighteen of this Act in respect of any such land as aforesaid may be made subject to arrangements for securing that the local authority will, upon the disposal or appropriation of the land, repay to the Minister such sum as may be determined in accordance with the arrangements, not exceeding the amount of the consideration received by the authority in respect of the disposal, or the value of the land as determined for the purposes of any adjustment of the accounts of the authority under section one hundred and sixty-three of the Local Government Act, 1933, in consequence of the appropriation, as the case may be.

(4) Any land disposed of to the Minister of Agriculture and Fisheries in accordance with this section shall be deemed to have been acquired by him under the Agriculture Act, 1947, or the Forestry Act, 1945, according as that Minister may direct.

**Powers of
Minister of
Agriculture
and Fisheries.**

20.—(1) If in the case of any worked ironstone land within the ironstone district, being agricultural land within the meaning of the Agriculture Act, 1947, it appears to the Minister of Agriculture and Fisheries that special steps for the management or farming of the land are needed in order to bring it to a good state of cultivation and fertility, he may for that purpose make arrangements—

- (a) in respect of the management of the land, with the owner ;
- (b) in respect of the farming of the land, with the occupier,

in accordance with the following provisions of this section.

(2) Arrangements made with any person under this section in respect of any land may provide—

- (a) for the management or farming, as the case may be, of the land by that person in accordance with such instructions as may from time to time be given by the said Minister ;
- (b) for the payment by the said Minister of such grants as are authorised by the following provisions of this section in respect of expenditure incurred or to be incurred in pursuance of the arrangements ;
- (c) for restricting the right of that person to dispose of his interest in the land ;
- (d) for authorising the said Minister to enter upon and inspect the land for the purpose of ascertaining whether instructions given in pursuance of the arrangements are complied with ;
- (e) for any other purpose connected with the management or farming of the land, as the case may be.

(3) Subject to any directions of the Treasury, arrangements made under this section may provide for the payment of annual grants for such number of years and at such rate as the Minister of Agriculture and Fisheries may from time to time determine in accordance with the arrangements.

(4) Where any worked ironstone land within the ironstone district has been acquired by the Minister of Agriculture and Fisheries under any enactment, any lease of the land granted by or on behalf of that Minister may contain provision for any purpose for which provision may be made by arrangements under this section.

(5) In this section "owner" in relation to land, has the same meaning as in Part II of the Agriculture Act, 1947, and subsections (1) and (2) of section twenty-one of that Act shall accordingly have effect as if references therein to the said Part II included references to this section.

21.—(1) Paragraphs 1 and 4 of the Second Schedule to the Agriculture Act, 1947 (which confer protection in respect of things done in compliance with directions of the Minister of Agriculture and Fisheries under that Act) shall apply to anything done in pursuance of arrangements made under section twenty of this Act as they apply to things done in compliance with directions under section fourteen of that Act. Supplementary provisions as to arrangements under s. 20.

(2) Section eleven of the Agricultural Holdings Act, 1948 (which confers on the tenant of an agricultural holding certain rights in respect of the disposal of produce and the cropping of arable land notwithstanding any custom, contract of tenancy or agreement) shall not apply to anything done in contravention of arrangements made under section twenty of this Act or of any provision included in a lease thereunder.

(3) Where any person to whom grants may be paid in pursuance of arrangements made under section twenty of this Act or of provisions included in a lease thereunder has failed to comply to the satisfaction of the Minister of Agriculture and Fisheries with any of his obligations under the arrangements or provisions, that Minister may, notwithstanding anything in that section or any such arrangements or provisions as aforesaid, withhold the whole or any part of the sums which would otherwise be payable to that person in respect of the management or farming of the land at any previous time.

22.—(1) Where it is certified by the Minister of Agriculture and Fisheries that the tenant of an agricultural holding within the meaning of the Agricultural Holdings Act, 1948, has failed to comply to the satisfaction of that Minister with arrangements made under section twenty of this Act in respect of any land comprised in the holding, the landlord may by notice determine the tenancy, so far as it relates to that land, as from such date, not being earlier than three months from the service of the notice, as may be specified therein; and any such notice shall have effect notwithstanding anything in the contract of tenancy. Determination of tenancies.

(2) The provisions of subsection (1) of this section shall apply in relation to a holding of which the Minister of Agriculture and Fisheries is the landlord as if for the reference to arrangements made under section twenty of this Act there were substituted a reference to provisions included in the lease under that section.

(3) A notice under this section shall not be deemed to be a notice to quit for the purposes of the Agricultural Holdings Act, 1948, and no compensation for disturbance shall be payable to the tenant under that Act on the termination of the tenancy of a holding, or any part of a holding, by virtue of such a notice.

(4) Where the tenancy of part of a holding is determined by a notice under this section—

- (a) the provisions of the Agricultural Holdings Act, 1948, relating to compensation, shall (subject to the provisions of subsection (3) of this section) apply as if the part to which the notice relates were a separate holding; and
- (b) the tenant shall be entitled to a reduction of rent proportionate to the part to which the notice relates and the amount of that reduction shall in default of agreement be settled by arbitration under the Agricultural Holdings Act, 1948.

(5) Where after the date specified in a notice under this section the tenant of any land to which the notice relates remains in possession of the land, the landlord may make a complaint to a court of summary jurisdiction, and thereupon the court shall by its warrant (which shall, subject to the necessary modifications, be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect) order vacant possession of the land to be given to the landlord forthwith.

(6) Where the Minister of Agriculture and Fisheries proposes to issue a certificate under subsection (1) of this section in the case of a tenant, he shall, in accordance with regulations made by that Minister under this section, afford to the tenant—

- (a) an opportunity of making representations in writing against the proposal to that Minister;
- (b) if the tenant so requires, an opportunity of being heard by a person or persons appointed for the purpose by that Minister,

and consider any representations made by the tenant in accordance with the regulations, and any recommendations made by a person or persons appointed as aforesaid for the purpose of hearing the tenant.

Compulsory
acquisition
for purposes
of agriculture.

23.—(1) Subject to the provisions of this section, the Minister of Agriculture and Fisheries may, under subsection (1) of section eighty-four of the Agriculture Act, 1947, acquire compulsorily—

- (a) any worked ironstone land within the ironstone district which the said Minister considers it expedient to acquire in order to secure that it is brought to a good state of cultivation and fertility;

(b) any land which the said Minister requires for providing permanent access to such land,

whether or not the conditions specified in paragraphs (a) to (c) of that subsection are complied with.

(2) Where any such land as aforesaid is or has been the subject of arrangements under section twenty of this Act—

(a) the period for which the land may be hired compulsorily under the said section eighty-four shall be computed from the date on which such arrangements were first made; and

(b) the power of the said Minister to acquire the land compulsorily by virtue of this section shall not be exercisable after the expiration of that period.

(3) Regulations made under section ninety-three of the Agriculture Act, 1947, with respect to the compulsory hiring of any such land as aforesaid—

(a) shall provide that any sums paid or payable out of the fund under section forty of this Act in respect of expenses incurred by the Minister of Agriculture and Fisheries in carrying out any improvement to the land shall be taken into account in assessing any compensation payable to him under the Agricultural Holdings Act, 1948, in respect of that improvement;

(b) may provide that subsection (1) of section forty-nine of the Agricultural Holdings Act, 1948 (which excludes compensation in respect of certain improvements unless they are carried out with the consent of the landlord) shall not apply to improvements specified in Part II of the Third Schedule to that Act which are carried out on the land during the term of the compulsory hiring.

(4) Any expenses incurred by the Minister of Agriculture and Fisheries under this section shall be defrayed out of moneys provided by Parliament.

24. Where a lease of worked ironstone land within the ironstone district granted to the Minister of Agriculture and Fisheries confers on that Minister an option to determine the lease after the land has been brought to a good state of cultivation and fertility, sections twenty-four to twenty-six of the Agricultural Holdings Act, 1948 (which impose restrictions on the operation of notices to quit) shall not apply to a notice to quit given by that Minister to a tenant of his in respect of the land if—

Determination
of tenancies
after
restoration
of fertility.

(a) the notice is expressed to be given for the purpose of enabling that Minister to exercise the said option; and

(b) the notice terminates the tenancy at the expiration of a period of five years, or any multiple of five years, from the commencement of the tenancy.

Afforestation.

25.—(1) In the case of worked ironstone land within the ironstone district, the power of the Forestry Commissioners to make grants for afforestation under subsection (3) of section three of the Forestry Act, 1919, shall include power to make grants at such rate as may from time to time be agreed upon between the Minister of Agriculture and Fisheries and the Minister of Local Government and Planning with the consent of the Treasury.

(2) The proviso to subsection (3) of section four of the Forestry Act, 1945 (which provides that where an order under that section for the compulsory acquisition of land is objected to the order shall be provisional only) shall not apply to an order under that section for the acquisition of such worked ironstone land.

**Acquisition of
easement
instead of
land in
certain cases.**

26. A compulsory purchase order under section seventeen or section twenty-three of this Act may, in lieu of authorising the compulsory purchase of land required by a local authority or by the Minister of Agriculture and Fisheries, as the case may be, for providing access to any other land, authorise that authority or Minister to acquire compulsorily, subject to such conditions as may be prescribed by the order, any easement or right over the land which the authority or Minister require as aforesaid ; and those sections, and any enactment applicable to a compulsory purchase of land thereunder, shall have effect accordingly.

**Default
powers of
Minister.**

27.—(1) Subject to the provisions of this section, if the Minister is satisfied that any local authority—

- (a) have failed to carry out on land belonging to them any such works as are authorised by section sixteen of this Act, being works which in the opinion of the Minister ought to be carried out ; or
- (b) have failed to take steps for the acquisition of any land which in the opinion of the Minister ought to be acquired by that authority under section seventeen of this Act,

the Minister may by order require that authority to take such steps as may be specified in the order for carrying out the work or for acquiring the land, as the case may be.

(2) If the Minister is satisfied in the case of any land not belonging to a local authority—

- (a) that a person having a sufficient interest in the land is willing to make arrangements with the local authority under subsection (2) of section sixteen of this Act for the carrying out of any such works as are authorised by that section, being works which in the opinion of the Minister ought to be carried out ; and

- (b) that all persons interested in the land consent to the carrying out of the works, but the local authority have refused to make such arrangements, or to make such arrangements upon reasonable terms,

the Minister may make those arrangements on behalf of the local authority ; and for the purposes of this Act those arrangements shall be deemed to have been made by the local authority with the approval of the Minister under the said section sixteen.

(3) No order or arrangements shall be made by the Minister under this section except after consultation with the local authority concerned, and with any other local authority whose area comprises the land affected by the order or arrangements.

(4) Any order under this section shall be enforceable, on the application of the Minister, by mandamus.

28.—(1) Where any ironstone comprised in a mining lease made before the commencement of this Act is worked by open-cast operations in accordance with planning permission, then if—

Modification of payments in lieu of restoration under ironstone leases.

- (a) the lease contains provisions requiring or enabling the lessee to pay a specified sum in lieu of compliance with any obligation relating to the restoration of the land or by way of liquidated damages for breach of such an obligation, or to return the land after restoration or upon payment of a specified sum in lieu of restoration ; and

- (b) the planning permission is subject to conditions regulating the manner in which the land is to be dealt with after working, but not requiring its restoration in the manner or to the extent specified in the lease, and those conditions are complied with,

the sum payable by the lessee as aforesaid under the lease in respect of that land shall be reduced to such extent (if any) as may be just having regard to any benefit accruing to the lessor, or any person deriving title from him, in consequence of compliance with the said conditions.

(2) Any question whether any and if so what reduction falls to be made under this section in the sums payable under a lease shall, in default of agreement between the parties, be determined by arbitration.

(3) For the purpose of calculating the amount of any reduction under this section, the value of any benefit accruing in consequence of compliance with any conditions shall be ascertained by reference to prices of land current at the time when the sum to be reduced is payable ; but if that sum is less than the sum which would represent the value of the land at that time if it were restored to the extent contemplated in the lease, the value of the benefit accruing as aforesaid shall be reduced proportionately.

(4) The provisions of this section shall apply in relation to a conveyance of ironstone or a conveyance of land subject to an exception of ironstone as they apply in relation to a mining lease, and as if for references to the lessee and to the lessor there were substituted respectively references to the person entitled to the ironstone by virtue of the conveyance or exception and to the person entitled to the surface of the land.

General amendments of law relating to mineral development

Mineral
development
charge set-off.

29.—(1) The powers conferred by section eighty-one of the principal Act (which enables the Minister with the consent of the Treasury to make regulations for modifying that Act in its application to development consisting of the winning and working of minerals) shall include power to make regulations for securing that in the case of such minerals as may be prescribed or determined by or under the regulations (being minerals an interest in which belonged on the appointed day to a person engaged in the development of minerals or treated for the purposes of the regulations as so engaged) the development charge payable under Part VII of that Act in respect of any winning and working of the minerals shall be set off against the payments falling to be made in respect of interests therein under the scheme to be made under section fifty-eight of that Act.

(2) In the case of any interest in land consisting of or comprising minerals to which the regulations made in accordance with this section apply, the scheme to be made under the said section fifty-eight shall provide for a payment equal to such part of the development value of that interest as may be determined under the said regulations to be attributable to the prospects of development of those minerals, but without prejudice to the provisions of the regulations with respect to the satisfaction of such payments, or to the inclusion in that scheme of provision for a further payment in respect of any such interest in so far as its development value is not determined to be attributable as aforesaid.

(3) Without prejudice to the generality of the powers conferred by the said section eighty-one, the regulations made in accordance with this section may contain provision—

(a) for applying the regulations to minerals, except in such cases as may be prescribed by the regulations, notwithstanding that the ownership of an interest in the minerals has been severed from the right to receive a payment under the said section fifty-eight, and for regulating the devolution of the right to receive any such payment ;

- (b) for requiring payments under the said section fifty-eight in respect of interests in minerals to which the regulations apply to be withheld until satisfied by set-off against development charge or otherwise in pursuance of the regulations, and for excluding, in relation to such payments so far as set off against development charge, the provisions of sections sixty-five to sixty-eight of the principal Act (which relate to the satisfaction of payments under the said section fifty-eight and the payment of interest thereon) ;
- (c) for regulating the amount of the development charge payable in respect of any development of minerals to which the regulations apply or of land comprising such minerals and the method of determining any such charge ;
- (d) for requiring the Central Land Board to make payments out of moneys provided by Parliament of such amount and subject to such conditions as may be prescribed by the regulations in respect of expenditure incurred in complying with conditions of a planning permission for any such development as aforesaid ;
- (e) for the determination of questions arising under the regulations ;
- (f) for any purpose for which provision is authorised to be made by the regulations by virtue of any provision of this Act other than this section ;
- (g) for any purpose incidental to or consequential on the purposes specified in this section.

(4) In the application of this section to Scotland, for references to section fifty-eight, to sections sixty-five to sixty-eight, to section eighty-one, and to Part VII of the principal Act there shall be substituted respectively references to section fifty-five, to sections sixty-two to sixty-five, to section seventy-eight, and to Part VI of the Town and Country Planning (Scotland) Act, 1947.

(5) Regulations made by virtue of this section may apply to any minerals belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, in respect of which arrangements under subsection (2) of section eighty-eight of the principal Act are in force ; and references in this section to development charge shall be construed as including references to sums payable in pursuance of such arrangements in substitution for development charge.

30.—(1) The Lands Tribunal may, upon application made to them within the prescribed period by any party to a mining lease made before the appointed day, by order modify the provisions of the lease so far as may be required in order to secure

Modification
of leases
granted before
1st July, 1948.

that the sums payable thereunder by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, do not exceed such sums as in the opinion of the Tribunal would be fair and reasonable as between the parties if the lease had been granted on the appointed day for the term then unexpired and otherwise upon the terms and subject to the covenants and conditions contained therein.

(2) In determining for the purposes of subsection (1) of this section the sums which would be payable under a lease granted as mentioned in that subsection—

- (a) no account shall be taken of any value attributable to the grant of planning permission for development of the minerals or to the prospect of such permission being granted ;
- (b) regard shall be had to any liability of the lessee to make payments (other than tonnage royalties) under the lease in excess of the value of the minerals which he could reasonably be expected to work after the said thirtieth day of June.

(3) Where an order is made under this section in respect of a mining lease, any sums paid under the lease by the lessee in respect of any period after the thirtieth day of June, nineteen hundred and fifty-one, and before the making of the order shall, to the extent that they exceed the sums payable in accordance with the lease as modified by the order, be recoverable as money had and received by the person to whom it was paid to the use of the plaintiff.

(4) In determining the development value of any interest in land for the purposes of the scheme to be made under section fifty-eight of the principal Act, no account shall be taken of the provisions of this section ; but the said scheme shall provide—

- (a) for transferring to the person entitled to receive any payment thereunder in respect of the interest expectant on the determination of any lease in respect of which an order has been or may be made under this section, or who would be so entitled if such a payment fell to be made, such part (if any) of any payment thereunder in respect of the lease as may be prescribed by the scheme ;
- (b) for the determination by the Lands Tribunal of questions as to the amount of any such payment to be so transferred.

(5) An order under this section may, with the consent of the appropriate authority as defined by section eighty-seven of the principal Act, be made in respect of a mining lease comprising any minerals belonging to His Majesty in right of the Duchy of

Lancaster, or to the Duchy of Cornwall, being minerals in respect of which arrangements under subsection (2) of section eighty-eight of that Act are in force.

(6) Regulations made by virtue of section twenty-nine of this Act may direct that in relation to leases of minerals to which the regulations apply this section shall apply to such extent, in such cases and subject to such additions and modifications as may be prescribed by the regulations; but except as aforesaid the provisions of this section shall not apply in relation to such a lease.

(7) The provisions of this section shall apply in relation to an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, as they apply in relation to a mining lease, but as if for references to the Lands Tribunal there were substituted references to the High Court.

(8) In the application of this section to Scotland, there shall be substituted for the reference to money had and received to the use of the plaintiff a reference to a debt due to the person by whom the sums were paid; for the reference to the interest expectant on the determination of any lease there shall be substituted a reference to the interest of the landlord in property subject to any lease; and for the reference to section fifty-eight of the principal Act there shall be substituted a reference to section fifty-five of the Town and Country Planning (Scotland) Act, 1947.

31.—(1) Section thirty of this Act shall not apply in relation to a mining lease granted by the National Coal Board in respect of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act. Minerals of
National
Coal Board.

(2) Notwithstanding anything in section eighty-one of the principal Act (which provides for the application of that Act to mineral development subject to adaptations and modifications to be prescribed by regulations made thereunder) or in any regulations so made before the commencement of this Act, the provisions of that section and of any such regulations shall apply, and shall be deemed always to have applied, in relation to development consisting of the winning and working of minerals vested in the National Coal Board other than development of land to which the provisions of the principal Act relating to operational land of statutory undertakers apply by virtue of regulations made under section ninety of that Act.

(3) For the purposes of the application during any period before the commencement of this Act of the said section eighty-one and regulations made thereunder, the regulations in force under the said section ninety at the commencement of this Act shall be deemed to have been in force at all material times.

(4) In the application of this section to Scotland, for references to section eighty-one and to section ninety of the principal Act there shall be substituted respectively references to section seventy-eight and to section eighty-six of the Town and Country Planning (Scotland) Act, 1947.

**Temporary
stopping up
of highways.**

32.—(1) An order made by the Minister of Transport under section forty-nine of the principal Act for the stopping up or diversion of a highway may, where the said Minister is satisfied—

- (a) that the order is required for the purpose of enabling minerals to be worked by surface working; and
- (b) that the highway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,

provide for the stopping up or diversion of the highway during such period as may be prescribed by or under the order, and for its restoration at the expiration of that period.

(2) Without prejudice to the provisions of the said section forty-nine with respect to orders made thereunder, any such order as is authorised by subsection (1) of this section may contain such provisions as appear to the Minister of Transport to be expedient—

- (a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original highway during the period prescribed by or under the order a corresponding liability in respect of any highway provided in pursuance of the order;
- (b) for the stopping up at the expiration of the said period of any highway provided as aforesaid and for the reconstruction and maintenance of the original highway;

and any provision included in the order in accordance with subsection (4) of the said section forty-nine requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.

(3) In relation to any highway which is stopped up or diverted by virtue of an order under the said section forty-nine, section twenty-five of the Town and Country Planning Act, 1944 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part IV of the principal Act) shall have effect—

- (a) as if for references to land which has been acquired as aforesaid and to the purchasing authority there were

substituted respectively references to land over which the highway subsisted and to the person entitled to possession of that land ; and

- (b) as if references in subsection (4) to a local authority or statutory undertakers included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-six and twenty-seven of the said Act of 1944 shall have effect accordingly.

(4) In the application of this section to Scotland, for references to section forty-nine of the principal Act there shall be substituted references to section forty-six of the Town and Country Planning (Scotland) Act, 1947, and the following subsection shall be substituted for subsection (3) :—

- “(3) In relation to any highway which is stopped up or diverted by virtue of an order under the said section forty-six, section twenty-four of the Town and Country Planning (Scotland) Act, 1945 (which relates to the extinguishment of rights belonging to statutory undertakers in respect of apparatus in land acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947) shall have effect—

(a) as if for references to land which has been acquired as aforesaid and to the purchasing authority there were substituted respectively references to land over which the highway subsisted and to the person entitled to possession of that land ; and

(b) as if the references in subsection (4) to a local planning authority or statutory undertaker included references to any person (other than a Minister or the Central Land Board) who is entitled to possession as aforesaid,

and sections twenty-five and twenty-six of the said Act of 1945 shall have effect accordingly.”

Supplementary provisions

33.—(1) If any person fails without reasonable excuse to make Offences. any return, or to furnish any information, which he is required to make or furnish under this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds ; and if being convicted of an offence under this subsection he continues to make the like default, he shall

be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the default continues after the first mentioned conviction.

(2) If any person, for the purpose of obtaining a payment under this Act or of evading payment of any sum by way of contributions thereunder, knowingly makes any false statement or false representation, or produces or furnishes or causes or knowingly allows to be produced or furnished any document or information which he knows to be false in a material particular, he shall be guilty of an offence and 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.

(3) If any person discloses any information relating to any particular undertaking which has been furnished to or obtained by him in pursuance of this Act, he shall, unless the disclosure is made—

- (a) with the consent of the person carrying on that undertaking ; or
- (b) in connection with the execution of this Act ; or
- (c) for the purposes of any proceedings under this Act or of any criminal proceedings arising out of this Act, or of any report of such proceedings,

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.

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

(5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to him on account of the fund.

34.—(1) For the purpose of advising the Minister on questions referred to them under this section, the Minister shall appoint a Committee, to be known as the Advisory Committee on Ironstone Restoration, consisting of such number of members as the Minister may from time to time determine.

(2) The chairman and other members of the Advisory Committee on Ironstone Restoration shall be appointed by the Minister, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.

Advisory
Committee
on Ironstone
Restoration.

(3) The Minister may refer to the Advisory Committee on Ironstone Restoration any question arising in connection with the determination of payments to be made to operators under section nine of this Act, or of the standard rate within the meaning of that section, or any other question connected with functions of the Minister in respect of the restoration of worked ironstone land, whether exercisable under this Act or otherwise.

(4) The Minister may pay to the members of the Advisory Committee on Ironstone Restoration such remuneration or allowances as he may with the consent of the Treasury determine.

35. Section one hundred and five of the principal Act (which **Notices.** relates to the service of notices under that Act) shall apply to any notice required or authorised to be served under this Act.

36.—(1) Any person duly authorised in writing by the **Powers of** Minister may, at any reasonable time— **entry.**

(a) for the purpose of inspecting any accounts or records which an operator has failed to produce in accordance with a requirement under subsection (2) of section four of this Act or of obtaining any information which an operator has failed to furnish in accordance with such a requirement, enter upon any land under the control of the operator ;

(b) for the purposes of the making of any determination under section ten of this Act, or of the variation of any such determination, or of the verification of any claim made by an operator under section twelve of this Act, enter on any land to which the determination or claim relates.

(2) Any person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purposes of the verification, at the request of the Minister, of any such claim as is mentioned in paragraph (b) of subsection (1) of this section relating to the land.

(3) Any person duly authorised in writing by the Minister of Agriculture and Fisheries or by a local authority may, at any reasonable time, enter upon any land for purposes connected with the carrying out on neighbouring land, being worked ironstone land, of any works which the Minister of Agriculture and Fisheries or local authority have power to carry out under any enactment (including this Act) and may deposit on any land so entered upon any machinery or materials used or to be used in connection with the works and remove from the land any machinery or materials so deposited.

(4) Any person duly authorised in writing by a local authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any

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proposal to acquire that or any other land under this Act, or in connection with any claim for compensation in respect of any such acquisition.

Provisions
supplementary
to s. 36.

37.—(1) Subsections (4), (5), (6) and (9) of section one hundred and three of the principal Act (which contain supplementary provisions relating to the powers of entry conferred by that section) shall apply in relation to any power to enter on land conferred by section thirty-six of this Act as they apply in relation to the powers conferred by the said section one hundred and three, and the proviso to the said subsection (9) (which imposes certain restrictions in respect of the carrying out of works authorised by that subsection) shall have effect as so applied as if references to works authorised by that subsection included references to works authorised by subsection (3) of the said section thirty-six.

(2) Where in the exercise of any power to enter land conferred by section thirty-six of this Act any damage is caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Minister or local authority on whose behalf the power is exercised; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he may recover from the said Minister or local authority compensation in respect of the disturbance.

(3) Section one hundred and ten of the principal Act (which provides for the determination of disputes as to compensation under that Act) shall apply to any question of disputed compensation under this section.

(4) Any expenses of the Minister or the Minister of Agriculture and Fisheries in the payment of compensation under this section shall be defrayed out of moneys provided by Parliament.

Powers of
new town
corporations.

38.—(1) The following provisions shall have effect in relation to land within a new town area, that is to say:—

- (a) the development corporation may, with the approval of the Minister, exercise in relation to any such land any of the powers conferred by section sixteen of this Act on a local authority;
- (b) without prejudice to the provisions of subsection (5) of the said section sixteen, a local authority shall not carry out or make arrangements for the carrying out of any works under that section on such land except with the consent of the said corporation;

- (c) the following provisions of this Act, that is to say, section twenty-seven (except paragraph (b) of subsection (1)), subsection (3) of section thirty-six and section thirty-seven, shall apply to the said corporation as if it were a local authority, and references in those provisions to a local authority and to the area of a local authority shall be construed accordingly; and
- (d) any expenditure incurred by the said corporation in the exercise of powers conferred by this section, or in the payment of compensation thereunder, shall be defrayed out of the fund.

(2) In this section “new town area” and “development corporation” mean respectively an area designated under section one of the New Towns Act, 1946, as the site of a new town and the development corporation established for the purposes of that new town under section two of that Act.

39.—(1) Any power to make regulations under this Act, the power of the Minister to make orders under section one, section seven or section nine of this Act and the power of the Treasury to determine rates of interest under subsection (3) of section four of this Act, shall be exercisable by statutory instrument. Regulations.

(2) Any statutory instrument containing an order made under section seven of this Act, or containing regulations made under this Act (other than regulations made by virtue of section twenty-nine of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and subsection (5) of section eighty-one of the principal Act (which provides that regulations made for the purposes of that section shall be of no effect unless approved by resolution of each House of Parliament) shall apply to regulations made by virtue of the said section twenty-nine.

(3) In the application of this section to Scotland, for the reference to subsection (5) of section eighty-one of the principal Act there shall be substituted a reference to subsection (5) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947.

40.—(1) The Minister shall pay into the Exchequer out of the fund, at such times and in such manner as the Treasury may direct— Financial Provisions.

- (a) such sums as the Minister and the Minister of Agriculture and Fisheries may respectively estimate in accordance with directions given by the Treasury to be equal to the amount of any administrative expenses incurred by them respectively under this Act in relation to ironstone and worked ironstone land (including any remuneration or allowances paid to the members of any

committee appointed or designated by the Minister under this Act);

- (b) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred by him in the management of or farming of worked ironstone land within the ironstone district.

(2) The Minister shall pay into the Forestry Fund out of the fund, at such times and in such manner as the Treasury may direct—

- (a) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any administrative expenses incurred by the Forestry Commissioners under this Act;
- (b) a sum equal to the amount of any expenses incurred by those Commissioners in the payment of grants in accordance with subsection (1) of section twenty-five of this Act;
- (c) such sum as the Minister of Agriculture and Fisheries may estimate as aforesaid to be equal to the amount of any expenses incurred by those Commissioners in the afforestation of worked ironstone land within the ironstone district acquired by the Minister of Agriculture and Fisheries under the Forestry Act, 1945.

(3) Any expenses of the Minister of Agriculture and Fisheries in the payment of grants under section twenty of this Act or in the payment of remuneration or allowances to any person or persons appointed by that Minister for the purposes of subsection (6) of section twenty-two of this Act shall be defrayed out of the fund.

(4) Subject to the provisions of subsections (1) and (2) of this section, any such expenses as are mentioned therein shall be defrayed, in the case of expenses of the Minister or the Minister of Agriculture and Fisheries out of moneys provided by Parliament, and in the case of expenses of the Forestry Commissioners out of the Forestry Fund.

(5) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under Part I or Part II of the Local Government Act, 1948.

(6) Any expenses of the Minister of Transport under section thirty-two of this Act shall be defrayed in accordance with the provisions of section forty-nine of the principal Act or section forty-six of the Town and Country Planning (Scotland) Act, 1947, as the case may be.

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

- “ the appointed day ” means the day appointed by the Minister to be the appointed day for the purposes of the principal Act, that is to say, the first day of July, nineteen hundred and forty-eight ;
- “ development value ” has the same meaning as it has for the purposes of Part VI of the principal Act ;
- “ full restoring lease ” means a mining lease imposing on the lessee an obligation to restore to a condition suitable for the purposes of agriculture all land excavated under the lease in the course of winning and working ironstone by opencast operations and containing no provision for the payment of sums in lieu of compliance with that obligation in respect of any of the land or by way of liquidated damages for failure to comply with it ;
- “ the fund ” means the Ironstone Restoration Fund established under section two of this Act ;
- “ the ironstone district ” has the meaning assigned to it by section one of this Act ;
- “ levelling ”, in relation to worked ironstone land, includes the removal or redistribution of materials comprised therein, whether or not the original contours of the land are preserved, and any operations for consolidating the land after levelling ;
- “ management ”, in relation to land, includes provision, improvement, maintenance and repair of fixed equipment within the meaning of the Agriculture Act, 1947 ;
- “ the Minister ” means the Minister of Local Government and Planning ;
- “ operator ” has the meaning assigned by section three of this Act ;
- “ plant ” includes machinery ;
- “ prescribed ” means prescribed by regulations made by the Minister ;
- “ the principal Act ” means the Town and Country Planning Act, 1947 ;
- “ royalty ” (except in the expression “ tonnage royalty ”) includes a dead rent and any periodical or other payment for minerals got under a mining lease, and “ tonnage royalty ” means a royalty calculated by reference

to the amount of minerals so got from time to time, or of manufactured articles produced from such minerals, or by any similar method ;

“ ton ” means a ton of two thousand two hundred and forty pounds ;

“ worked ironstone land ” means land which has been excavated in the course of winning and working ironstone by opencast operations, and includes land on which materials extracted in the course of such operations have been deposited ;

and (except as aforesaid) expressions defined in the principal Act have the same meanings as in that Act.

(2) 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.

(3) In the application of this section to Scotland, for references to the principal Act (except in the definition of that expression) and to Part VI of that Act there shall be substituted references to the Town and Country Planning (Scotland) Act, 1947, and to Part V of that Act.

**General
application
to Scotland.**

42.—(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) Sections one to twenty-eight and sections thirty-three to thirty-eight of, and the Schedules to, this Act shall not extend to Scotland.

(3) For any reference to the Minister of Local Government and Planning (other than a reference in section forty of this Act) there shall be substituted a reference to the Secretary of State.

(4) For any reference to the High Court there shall be substituted a reference to the Court of Session.

(5) For any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland :

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

43.—(1) This Act may be cited as the Mineral Workings Act, 1951. Short title,
extent and
repeal.

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

(3) Subsection (6) of section forty-nine and subsection (3) of section eighty-one of the principal Act and subsection (6) of section forty-six and subsection (3) of section seventy-eight of the Town and Country Planning (Scotland) Act, 1947, are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 1.

AREAS COMPRISED IN THE IRONSTONE DISTRICT

The county of Leicester.
The county of Lincoln (Parts of Kesteven).
The county of Lincoln (Parts of Lindsey).
The county of Northampton.
The county of Oxford.
The Soke of Peterborough.
The county of Rutland.
The county of Warwick.

SECOND SCHEDULE

Section 5.

FORMULA FOR ASCERTAINING CONTRIBUTIONS FROM IRONSTONE OWNERS

1. Let a be a sum equal to the payment falling to be made in respect of the interest under the scheme made under section fifty-eight of the principal Act:

2. Let b be a sum equal to the development value of the interest as ascertained for the purposes of the said scheme:

3. Let c be a sum equal to such part of the said development value as is attributable to the prospect of winning and working ironstone by opencast operations:

4. Let d be the number of pence in the average tonnage royalty which would be payable per ton under a mining lease of the ironstone comprised in the interest, so far as unworked on the first day of July, nineteen hundred and fifty-one, being a lease granted immediately before the seventh day of January, nineteen hundred and forty-seven, by a willing lessor to a willing lessee, it being assumed—

(a) that the ironstone is to be got by opencast operations;

(b) that no premium is given on the grant of the lease;

(c) that the lease contains such covenants by both parties (including covenants for payment of dead rent or for restoration after working) as are customary in the district:

5. The amount of the contribution is $\frac{9ac}{8bd}$.

Section 6

THIRD SCHEDULE**DEDUCTIONS AUTHORISED BY s. 6**

1. Subject to the provisions of this Schedule, the deduction which may be made on account of contributions paid at the rate required under section six of this Act shall be a sum equal to one half of those contributions.

2. Where the value of the royalties under the lease is less than the value of a full royalty, the deduction authorised by paragraph 1 of this Schedule shall be reduced proportionately.

3. No deduction shall be made under this Schedule on account of the contributions paid in respect of any ironstone which is worked free of tonnage royalty under the lease by virtue of any premium or rent paid or accrued due before the first day of July, nineteen hundred and fifty-one.

4. For the purposes of this Schedule—

- (a) the value of the royalties under a lease shall be taken to be the capitalised value as at the first day of July, nineteen hundred and fifty-one, of all royalties payable thereunder in respect of ironstone for any period on and after the said date;
- (b) the value of a full royalty, in relation to a lease, shall be taken to be the capitalised value as at the said date of such royalties as would be payable under a mining lease of all ironstone comprised in the actual lease which is unworked on the said date, being a lease granted immediately before the seventh day of January, nineteen hundred and forty-seven, by a willing lessor to a willing lessee for a term equal to the unexpired portion of the term of the actual lease and otherwise on the same terms (other than terms relating to royalties) as that lease,

it being assumed, in each case, that all such unworked ironstone as aforesaid would be worked during the term of the lease, but no account being taken of any right of the lessee to work any such ironstone by virtue of any such premium or rent as is mentioned in paragraph 3 of this Schedule or to make deductions in accordance with this Schedule.

5. The sums authorised by this Schedule to be deducted on account of any contributions may be deducted from any royalty under the lease which is due when the contributions are paid, and if and so far as they exceed the amount of the royalties then due may be deducted from any royalty, rent or other payment becoming due under the lease at any time thereafter or recovered from the person for the time being entitled to the reversion expectant on the determination of the lease.

6. Where royalties under the lease are payable to two or more persons, the deductions authorised by this Schedule shall be apportioned between them in proportion to the values of those royalties respectively, and in any such case the amount so apportioned in respect of each such royalty may be deducted in accordance with paragraph 5 of this Schedule from any royalty, rent or other payment due or becoming due to the person entitled to receive that royalty, or recovered from him or his successors in title.

7. Where the ironstone in respect of which the contributions are paid is comprised in more than one lease to which paragraph (b) of subsection (2) of section six of this Act applies, not being leases of which one is derived (whether immediately or not) from another, the provisions of this Schedule shall apply as if the leases constituted a single lease; but except as aforesaid the said provisions shall apply separately in relation to every lease to which the said paragraph (b) applies in which the ironstone is comprised.

3RD SCH.
—cont.

FOURTH SCHEDULE

Section 13.

FORMULA FOR ASCERTAINING RATE OF PAYMENT FOR WORK IN PROGRESS ON 25TH JULY, 1950

1. Let a be the sum determined by the Minister to represent the cost which the operator, working efficiently with such plant as in all the circumstances of the case he might reasonably be expected to use, would incur in carrying out the work on the land in question so far as not carried out before the twenty-fifth day of July, nineteen hundred and fifty:

2. Let b be the sum determined as aforesaid to represent the cost which the operator, working as aforesaid, would incur and would have incurred in carrying out the whole of the work carried out on the same land, whether before, on or after the said date:

3. Let c be the rate of the payment to which the operator would be entitled under section nine of this Act if the whole of the said work were carried out on and after the said date:

4. The rate of the payment in respect of the work so far as carried out on the land on and after the said date is $\frac{ac}{b}$.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Small Tenements Recovery Act, 1838 ...	1 & 2 Vict. c. 74.
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Forestry Act, 1919	9 & 10 Geo. 5. c. 58.
Mines (Working Facilities and Support) Act, 1923.	13 & 14 Geo. 5. c. 20.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Town and Country Planning Act, 1944 ...	7 & 8 Geo. 6. c. 47.
Town and Country Planning (Scotland) Act, 1945.	8 & 9 Geo. 6. c. 33.

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Short Title	Session and Chapter
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Iron and Steel Act, 1949	12, 13 & 14 Geo. 6. c. 72.

CHAPTER 61

Forestry Act, 1951

ARRANGEMENT OF SECTIONS

Maintenance of reserve of growing trees

Section

1. Duty of Commissioners.

Felling of trees

2. Restriction of felling.
3. Felling licences.
4. Review of refusal or conditions of licence.
5. Compensation for refusal of licence.
6. Power to make loans on refusal of licence.
7. Felling directions.
8. Obligation to purchase trees or land in certain cases.
9. Proceedings in respect of felling directions.

Supplementary

10. Special provisions for trees subject to forestry dedication covenants etc.
11. Enforcement of conditions and directions.
12. Penalties.
13. Provisions as to tree preservation orders.
14. Identification of trees.
15. Advisory Committees.
16. Provisions relating to mortgages and settled land.
17. Trees in County of London.

Miscellaneous and General

Section

18. Commissioners with knowledge and experience of timber trade.
19. Treasury approval for advances.
20. Amendment of compulsory purchase procedure.
21. Service of documents.
22. Regulations.
23. Crown land.
24. Application to Scotland.
25. Transitional provisions.
26. Financial provisions.
27. Interpretation.
28. Citation, construction, commencement and extent.

An Act to provide for the maintenance of reserves of growing trees in Great Britain and to regulate the felling of trees; to amend the procedure applicable to compulsory purchase orders under the Forestry Act, 1945; and for purposes connected with the matters aforesaid. [1st August 1951.]

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:—

Maintenance of reserve of growing trees

1.—(1) The duty of the Forestry Commissioners under section three of the Forestry Act, 1919, shall include the general duty of promoting the establishment and maintenance in Great Britain of adequate reserves of growing trees. Duty of Commissioners.

(2) In relation to the performance of their general duty under this section, the Commissioners shall from time to time, and as a general rule not less than quarterly, consult with the Home Grown Timber Advisory Committee.

Felling of trees

2.—(1) Subject to the provisions of this Act, no person shall fell any growing trees unless a licence granted by the Commissioners under this Act is in force authorising the felling. Restriction of felling.

(2) No licence shall be required under this section—

- (a) in respect of the topping or lopping of trees or the trimming or laying of hedges ;

- (b) in respect of the felling of trees of a diameter not exceeding three inches or, in the case of coppice or underwood, of a diameter not exceeding six inches ;
- (c) in respect of the felling of any fruit trees or any tree standing or growing on land comprised in an orchard, garden, churchyard or public open space ;
- (d) in respect of the felling of any tree for the prevention of danger or the prevention or abatement of a nuisance ;
- (e) in respect of the felling of any tree in compliance with any obligation imposed by or under any Act of Parliament, including this Act ;
- (f) in respect of the felling by, or at the request of, an Electricity Board of any tree which obstructs the construction by the Board of any main transmission line or other electric line, or interferes or would interfere with the maintenance or working of any such line belonging to the Board ;
- (g) in respect of the felling by any person of trees of a diameter not exceeding four inches on land in his occupation or in the occupation of any tenant of his, where the felling is carried out in order to improve the growth of other trees ;
- (h) in respect of the felling of any tree where the felling is immediately required for the purposes of carrying out development authorised by planning permission granted or deemed to be granted under the Town and Country Planning Act, 1947 ;
- (i) in respect of the felling by any person of trees on land in his occupation or in the occupation of any tenant of his, so long as—
 - (i) the aggregate cubic content of the trees which are felled by that person without a licence (exclusive of trees the felling of which without a licence is authorised by any other provision of this Act) does not exceed eight hundred and twenty-five cubic feet in any quarter ; and
 - (ii) the aggregate cubic content of the trees so felled which are sold by that person whether before or after the felling (exclusive as aforesaid) does not exceed one hundred and fifty cubic feet in any quarter, or such larger quantity as the Commissioners may in any particular case allow.

(3) Regulations made by the Commissioners under this Act may provide for such additional exceptions from the provisions

of subsection (1) of this section as may be specified in the regulations; and in particular such regulations may direct that subsection (2) of this section shall have effect as if for the reference to a diameter not exceeding three inches or four inches or to eight hundred and twenty-five or one hundred and fifty cubic feet there were substituted a reference to such larger diameter or quantity as may be so specified.

(4) Regulations made by the Commissioners under this Act—

- (a) may direct that paragraph (b) of subsection (2) of this section shall have effect as if for the reference to a diameter not exceeding six inches there were substituted a reference to such smaller diameter as may be specified in the regulations;
- (b) may restrict or suspend the exception contained in paragraph (i) of that subsection; and in particular may direct that the said paragraph shall have effect as if for the reference to eight hundred and twenty-five or one hundred and fifty cubic feet there were substituted a reference to such smaller quantity as may be specified in the regulations.

(5) In this section “Electricity Board” means an Electricity Board within the meaning of the Electricity Act, 1947, “electric line” and “main transmission line” have the same meaning as in the Electric Lighting Act, 1882, and the Electricity (Supply) Act, 1919, respectively, “public open space” means land laid out as a public garden or used (otherwise than in pursuance of section one hundred and ninety-three of the Law of Property Act, 1925, or of Part V of the National Parks and Access to the Countryside Act, 1949) for the purpose of public recreation, or land being a disused burial ground, and “quarter” means the period of three months beginning with the first day of January, the first day of April, the first day of July or the first day of October in any year; references in this section to the diameter of trees shall be construed as references to the diameter, measured over the bark, at a point five feet above the ground level, and references in this section to the cubic content of trees shall be construed as references to that content as ascertained in the prescribed manner.

3.—(1) An application for a licence under this Act authorising the felling of any trees may be made to the Commissioners in the prescribed manner by any person having such an estate or interest in the land on which the trees are growing as enables him, with or without the consent of any other person, to fell the trees. Felling licences.

(2) Where any such application is made, the Commissioners may, if it appears to them to be expedient so to do in the interests of good forestry or agriculture or of the amenities of the district,

or for the purpose of complying with their duty under section one of this Act—

(a) refuse to grant a licence ; or

(b) grant a licence subject to any such conditions as are authorised by this section ;

but in any other case shall grant a licence unconditionally :

Provided that, in considering whether to refuse or to grant a licence unconditionally or subject to any conditions, the Commissioners shall take into account any advice tendered to them by the regional advisory committee for the conservancy in which the trees are growing.

(3) The Commissioners may grant a licence under this section subject to such conditions as, after consultation with the applicant, they may determine to be expedient for securing the re-stocking or stocking with trees of the land on which the felling takes place, or of such other land as may be agreed upon between the Commissioners and the applicant, and the maintenance of such trees in accordance with the rules and practice of good forestry for a period not exceeding ten years.

(4) Where at the time of an application for a licence under this Act authorising the felling of any trees any order is in force by virtue of regulations having effect under the Supplies and Services (Transitional Powers) Act, 1945, under which the licence of any government department is required for the use or consumption of timber comprised in the trees, then if the application contains a certificate by the applicant that the timber is required for purposes of agriculture or forestry on land in the occupation of the applicant or of any tenant of his, the application shall be treated for the purposes of the said order as if it were an application for a licence thereunder authorising the use and consumption of the timber for those purposes.

(5) If it appears to the Commissioners that the applicant for a licence is not entitled to such interest in land as would enable him to comply with conditions which the Commissioners determine as aforesaid, they may give notice in writing to that effect to the applicant and may postpone consideration of the application until the person entitled to such an interest is joined as a party thereto.

(6) Unless within three months after the receipt of an application under this section (or, where a notice is given by the Commissioners within that period under subsection (5) of this section, within three months after the date on which the person entitled to such interest in the land as is mentioned in the notice is joined as a party to the application) or within such further time as may be agreed with the applicant, the Commissioners give notice to the applicant of their decision on the application (including any reference of the application under section thirteen

of this Act), the provisions of this Act shall apply in relation to the application as if the licence to which it relates had been refused.

(7) Where the Commissioners refuse to grant a licence under this Act they shall give notice in writing to the applicant of the grounds for the refusal.

(8) A licence under this Act shall continue in force for such period (not being less than one year from the date on which it is granted) as may be specified in the licence.

4.—(1) Where the Commissioners refuse to grant a licence authorising the felling of trees on any land, or grant such a licence subject to conditions, then, subject to the provisions of this section, any person aggrieved by the refusal or conditions may by notice served within the prescribed time and in the prescribed manner request the appropriate Minister to refer the matter to a committee appointed under this section; and the appropriate Minister shall, unless he is of opinion that the grounds for the request are frivolous, refer the matter accordingly.

Review of
refusal or
conditions
of licence.

(2) The committee to whom any matter is referred under this section shall consist of—

- (a) a chairman appointed by the appropriate Minister; and
- (b) two other members selected by the said Minister from a panel of persons appointed by him for the conservancy in which the trees are growing after consultation with the regional advisory committee for that conservancy and with organisations appearing to him to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry:

Provided that no Commissioner or person employed by the Commissioners shall be a member of any such committee.

(3) The committee shall—

- (a) afford to the person at whose request the reference was made an opportunity of appearing before them and of making representations to them on the matter in question;
- (b) if they think fit or if they are so required by the person who made the request, inspect the trees or land to which the reference relates; and
- (c) take into consideration any information furnished to them by the Commissioners as to the performance within the conservancy in which the trees are growing of their duty under section one of this Act,

and shall thereupon make a report on the reference to the appropriate Minister.

(4) The appropriate Minister shall, after considering the report, confirm the decision of the Commissioners in respect of the application, or reverse or modify that decision and direct the Commissioners to give effect to the reversal or modification.

(5) No request may be made under this section in respect of a refusal to grant a licence under this Act authorising the felling of any trees unless a previous application for such a licence has been refused and the application to which the request relates is made after the following date, that is to say—

- (a) where a reference under this section has been made in respect of any previous application relating to the trees, the third anniversary of the last such application in respect of which such a reference has been made ;
- (b) in any other case, the third anniversary of the first previous application relating to the trees.

Compensation
for refusal of
licence.

5.—(1) Where an application for a licence under this Act authorising the felling of any trees is refused, any person who is for the time being the owner of the trees shall, on a claim made in the prescribed manner, be entitled to recover from the Commissioners compensation in respect of any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber comprised therein in consequence of the refusal.

(2) Claims for compensation under this section in respect of any trees may be made from time to time in respect of deterioration which has taken place since the refusal of the licence or since the last previous claim, as the case may be ; but no such claim shall be made after the expiration of one year after the felling of the trees, or in respect of deterioration which took place more than ten years before the date of the claim.

(3) In calculating the amount of any compensation payable under this section in respect of any trees—

- (a) no account shall be taken of any deterioration in the quality of the timber in the trees which is attributable to neglect of the trees after the date of the refusal of the licence ; and
- (b) the value of the trees at any time shall be ascertained on the basis of prices current at the date of the claim.

(4) At any time after a licence under this Act authorising the felling of any trees has been refused, the Commissioners may, if they think fit, give notice to the owner of the trees that they are prepared to grant such a licence either unconditionally or subject to conditions described in the notice ; and in any such case—

- (a) the Commissioners shall, subject to the provisions of subsection (5) of section three and of section thirteen of this Act, grant a licence in accordance with the notice if an application is duly made in that behalf ; and

(b) in calculating any compensation payable under this section in consequence of the previous refusal of a licence, no account shall be taken of any deterioration occurring after the giving of the notice.

(5) Any question of disputed compensation under this section shall be determined by the Lands Tribunal.

6. Where a licence under this Act authorising the felling of trees on any land is refused, then, if the land is or in the opinion of the Commissioners will be managed in a manner approved by the Commissioners, the Commissioners may, if they think fit, make to persons interested in the land advances by way of loan of such amounts, upon such terms and subject to such conditions as they may determine.

Power to make loans on refusal of licence.

7.—(1) If it appears to the Commissioners that it is expedient in the interests of good forestry or for purposes connected with their duty under section one of this Act that any growing trees should be felled—

Felling directions.

(a) in order to prevent deterioration or further deterioration in the quality of the timber comprised therein ; or

(b) in order to improve the growth of other trees,

they may give directions to the owner of the trees requiring him to fell them within such period, being not less than two years after the directions have become operative, as may be specified in the directions :

Provided that, in considering whether to give any directions under this subsection, the Commissioners shall have regard to the interests of agriculture and the amenity or convenience of any farm or dwelling-house or park usually occupied with a dwelling-house or of any land held inalienably by the National Trust, and shall take into account any advice tendered by the regional advisory committee for the conservancy in which the trees are growing.

(2) No directions shall be given under this section requiring the felling of any such trees as are mentioned in paragraph (c) of subsection (2) of section two of this Act.

(3) Any directions given by the Commissioners under this section shall contain a statement of the grounds upon which they are given.

(4) If any person to whom directions are given under this section requiring the felling of any trees is aggrieved by the directions on the ground that the felling is not expedient as mentioned in subsection (1) of this section, he may by notice served within the prescribed time and in the prescribed manner request the appropriate Minister to refer the matter to a committee appointed in accordance with subsection (2) of section four of this Act ; and the provisions of the said section four shall apply in relation to any such request as they apply in relation to

a request under subsection (1) of that section, subject to the following modifications:—

- (a) subsections (4) and (5) shall not apply ; and
- (b) the report of the committee under subsection (3) shall be made to the person by whom the notice was served and to the Commissioners, and the Commissioners shall confirm, withdraw or modify the directions in accordance with the report.

Obligation to purchase trees or land in certain cases.

8.—(1) If any person to whom directions are given under this Act claims that compliance with those directions would involve him in a net loss after taking into account any benefit arising therefrom in respect of other trees of which he is the owner, he may by notice given to the appropriate Minister in the prescribed manner and within the prescribed period—

- (a) if he has the right to sell the trees for immediate felling, require the Commissioners to buy the trees to which the directions relate ; or
- (b) in any case, require the appropriate Minister to acquire his interest in the land affected by the directions.

(2) Where such a notice is given by any person, the appropriate Minister may within the prescribed period after receiving it either—

- (a) accept the notice ; or
- (b) refer the notice to a committee appointed in accordance with subsection (2) of section four of this Act ; or
- (c) revoke the directions to which the notice relates.

(3) Subsection (3) of section four of this Act shall apply to any reference under this section as if for references to the person at whose request the reference was made there were substituted references to the person by whom the notice was given ; and the report of the committee shall be made to the person by whom the notice was given as well as to the appropriate Minister and shall state whether in the opinion of the committee compliance with the directions would involve that person in such loss as aforesaid, and if so what modification, if any, of the directions would be sufficient to avoid such loss.

(4) Where the committee report that compliance with the directions would not involve the said person in such loss as aforesaid, the notice shall be of no effect ; but in any other case the appropriate Minister may, within the prescribed period after receiving the report, either—

- (a) accept the notice ; or
- (b) revoke the directions ; or
- (c) modify the directions in accordance with the report, according as he thinks fit.

(5) Where a notice given by any person under this section is accepted by the appropriate Minister, the directions to which the notice relates shall cease to have effect and—

- (a) where the notice requires the Commissioners to buy the trees to which the directions relate, the Commissioners shall be deemed to have contracted with that person to buy those trees on the date of the acceptance of the notice at such price and on such terms (including terms as to the time within which the Commissioners may fell and remove the trees) as may in default of agreement be determined by the Lands Tribunal ; and
- (b) where the notice requires the appropriate Minister to acquire the interest of the said person in the land affected by the directions, the said Minister shall be deemed to be authorised to acquire the interest of that person in the land compulsorily under the Forestry Act, 1945, and to have served a notice to treat in respect thereof on the date of the acceptance of the notice.

(6) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(7) Any notice given under subsection (1) of this section requiring the appropriate Minister to acquire an interest in land shall be deemed to include an offer by the person entitled to that interest to convey to the appropriate Minister such easement or other right for the benefit of the land over adjoining land in which that person has an interest as may be agreed upon between that person and the appropriate Minister or as may, in default of such agreement, be determined by the Lands Tribunal ; and the second reference in paragraph (b) of subsection (5) of this section to the interest of that person in the land to which the notice relates shall be construed as including a reference to any such easement or right as aforesaid.

(8) If within the prescribed period after receiving a notice or the report of a committee under this section the appropriate Minister has not taken any such action as is authorised by subsection (2) or subsection (4) of this section, as the case may be, the directions to which the notice relates shall cease to have effect at the expiration of that period.

9.—(1) A request under subsection (4) of section seven of this Act, and a notice under section eight of this Act, may be made and given in respect of the same directions ; and regulations Proceedings in respect of felling directions.

made by the Commissioners under this Act may make provision for securing—

- (a) that in any such case proceedings under those sections respectively on the request or notice are taken concurrently ;
- (b) that any proceedings on any such request or notice in respect of any directions may be postponed until the expiration of the period within which such a notice or such a request, as the case may be, might be given or made in respect of those directions.

(2) Any directions given under this Act shall be inoperative until the expiration of the period during which such a request or notice as aforesaid may be made or given in respect of the directions and, where such a request or notice is made or given, until the conclusion of any proceedings under section seven or section eight of this Act pursuant to the notice or request.

Supplementary

Special provisions for trees subject to forestry dedication covenants, etc.

10.—(1) Where application is made for a licence under this Act in respect of trees on land which is subject to a forestry dedication covenant, no conditions shall be imposed on the grant of a licence in pursuance of the application ; and no breach of such a covenant shall be deemed to have occurred by reason of anything done or omitted in consequence of the refusal of such a licence.

(2) Where an application is made for a licence authorising the felling of trees in accordance with a plan of operations or other working plan approved by the Commissioners under such a covenant, or otherwise approved by them in writing for the purposes of this section—

- (a) the Commissioners shall not refuse the licence unless the appropriate Minister certifies that, by reason of an act of God or other emergency which has taken place or arisen since the approval of the plan, the granting of a licence in respect of those trees, or in respect of trees of any class which comprises those trees, would be detrimental to the national interest ; and
- (b) if the licence is refused, the applicant may by notice given to the Commissioners in the prescribed manner and within the prescribed period require them to buy the trees in respect of which the licence is refused, or such of those trees as may be specified in the notice.

(3) Where a notice is served under subsection (2) of this section in respect of any trees, section five of this Act shall not apply in relation to the trees ; and the Commissioners shall be deemed to have contracted with the applicant to buy the trees on the date

of the service of the notice at such prices as may in default of agreement be determined by the Lands Tribunal, and shall fell and remove the trees at such time or times as they may determine.

(4) An advance by way of loan may be made under section six of this Act in respect of any trees on land subject to a forestry dedication covenant, other than trees in respect of which a notice is served under subsection (2) of this section.

(5) No directions shall be given under section seven of this Act in respect of trees on land which is subject to a forestry dedication covenant or of trees which are being managed to the satisfaction of the Commissioners in accordance with any such plan approved as aforesaid otherwise than under such a covenant.

11.—(1) If any works required to be carried out in accordance with conditions of a licence under this Act or with any directions given by the Commissioners under this Act are not carried out in accordance with the conditions or directions, the Commissioners may give notice—

Enforcement of conditions and directions.

(a) in the case of works required to be carried out in accordance with such conditions as aforesaid, to the owner of the land ;

(b) in the case of works required to be carried out in accordance with such directions as aforesaid, to the owner of the trees,

requiring such steps as may be specified in the notice to be taken within such time (not being less than the prescribed period after the notice has become operative) as may be so specified for remedying the default ; and if after the expiration of the time so specified any steps required by the notice have not been taken, the Commissioners may enter on the land and take those steps, and may recover from the person to whom the notice was given any expenses reasonably incurred in connection therewith.

(2) If any person to whom notice is given under subsection (1) of this section claims that the works in question have been carried out in accordance with the conditions or directions, as the case may be, or that the steps specified in the notice are not required by the conditions or directions, he may, by notice served on the appropriate Minister in the prescribed manner within the prescribed period after the receipt of the notice under subsection (1) of this section, request the appropriate Minister to refer the matter to a committee appointed in accordance with subsection (2) of section four of this Act, and the provisions of that section (except subsections (4) and (5)) shall apply accordingly.

(3) The appropriate Minister shall, after considering the report of the committee on any such reference, confirm or cancel the notice to which the reference relates.

(4) A notice under subsection (1) of this section shall be inoperative until the expiration of the period during which a request may be made under subsection (2) of this section and, where such a request is made, until the conclusion of any proceedings under this section in pursuance of the request.

(5) The Commissioners may remove and either retain or dispose of any trees felled by them under this section, and shall, on a claim made in the prescribed manner by the owner of any trees so removed, pay to him a sum equal to the value of those trees after deducting any expenses reasonably incurred by them in connection with the removal or disposal.

(6) Subject to any express agreement to the contrary, any expenses incurred by any person for the purpose of complying with a notice under subsection (1) of this section, and any sums paid by any person in respect of expenses of the Commissioners under that subsection, shall be deemed to be incurred or paid by that person—

- (a) where the notice relates to works required to be carried out in pursuance of conditions of a licence under this Act, for the use and at the request of the applicant or applicants for the licence ;
- (b) where the notice relates to works required to be carried out in pursuance of directions under this Act, for the use and at the request of the person to whom the directions were given.

(7) Any sums recoverable by or from the Commissioners under this section may be recovered as a simple contract debt in any court of competent jurisdiction.

(8) A person required by any directions or notice under this Act to carry out any works or take any steps may carry out those works or take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the directions or notice.

Penalties.

12.—(1) Any person who fells any tree in contravention of the provisions of section two of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds or twice the sum which appears to the court to be the value of the tree, whichever is the higher.

(2) Without prejudice to the powers of the Commissioners under section eleven of this Act, any person who without reasonable excuse fails to take any steps required by a notice given to him under the said section eleven shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) Proceedings in respect of an offence under this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.

13.—(1) Notwithstanding anything in a tree preservation order, a licence granted or directions given by the Commissioners under this Act after the date on which the order comes into force shall be sufficient authority for the felling of any trees to which the order relates; and (except as provided by this section) no application shall be entertained under any such order for consent thereunder in respect of any felling for which such a licence is required under this Act.

Provisions
as to tree
preservation
orders.

(2) Where the Commissioners propose to grant such a licence in respect of any felling of trees for which consent is required under a tree preservation order, the Commissioners shall give notice in writing of the proposal to the authority by whom the order was made; and if within the prescribed period after the receipt of the notice the authority object to the proposal and the objection is not withdrawn, the Commissioners shall not deal with the application, but shall refer it to the Minister of Local Government and Planning.

(3) Where an application for a licence is referred to the Minister of Local Government and Planning under subsection (2) of this section—

- (a) the provisions of the tree preservation order, and any provisions of the Town and Country Planning Act, 1947, relating to that order, shall apply as if the application were an application made under the order for consent for the felling of the trees and referred to the said Minister in pursuance of provisions of the order applying section fifteen of that Act, and if the order contains no such provisions as aforesaid it shall have effect for the purposes of this paragraph as if the said section fifteen were incorporated therein subject to such modifications as the said Minister may direct; and
- (b) if consent for the felling is given by the said Minister in pursuance of the application, no licence under this Act shall be required for the felling of any trees in accordance with the consent.

(4) Notwithstanding anything in this section, the Commissioners may, where application is made to them for a licence in respect of any such felling as aforesaid, refer the application to the authority by whom the tree preservation order was made; and where an application is so referred—

- (a) so long as the tree preservation order remains in force, no licence under this Act shall be required for the felling of any trees to which the application relates, and

no direction shall be given thereunder requiring the felling of such trees ;

- (b) the provisions of the order and any provisions of the Town and Country Planning Act, 1947, relating to the order shall apply as if the application were an application made to the said authority under the order for consent for the felling of the trees.

(5) Where an application for a licence is referred by the Commissioners under subsection (2) or subsection (4) of this section, then, without prejudice to the provisions of subsection (4) of section five of this Act in a case where a notice has been given under that subsection, no account shall be taken, in calculating any compensation payable under the said section five in consequence of any previous refusal of a licence in respect of the trees, of deterioration occurring after the date of the reference.

(6) Where the Commissioners propose to give directions under this Act requiring the felling of any trees to which a tree preservation order applies, the Commissioners shall give notice in writing of the proposal to the authority by whom the order was made ; and if within the prescribed period after the receipt of the notice the authority object to the proposal and the objection is not withdrawn, the Commissioners shall not give the directions except with the consent of the Minister of Local Government and Planning, who shall, before deciding whether to grant or refuse to grant such consent, consult with the said authority.

(7) In determining for the purposes of section eight of this Act whether compliance with directions requiring a tree to be felled would involve any person in a net loss, regard shall be had to any compensation received by that person under a tree preservation order in respect of a refusal of consent for the felling of the tree.

Identification of trees.

14. Any person authorised by the Commissioners may take such steps, whether by marking or otherwise, as the Commissioners consider necessary for identifying trees which are the subject of a licence or directions under this Act, or for the felling of which such a licence has been refused.

Advisory Committees.

15.—(1) For the purpose of advising the Commissioners as to the performance of their functions under the foregoing provisions of this Act, and such other of their functions as the Commissioners may from time to time determine, the Commissioners shall maintain—

- (a) a central advisory committee for Great Britain, to be known as the Home Grown Timber Advisory Committee ;
- (b) a regional advisory committee for each conservancy in Great Britain.

(2) The chairman and other members of any committee maintained under this section shall be appointed by the Commissioners, and shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.

(3) The Home Grown Timber Advisory Committee shall consist of not more than twenty-five members, and of those members (other than the chairman)—

- (a) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interest of owners of woodlands ;
- (b) not less than six nor more than eight shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of timber merchants.

(4) Each regional advisory committee shall consist of not less than seven nor more than nine members, and of those members (other than the chairman) not less than four shall be persons appointed by the Commissioners after consultation with organisations appearing to them to represent the interests of owners of woodlands and timber merchants respectively and organisations concerned with the study and promotion of forestry.

16.—(1) Where the interest of the owner of any trees is for the time being subject to a mortgage—

Provisions relating to mortgages and settled land.

- (a) a claim for any compensation or sum payable under section five or section eleven of this Act in respect of the trees may be made either by the mortgagor or by the mortgagee ;
- (b) in either case the said compensation or sum shall be paid to the mortgagee or, if more than one, to the first mortgagee, and shall be applied by him as if it were proceeds of the sale of the trees.

(2) Subject to the foregoing provisions of this section, where the owner of any trees comprised in a settlement within the meaning of the Settled Land Act, 1925, is a tenant for life who is impeachable for waste in respect of the trees, any compensation or sum payable under section five or section eleven of this Act in respect of the trees shall be paid to the trustees of the settlement, and shall be applied by them in accordance with subsection (2) of section sixty-six of the Settled Land Act, 1925, as if it were proceeds of sale of timber cut and sold with the consent of the trustees under that section.

17. The foregoing provisions of this Act shall not apply in relation to trees standing or growing on land within the administrative county of London.

Trees in County of London.

Miscellaneous and General

Commissioners with knowledge and experience of timber trade. **18.** For the purpose of assisting the Commissioners in the performance of their duties under this Act at least one of the Commissioners appointed by His Majesty under subsection (1) of section one of the Forestry Act, 1945, shall be a person who has special knowledge and experience of the timber trade.

Treasury approval for advances. **19.** The powers to make advances conferred on the Commissioners by paragraph (d) of subsection (3) of section three of the Forestry Act, 1919, and section six of this Act shall be exercisable subject to the approval of the Treasury.

Amendment of compulsory purchase procedure. **20.—(1)** The proviso to subsection (3) of section four of the Forestry Act, 1945 (which provides that a compulsory purchase order under that section shall be provisional only if objected to) shall cease to have effect.

(2) Subject to the provisions of this section, where objection to a compulsory purchase order under the said section four is duly made in accordance with Part II of the First Schedule to the Forestry Act, 1945, by any such person as is mentioned in paragraph 2 of that Part and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure and the Statutory Orders (Special Procedure) Act, 1945, shall have effect accordingly.

(3) If in the case of any such objection as aforesaid it appears to the appropriate Minister that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation for the compulsory purchase would be assessed, the appropriate Minister may disregard the objection for the purposes of Part II of the said First Schedule, and may (whether he disregards it for the purposes aforesaid or not) direct that it shall be disregarded for the purposes of subsection (2) of this section.

(4) Where a compulsory purchase order under the said section four is subject to special parliamentary procedure, the notices to be published and served by the appropriate Minister under paragraph 1 of Part III of the said First Schedule shall contain a statement that the order is to be laid before Parliament under the Statutory Orders (Special Procedure) Act, 1945.

(5) Paragraphs 2 and 3 of Part III of the First Schedule to the Forestry Act, 1945 (which relate to the validity and date of operation of compulsory purchase orders under the said section four) shall not apply to any such order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall apply to any such order to which the last-mentioned Act applies as if in paragraph 2 for the reference to the publication of the notice

of the order there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in paragraph 3 the words from "and shall become operative" to the end were omitted.

(6) Part III of the First Schedule to the Forestry Act, 1945, shall have effect subject to the following amendments:—

- (a) in paragraph 1 for the words "a newspaper" there shall be substituted the words "one or more newspapers";
- (b) in paragraph 2 for the words "the publication" there shall be substituted the words "the first publication";
- (c) in paragraph 3 for the word "published" there shall be substituted the words "first published"; and
- (d) paragraph 4 shall cease to have effect.

21.—(1) Any document required or authorised to be served under this Act or the First Schedule to the Forestry Act, 1945, may be served on a person either by delivering it to him, or by leaving it at his proper address, or by sending it through the post in a registered letter addressed to him at that address.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If it is not practicable to ascertain the name or address of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and by delivering it to some responsible person on the land or, if there is no such person on the land to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the land.

(5) The Commissioners may, for the purpose of enabling them to serve or give any document or direction under this Act, require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of

any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise ; and any person who, having been required in pursuance of this subsection to give any information, fails to give that information, or knowingly makes any mis-statement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Regulations.

22.—(1) The Commissioners may, after consultation with the Home Grown Timber Advisory Committee, by statutory instrument make regulations for prescribing anything which by this Act is authorised to be prescribed.

(2) Any power conferred by this Act to prescribe the manner in which a claim or notice may be made or given thereunder shall include power to require that any particulars specified in the claim or notice shall be verified by statutory declaration.

(3) Any statutory instrument containing regulations made under this Act, other than regulations made under subsection (4) of section two, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations made under subsection (4) of section two of this Act shall be of no effect unless approved by a resolution of each House of Parliament.

Crown land.

23.—(1) In this section “ Crown land ” means land an interest in which belongs to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department.

(2) Subject to the following provisions of this section, the provisions of this Act shall apply in relation to Crown land and trees growing thereon to the extent only of any estate or interest therein which is for the time being held otherwise than on behalf of the Crown.

(3) Except with the consent of the appropriate authority as defined in this section—

(a) no conditions relating to the restocking or stocking of Crown land shall be imposed on the grant of a licence under this Act ;

(b) no directions shall be given under this Act requiring the felling of trees growing on Crown land.

(4) The appropriate Minister shall not be authorised to acquire the interest of any person in Crown land by virtue of a notice under section eight of this Act unless an offer has previously been made by that person to dispose of that interest to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement

in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

(5) In this section "the appropriate authority" in relation to any land means—

- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question ;
- (b) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy ;
- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
- (d) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department ;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

24.—(1) This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say— Application to Scotland.

- (a) for any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland :

Provided that, until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this paragraph shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed ;

- (b) for any reference to the National Trust there shall be substituted a reference to the National Trust for Scotland ;
- (c) for any reference to a forestry dedication covenant there shall be substituted a reference to a forestry dedication agreement ;
- (d) for any reference to an easement there shall be substituted a reference to a servitude ;

- (e) for any reference to the Minister of Local Government and Planning there shall be substituted a reference to the Secretary of State ;
- (f) for references to the Town and Country Planning Act, 1947, and to sections fifteen and twenty-eight thereof, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1947, and to sections thirteen and twenty-six thereof ;
- (g) for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ;
- (h) for references to the Agriculture Act, 1947, and to Part II and section twenty-one of that Act, there shall be substituted references to the Agriculture (Scotland) Act, 1948, and to Part II and section thirty-eight of that Act ;
- (i) for references to a freeholder, to a mortgage, to a mortgagor, to a mortgagee, and to the first mortgagee there shall be substituted respectively references to an owner, to a heritable security, to a debtor in a heritable security, to a creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land ; and
- (j) in subsection (5) of section twenty the reference to section six of the Statutory Orders (Special Procedure) Act, 1945, shall include a reference to subsection (4) of section two, as read with section ten, of that Act.

(2) Any inquiry in relation to a compulsory purchase order under section four of the Forestry Act, 1945, affecting land in Scotland and which becomes in certain circumstances subject to special parliamentary procedure, shall, if the appropriate Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—

- (a) it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945 ; and
- (b) if publication of notice in accordance with the provisions of paragraph 1 of Part II of the First Schedule to the Forestry Act, 1945, has been made, the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with.

25.—(1) Any authorisation to fell trees having effect by virtue of Regulation sixty-eight of the Defence (General) Regulations, 1939, and in force immediately before the coming into force of this subsection shall have effect as if it were a licence granted under this Act; and any application for such an authorisation which was outstanding immediately before the coming into force of this subsection shall have effect as if it were an application for a licence duly made in accordance with the provisions of this Act and any regulations made thereunder. Transitional provisions.

(2) An application for a licence under this Act authorising the felling of any trees may be made by any person who has obtained the right to fell the trees by virtue of a contract for the sale of the trees made before the seventh day of February, nineteen hundred and fifty-one, notwithstanding that he is not authorised by section three of this Act to make such an application; and in the case of any such application—

(a) subsection (5) of the said section three shall not apply, and no conditions relating to the restocking or stocking of land shall be imposed on any licence granted pursuant to the application unless the person entitled to such interest in the land as would enable him to comply with those conditions is a party to the application; and

(b) any compensation payable under section five of this Act to the owner of the trees shall be held by him in trust for the applicant.

(3) This Act shall not affect proceedings on any compulsory purchase order made before the coming into force of section twenty of this Act; and any such proceedings may be continued as if this Act had not been passed.

26.—(1) The appropriate Minister may pay to the members of any committee appointed by him in pursuance of this Act such remuneration as he may with the consent of the Treasury determine, and the Commissioners may pay to the members of any advisory committee maintained by them in pursuance of this Act such allowances as they may so determine. Financial provisions.

(2) Any administrative expenses of the appropriate Minister under this Act (including sums required for the payment of remuneration under this section), any expenses of the appropriate Minister in the acquisition of land under section eight of this Act, and any expenses of the Commissioners under this Act, shall be defrayed out of the Forestry Fund.

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

“ the Commissioners ” means the Forestry Commissioners ;

“conservancy” means any area in Great Britain which may for the time being be designated by the Commissioners as a conservancy for the purpose of the performance of their functions ;

“felling” includes wilfully destroying by any means ;

“forestry dedication covenant” has the meaning assigned to it by the Forestry Act, 1947 ;

“mortgage” includes any charge for securing money or moneys worth, and “mortgagee” shall be construed accordingly ;

“National Trust” and “held inalienably” have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946 ;

“owner” in relation to land has the same meaning as in Part II of the Agriculture Act, 1947, and subsections (1) and (2) of section twenty-one of that Act shall accordingly have effect as if references therein to the said Part II included references to this Act ;

“owner” in relation to trees means the owner of the land on which the trees are growing and, in the case of trees which have been felled, means the person who was the owner immediately before the felling ;

“prescribed” means prescribed by regulations made by the Commissioners ;

“tree preservation order” means an order made or having effect as if made under section twenty-eight of the Town and Country Planning Act, 1947.

(2) References in this Act to any enactment or provision are references to that enactment or provision as amended by any other enactment or provision.

Citation,
construction,
commence-
ment and
extent.

28.—(1) This Act may be cited as the Forestry Act, 1951, and shall be construed as one with the Forestry Acts, 1919 to 1947, and this Act and those Acts may be cited together as the Forestry Acts, 1919 to 1951.

(2) This Act, except the provisions relating to the procedure on a compulsory purchase under section four of the Forestry Act, 1945, shall come into force on the first day of October, nineteen hundred and fifty-one ; and the said provisions shall come into force one month after the passing of this Act.

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

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Forestry Act, 1919	9 & 10 Geo. 5. c. 58.
Electricity (Supply) Act, 1919	9 & 10 Geo. 5. c. 100.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Private Legislation Procedure (Scotland) Act, 1936.	26 Geo. 5. & 1 Edw. 8. c. 52.
Forestry Act, 1945	8 & 9 Geo. 6. c. 35.
Supplies and Services (Transitional Powers) Act, 1945.	9 & 10 Geo. 6. c. 10.
Statutory Orders (Special Procedure) Act, 1945.	9 & 10 Geo. 6. c. 18.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
Forestry Act, 1947	10 & 11 Geo. 6. c. 21.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 42.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
National Parks and Access to the Countryside Act, 1949.	12, 13 & 14 Geo. 6. c. 97.

CHAPTER 62

Tithe Act, 1951

ARRANGEMENT OF SECTIONS

Provisions as to annuities registers

Section

1. Repeal of provision for registers of annuities for all districts, and substituted provision as to selected districts.

Amendments and repeals of certain provisions of the principal Act, and subsidiary provisions

2. Extinguished rentcharges undisclosed: exclusion from provisions for compensation and for charge of annuity.
3. Additional powers for apportionment of annuities, and power to consolidate annuities.
4. Mistake as to ownership of land not to invalidate redemption or reduction of an annuity.
5. Ascertainment of ownership of land in respect of which an annuity is charged.

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Section

6. Confirmation of past dealings based on application of s. 21 of principal Act.
7. Records and other documents: proof and right to inspection and copies.
8. Reports of proceedings of the Commission.
9. Determination of particulars of charged land for purposes of remission under s. 14 of principal Act.
10. Minor amendments, and repeals.
11. Power to transfer functions of the Commission to another Government Department.
12. Short title, citation, construction, repeal and commencement.

SCHEDULES :

- First Schedule.—Provisions for ascertainment of ownership of land in respect of which an annuity is charged.
- Second Schedule.—Enactments repealed.

An Act to provide, in lieu of the obligation imposed by the Tithe Act, 1936, to register all annuities charged thereby, for registration in selected districts, to amend and to repeal certain provisions of that Act, and to make further provision with respect to certain matters connected therewith. [1st August 1951.]

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

Provisions as to annuities registers

Repeal of provision for registers of annuities for all districts, and substituted provision as to selected districts.

1.—(1) Section nine of the Tithe Act, 1936, in this Act referred to as “the principal Act” (which requires the Tithe Redemption Commission to determine the amount of every annuity charged by that Act and the land in respect of which each is charged, and to prepare for every district a register specifying the amount of every annuity and indicating the land in respect of which each is charged) is hereby repealed, and the fact that effect has not been given to the provisions of the said section nine shall not be treated as having affected the validity of any determination made by the Commission, or of any other thing done by them, before the commencement of this Act.

(2) The Commission may prepare and seal a register of annuities charged in respect of lands in any district in the case of which it appears to them to be expedient so to do by reason of any circumstances calculated to render it difficult for persons concerned to ascertain the subsistence, amount or incidence of annuities charged in respect of lands in that district, and the provisions of subsections (4) to (9) of this section shall have effect as to any such register.

(3) So much of subsection (2) of section four of the principal Act as provides that it shall be the duty of the Commission to determine what annuities are charged, and to record particulars thereof, shall have effect, and shall be deemed always to have had effect, as requiring them so to do only where it appears to them to be requisite for the purposes of that Act or this Act.

(4) An annuities register for any district shall comprise the following particulars of every annuity charged in respect of land in the district at the date of the sealing of the register, that is to say, a specification of the amount thereof and, by reference to a map sealed on that date, an indication of the land in respect of which it is charged.

(5) Before sealing an annuities register for any district the Commission shall determine the matters particulars whereof are to be comprised therein, in accordance with the provisions of subsection (2) of section thirty-nine of the principal Act (which confers rights on persons interested to make representations and to refer questions of law to the court).

(6) The specification in a sealed annuities register of an amount as that of an annuity charged at the date of the sealing of the register, together with the indication in the map referred to therein of land as that in respect of which that annuity was then charged, shall be treated as conclusive evidence that an annuity of that amount was then charged, and that it was charged in respect of that land, unless it is shown that subsection (5) of this section was not observed as to the matter in question, and shall be treated as conclusive evidence that it was not charged in respect of any other land.

(7) A sealed annuities register for any district shall be treated as conclusive evidence that no annuity other than those particulars whereof are comprised in the register was charged in respect of any land in the district at the date of the sealing of the register.

(8) A sealed annuities register or the map referred to therein may be varied by the Commission for correcting any clerical mistake therein, or any error therein arising from any accidental slip or omission, but not otherwise.

(9) An annuities register and the map referred to therein shall when sealed be deposited at the principal office of the Commission.

(10) The power to prepare and seal an annuities register for any district shall be exercisable whenever it appears to the Commission that such circumstances as are mentioned in subsection (2) of this section have arisen therein, whether or not such a register has been sealed therefor on any earlier occasion.

(11) Where the Commission are satisfied in the case of any district that there is no annuity charged in respect of any land

in the district, they may make and seal a declaration of that fact, and a declaration as to any district sealed under this subsection shall be conclusive evidence of that fact.

Any such declaration shall when sealed be deposited at the principal office of the Commission.

Amendments and repeals of certain provisions of the principal Act, and subsidiary provisions

Extinguished
rentcharges
undisclosed:
exclusion from
provisions for
compensation
and for charge
of annuity.

2.—(1) The provisions of the principal Act relating to compensation in respect of the extinguishment of tithe rentcharge shall not have effect in relation to a rentcharge in respect of which the particulars required by section five of the principal Act have not been transmitted in accordance with the requirements of that section before the commencement of this Act, without prejudice however to the validity of any issue of stock for compensation in respect thereof, or other thing done under the said provisions in relation thereto, before the commencement of this Act.

(2) The preceding subsection shall have effect in substitution for the provisions of subsection (4) of the said section five (which conferred a power on the Commission to withhold compensation, or to reduce the amount thereof or to postpone interest thereon, in the case of a rentcharge as to which the said requirements were not satisfied).

(3) Where subsection (1) of this section has effect as to a rentcharge and there has been no issue of stock for compensation in respect thereof before the commencement of this Act, section three of the principal Act (which charges annuities in respect of the lands respectively out of which rentcharges extinguished by that Act issued) shall not have effect, and shall be deemed never to have had effect, in relation to that rentcharge.

Additional
powers for
apportionment
of annuities,
and power to
consolidate
annuities.

3.—(1) In addition to their duty under section ten of the principal Act to apportion annuities charged in respect of land in the ownership of two or more owners, to their duty under subsection (2) of section eleven thereof to apportion annuities and to their power in that behalf under subsection (5) of section fourteen thereof, the Commission shall have power—

- (a) for the purpose of securing that there shall not be more than one annuity charged in respect of any given land, to apportion annuities, and, where two or more annuities are charged in respect of the same land, to consolidate them;
- (b) to apportion an annuity which is charged in respect of land parts of which are detached from one another, as between the several parts.

(2) An apportionment under this section shall be made in the like manner, and having regard to the like matters, as in the case of an apportionment under the said section ten, and subsection (2) of that section (which relates to the extinguishment of an apportioned annuity and the charge of substituted annuities) shall have effect in relation to an apportionment under this section.

(3) Where the Commission consolidate two or more annuities charged in respect of any land, they shall make an order specifying the aggregate amount of those annuities, and those annuities shall be deemed to have been extinguished as from the day following the last payment date before the date on which the order is made, and an annuity of the aggregate amount shall be charged by virtue of the principal Act in respect of the land for the use of His Majesty for the period commencing on the day following that payment date and ending (subject to the provisions of section twenty-eight of the principal Act as to the earlier extinguishment of all annuities) on the day preceding the sixtieth anniversary of the appointed day.

(4) Any of the duties or powers of apportionment, consolidation or extinguishment conferred by the principal Act or this Act may be exercised in combination (whether by apportioning an annuity and consolidating an annuity substituted for a part thereof with another annuity or otherwise howsoever), and the orders to be made for that purpose may be made in the form of separate orders or of provisions of a single order as circumstances may appear to the Commission to require.

(5) An annuity charged on an apportionment under this section, or on a consolidation thereunder, shall be treated as falling within references in the principal Act to a "substituted annuity", and accordingly, in the definition of that expression in subsection (1) of section forty-seven of the principal Act, there shall be inserted, after the reference to section ten of that Act, the words "and section three of the Tithe Act, 1951."

4.—(1) Where, either before or after the commencement of this Act, a payment has been made by any person, as being the owner of any land, pursuant to a redemption notice served on him under section fifteen of the principal Act or to a notice served on him under subsection (7) of that section, or for the purposes of the redemption or reduction under subsection (6) or (9) of that section of an annuity charged in respect of that land, and it has appeared after the making of the payment that the person making it was not in fact the owner of that land, the provisions of that section for the extinguishment, discharge or reduction of the relevant annuity shall be treated as having taken effect notwithstanding that fact, and the person making the payment shall not be entitled to recover it.

Mistake as to ownership of land not to invalidate redemption or reduction of an annuity.

(2) Subsection (10) of the said section fifteen (which provides for the granting to a person making a payment for the redemption of an annuity of a charge on any land in respect of which the annuity was charged) shall apply in favour of a person making a payment pursuant to a notice under subsection (7) of that section as respects any land in respect of which the relevant annuity would have been charged if the notice had not been served, and in favour of a person making a payment for the purposes of the reduction of an annuity under subsection (9) thereof.

Ascertainment of ownership of land in respect of which an annuity is charged.

5.—(1) Subsections (1) to (6) of section eighteen of the principal Act (which provide for registration by the Commission of owners of lands in respect of which annuities are charged) are hereby repealed.

(2) Subsection (7) of the said section eighteen (which renders proof of payment by any person of a tithe rentcharge which issued out of any land, or proof of an order for recovery thereof from any person, evidence of that person's being the owner of the land) shall have effect in relation to an annuity charged in respect of any land as it has effect in relation to a tithe rentcharge which issued out of any land.

(3) The duty imposed by subsection (9) of the said section eighteen on an owner of land in respect of which an annuity is charged to furnish particulars to the Commission where an estate or interest therein is disposed of or created, so as to bring about a change in the ownership thereof, shall extend to the person by whom an estate or interest in such land is so disposed of or created if other than the owner, as well as to the owner:

Provided that, on the furnishing of the particulars by either of them within the period mentioned in that subsection, the duty of the other so to do shall be extinguished.

(4) The provisions of the said subsections (7) and (9) as amended by this Act are set out, together with the provisions of subsection (8) of the said section eighteen, in the First Schedule to this Act, and accordingly that Schedule shall have effect in substitution for those subsections.

Confirmation of past dealings based on application of s. 21 of principal Act.

6. Where—

- (a) there has been before the commencement of this Act an ascertainment by the Commission for the purposes of the Seventh Schedule to the principal Act that a rentcharge extinguished by that Act was so vested as to render applicable thereto section twenty-one of that Act (which excepts a rentcharge that was in the same ownership as the land charged therewith from the provisions of that Act as to compensation on the one hand and the charge of an annuity on the other hand), and

- (b) at the commencement of this Act there has been no issue of stock for compensation in respect of that rentcharge and no steps have been taken for recovery of any annuity as charged in respect of the land out of which it issued,

that rentcharge shall be deemed for all the purposes of the principal Act to have been so vested.

7.—(1) The Commission shall cause proper records to be kept of determinations, ascertainment and orders made by them, and any entry in any book or other document kept for the purposes of this subsection or of subsection (4) of section thirty-nine of the principal Act shall in all legal proceedings be evidence of the determination, ascertainment or order referred to and of the regularity thereof.

Records and other documents: proof and right to inspection and copies.

(2) Instruments of apportionment, deeds or declarations of merger under the Tithe Acts, annuities registers sealed under section one of this Act and the maps therein referred to, declarations sealed under that section, and records kept as aforesaid shall be open to inspection by any person during all usual office hours, and any person may require a copy thereof, or extract therefrom, to be furnished to him, and may require any such copy or extract to be certified by an officer of the Commission, and there shall be paid for any such copy or extract such reasonable fee as may be prescribed.

(3) A copy of, or extract from, any document issued or kept by or in the custody of the Commission under or for the purposes of the principal Act or this Act, being a copy or extract upon which is endorsed a certificate signed by an officer of the Commission stating that it is a true copy or extract, shall in all legal proceedings be admissible in evidence as of equal validity with the document in question, and a certificate purporting to be so signed shall, unless the contrary is proved, be deemed to be so signed.

(4) The preceding provisions of this section shall have effect in substitution for subsection (4) of section thirty-nine, subsection (2) of section forty-two, and section forty-three, of the principal Act.

8.—(1) Section forty-five of the principal Act (which requires the Commission to cause a report of their proceedings to be laid before Parliament biennially) shall cease to have effect.

Reports of proceedings of the Commission.

(2) Where in any financial year the proceedings of the Commission include items relating to matters (other than of routine) which are not dealt with in accounts for that year copies whereof are required to be laid before Parliament under section twenty-seven of the principal Act, a report thereof shall be sent by the Commission to the Treasury and appended by them to the said accounts.

Determination of particulars of charged land for purposes of remission under s. 14 of principal Act.

9.—(1) Where an application is made under the Fourth Schedule to the principal Act (which relates to the valuation of land in an agricultural holding in connection with the remission granted by section fourteen of that Act in the case of certain annuities charged in respect of agricultural land) for a certificate of the annual value of the charged land in such a holding, the surveyor of taxes to whom the application is made shall, before proceeding as required by the said Schedule, transmit a copy of the application to the Commission with a view to their examining whether the particulars of the holding and of the charged land therein are correctly stated in the application.

(2) If the Commission are satisfied that the particulars are correctly stated they shall notify the surveyor that they are so satisfied, and he shall thereupon proceed as required by the said Schedule on the basis of the particulars as stated in the application.

(3) If the Commission are not so satisfied, the particulars shall be determined as hereinafter provided and notified by the Commission to the surveyor, who shall thereupon proceed as required by the said Schedule on the basis of the particulars as so determined.

(4) In a case falling within the last preceding subsection—

(a) the Commission shall as soon as possible after receiving the copy of the application notify to the owner the alterations appearing to them to be required and give him an opportunity of making representations, and, if agreement is reached, the particulars shall be taken to be as agreed between the Commission and the owner ;

(b) if after the owner has been given an opportunity of making representations it appears to the Commission that agreement will not be reached, the Commission shall notify the owner to that effect, stating the particulars as then appearing to them to be correct, and, if within one month from the date of his being so notified the owner makes an application in that behalf to the county court, the particulars shall be determined by the court ;

(c) if in a case falling within the last preceding paragraph the owner does not make an application to the Court within the period therein mentioned, or an application so made is not duly prosecuted, the particulars shall be taken to be as notified to the owner under the last preceding paragraph.

Minor amendments, and repeals.

10.—(1) No power to create tithe rentcharge shall be exercisable after the commencement of this Act, and accordingly—

(a) the enactments in the Tithe Acts which were repealed by the Statute Law Revision Act, 1890, the Statute Law Revision (No. 2) Act, 1890, and the Statute Law

Revision Act, 1891, but with an exception as to tithes not commuted at the date of the passing of those Acts, are hereby repealed as to such tithes; and

(b) sections eighteen and twenty-five of the Tithe Act, 1860, are hereby repealed.

(2) Section three of the Tithe Act, 1847 (which relates to the correction of instruments of apportionment) is hereby repealed.

(3) In the exercise of the power to order detachment of the map annexed to an instrument of apportionment from that instrument which was conferred on the Tithe Commissioners by section twenty-six of the Tithe Act, 1860, and is made exercisable by the Commission by section forty of the principal Act, the Commission shall not be bound, and shall be deemed never to have been bound, by the requirement of the said section twenty-six that the power as exercisable by the Tithe Commissioners should be exercised by order under their hands.

(4) In so far as they concern annuities charged on land for the redemption of tithe rentcharge or of corn rents, rentcharges or money payments redeemed under the Tithe Acts, 1836 to 1936, the functions of the Minister under section one of the Tithe Annuities Apportionment Act, 1921, and under sections one hundred and ninety-one and one hundred and ninety-two of the Law of Property Act, 1925, are hereby transferred to the Commission, who may prescribe the procedure to be followed in connection with the exercise of those functions and the manner in which costs are to be borne by the respective parties to proceedings in connection therewith, and such reasonable fees as they may with the approval of the Treasury prescribe shall be payable to the Commission in connection therewith.

(5) Instruments of apportionment (which by subsection (3) of section six of the principal Act were required to be placed at the disposal of the Commission by the Minister) shall be in the custody of the Commission, and subsection (1) of section thirty-six of that Act (which requires the Commission, when a document placed at their disposal under the said section six is no longer required by them, to deliver it into the custody of the person who but for that section would have been entitled thereto) shall not apply to such instruments.

(6) The following paragraph shall be substituted for paragraph (c) of subsection (1) of section ten of the principal Act (which specifies the annual value of land as ascertained for the purposes of income tax under Schedule B as a matter to which the Commission are to have regard in apportioning an annuity), that is to say,—

“(c) in the case of an annuity charged in respect of agricultural land, to the annual value of the land or any part thereof, which shall be taken to be the annual rent which a tenant might reasonably be expected to pay therefor.”

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(7) Sections nineteen and twenty of the principal Act (which related to sums that became due before the second day of October, nineteen hundred and thirty-six, in respect of or as an addition to tithe rentcharge extinguished by that Act, and which are spent) are hereby repealed.

(8) Paragraph (d) of section twenty-nine of the principal Act (which excludes annuities charged in respect of the lands out of which extraordinary tithe rentcharges issued from the remission granted by section fourteen of that Act in the case of certain annuities charged in respect of agricultural land) shall cease to have effect, but without prejudice to any other of the provisions of the said section twenty-nine.

(9) The provision made by section thirty-four of the principal Act for reduction or extinguishment of an annuity where land in respect of which an annuity is charged is washed away by the sea shall apply where such land is destroyed by any natural casualty.

(10) Rules made by the Commission for prescribing anything which they are authorised by this Act or the principal Act to prescribe shall be a statutory instrument, and the provisions of the Statutory Instruments Act, 1946, shall apply thereto accordingly, and such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to transfer functions of the Commission to another Government Department.

11.—(1) His Majesty may by Order in Council provide for the transfer to any other Government Department of all or any of the functions of the Commission.

(2) An Order under the preceding subsection may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—

- (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Commission in connection with any functions transferred ;
- (b) for the carrying on and completion by or under the authority of the Department to whom any functions are transferred of anything commenced by or under the authority of the Commission before the date when the Order takes effect ;
- (c) for such adaptations of the principal Act or this Act or of any other enactment relating to any functions transferred as may be necessary to enable them to be exercised by the Department to whom they are transferred and the officers thereof ;
- (d) for the substitution of the Department to whom functions are transferred for the Commission in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect ;
- (e) for the dissolution of the Commission if and when all their functions have been transferred.

(3) A draft of any Order under this section shall be laid before Parliament.

(4) Any Order under this section may be varied by a subsequent Order made in the like manner and subject to the like conditions.

(5) The preceding provisions of this section shall be in substitution for subsections (2) to (6) of section twelve of the principal Act (which provided for transfer of the management of annuities to the Commissioners of Inland Revenue), and accordingly—

(a) the said subsections (2) to (6), and the words referring to transfer thereunder in paragraph (b) of subsection (2) of section four of the principal Act and in subsection (1) of the said section twelve, are hereby repealed; and

(b) a reference to the Commission shall be substituted for each reference in the principal Act to the “appropriate authority” (which expression was defined in section forty-seven of that Act so as to import either the Commission or the Commissioners of Inland Revenue when having the management of annuities), and the definition of that expression in the said section forty-seven is hereby repealed:

Provided that nothing in this subsection shall be construed as excluding provision for transfer to the Commissioners of Inland Revenue from the provision which may be made under subsection (1) of this section.

(6) Subsections (4), (5), (6) and (8) of section sixteen of the principal Act (being special provisions relating to the recovery of annuities by the Commissioners of Inland Revenue) are hereby repealed, but any Order under subsection (1) of this section transferring to those Commissioners functions of the Commission as to the recovery of annuities may include those provisions or provisions to the like effect.

12.—(1) This Act may be cited as the Tithe Act, 1951, and this Act and the Tithe Acts, 1836 to 1936, may be cited together as the Tithe Acts, 1836 to 1951.

Short title,
citation,
construction,
repeal
and com-
mencement.

(2) This Act shall be construed as one with the principal Act, and may be cited together with that Act as the Tithe Acts, 1936 and 1951.

(3) The Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(4) This Act shall come into operation at the expiration of one month from the passing thereof.

SCHEDULES

Section 5.

FIRST SCHEDULE

PROVISIONS FOR ASCERTAINMENT OF OWNERSHIP OF LAND IN RESPECT OF WHICH AN ANNUITY IS CHARGED

1. Proof that a person paid a sum due on account of a tithe rentcharge which issued out of any land or on account of an instalment of an annuity charged in respect of any land, or that a person was treated by the court as the owner of any land for the purposes of an order for the recovery of a tithe rentcharge which issued out of any land or for the recovery of an instalment of an annuity charged in respect of any land, shall for the purposes of this Act be prima facie evidence that that person was the owner of that land on the date on which the payment or order, as the case may be, was made and that he remains the owner thereof.

2. A person who is in occupation of, or who receives rent in respect of, land in respect of which an annuity is charged shall, on being required so to do by an officer of the Commission, inform him of the name and address of any other person to whom that person pays rent in respect of that land or of any part thereof and give him any other information in that person's possession relevant to the ascertainment of the identity of the owner of the land, and any person who when required to give information under this paragraph fails so to do, or gives any information which is to his knowledge false, shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five pounds.

3. Where an estate or interest in any land, in respect of which an annuity is charged, is disposed of or created in such manner as to bring about a change in the ownership of the land, it shall be the duty of the person who was the owner of that land immediately before the execution of the instrument whereby that estate or interest was disposed of or created, and of the person by whom it was disposed of or created if other than such owner, within one month from the date of the execution of the instrument to furnish to the Commission particulars in the prescribed form of the instrument and of the name and address of every person who has thereby become an owner of the land or of any part thereof:

Provided that, if the person by whom the estate or interest was disposed of or created is other than the owner of the land immediately before the execution of the instrument, then, on the furnishing of the particulars by either of them within the period mentioned in this paragraph the duty of the other so to do shall be extinguished.

Any person who fails to furnish within the period mentioned in this paragraph any particulars which he is thereby required to furnish shall be liable on summary conviction to a fine not exceeding five pounds.

SECOND SCHEDULE

Section 12.

ENACTMENTS REPEALED

Session and Chapter	Title or Short Title	Extent of Repeal
10 & 11 Vict. c. 104.	The Tithe Act, 1847	Section three.
23 & 24 Vict. c. 93.	The Tithe Act, 1860	Sections eighteen and twenty-five.
11 & 12 Geo. 5. c. 20.	The Tithe Annuities Apportionment Act, 1921.	In section one, subsection (3).
26 Geo. 5. & 1 Edw. 8. c. 43.	The Tithe Act, 1936	<p>In section four, in subsection (2), in paragraph (b) the words from "until" to the end of the paragraph.</p> <p>In section five, subsection (4).</p> <p>Section nine.</p> <p>In section twelve, in subsection (1), the words from "whilst" to "effect"; and subsections (2) to (6).</p> <p>In section sixteen, subsections (4) to (6); in subsection (7), the words from "and no proceedings" to "taken"; and subsection (8).</p> <p>Section eighteen.</p> <p>Section nineteen.</p> <p>Section twenty.</p> <p>In section twenty-five, in subsection (2), the words "and the Board", "respectively", and "or of arrears"; and in subsection (4), paragraph (c), and in paragraph (d) the words "the Board, the Arrears Investigation Committee".</p> <p>In section twenty-nine, in paragraph (c) the words from "section nineteen" to "appointed day", and paragraph (d).</p> <p>In section thirty-six, in subsection (1), the words "or to the Board" and "or the Board".</p> <p>In section thirty-nine, in subsection (1), the words "or the Board" in both places where they occur, the words from "and except" to "Committee", and the word "reference" where it last occurs; in subsection (2), the words "or the Board, as the case may be", and the words "or the Board"; in subsection (3), the words "or of the Board"; and subsection (4).</p>

2ND SCH.
—cont.

Session and Chapter	Title or Short Title	Extent of Repeal
26 Geo. 5. & 1 Edw. 8. c. 43—cont.	The Tithe Act, 1936 —cont.	In section forty, in subsection (1), the words from “section three” to “and of”, the words “correction or”, and the words “as the case may be”. In section forty-one, the words “or the Board”. In section forty-two, subsection (2). Section forty-three. Section forty-five. In section forty-seven, in subsection (1), the definitions of “annuities register”, “annuities map”, “appropriate authority” and “arrear”; and, in the definition of “prescribed”, the words from “or” to the end of the definition. In the Fourth Schedule, in paragraph 2, in sub-paragraph (a) the words from “if the annuity” to “management of the Commission”; and in paragraph 3 the words from “in a case where” to “management of the Commission”.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Tithe Act, 1847	10 & 11 Vict. c. 104.
Tithe Act, 1860	23 & 24 Vict. c. 93.
Statute Law Revision Act, 1890	53 & 54 Vict. c. 33.
Statute Law Revision (No. 2) Act, 1890	53 & 54 Vict. c. 51.
Statute Law Revision Act, 1891	54 & 55 Vict. c. 67.
Tithe Annuities Apportionment Act, 1921	11 & 12 Geo. 5. c. 20.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

CHAPTER 63

Rag Flock and Other Filling Materials Act, 1951

ARRANGEMENT OF SECTIONS

Premises where filling materials are used

Section

1. Upholstering, etc., to be done on registered premises.
2. Registration of premises.
3. Offences as respects unclean filling materials.

Rag flock

4. Rag flock for filling to be manufactured and kept at licensed premises.
5. Sale of rag flock not from source demanded.
6. Licensing of premises for manufacturing rag flock.
7. Licensing of premises for storing rag flock.

Power to extend provisions as to rag flock to other materials

8. Power to extend provisions as to rag flock to other materials.

Records to be kept on registered and licensed premises

9. Records to be kept on registered and licensed premises.

Selling of articles containing unclean materials

10. Selling of articles containing unclean materials.
11. Savings for existing stocks.

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29. Registers and lists of licence holders to be open to inspection.

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- 31. Service of notices.
- 32. Expenses of local authorities.

Filling materials within this Act and meaning of "clean"

- 33. Filling materials to which this Act applies.
- 34. Meaning of "clean".

Interpretation, repeals, etc.

- 35. Interpretation.
- 36. Application to Scotland.
- 37. Repeals.
- 38. Short title, commencement and extent.

SCHEDULE.—Taking of samples from filling materials in articles.

An Act to secure the use of clean filling materials in upholstered articles and other articles which are stuffed or lined, and for purposes connected therewith.

[1st August 1951.]

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:—

Premises where filling materials are used

Upholstering, etc., to be done on registered premises.

1.—(1) Subject to the provisions of this section, it shall be unlawful in the course of a business to use filling materials to which this Act applies in any activity specified in subsection (2) of this section, except on premises registered by a local authority.

(2) The activities referred to in the foregoing subsection are any form of upholstering and, without prejudice to the generality of that expression, the stuffing or lining of bedding, toys, baby carriages and of articles of such other kinds as may be prescribed:

Provided that there shall not be included among those activities—

- (a) the remaking or reconditioning of any article; or
- (b) any upholstering in connection with the building or making or fitting out of railway carriages, road vehicles, ships or aircraft or upholstering of such other kinds as may be prescribed.

(3) A person who uses any unregistered premises in contravention of this section shall be guilty of an offence.

2.—(1) A local authority shall, on the application of the occupier of, or of a person proposing to occupy, any premises within their area, and on payment to the local authority of a registration fee of one pound, register those premises for the purposes of this Act. Registration of premises.

(2) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to put them to a use which will necessitate their registration under this section, forthwith give notice of the change to the authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) If at any time premises registered under this Act are no longer being put to a use necessitating their registration, the local authority may strike the relevant entry out of their register, but this shall be without prejudice to the right to make a further application under this section for registering the premises again.

3.—(1) If on any premises registered under this Act there are filling materials to which this Act applies which are not clean, the occupier of the premises shall be guilty of an offence, unless he proves— Offences as respects unclean filling materials.

(a) in the case of materials in an article, that the article is a second-hand one belonging to some other person and brought on to the premises to be reconditioned or remade ; and

(b) in the case of materials not in an article, that they were brought on to the premises in such an article as aforesaid.

(2) If any person sells, on the demand of a purchaser for filling materials to which this Act applies which are clean within the meaning of this Act, any filling materials to which this Act applies which are not clean, he shall be guilty of an offence.

(3) In any proceedings under subsection (1) or subsection (2) of this section it shall be a defence for the defendant to prove—

(a) that he purchased the filling materials alleged not to be clean as being clean within the meaning of this Act and with a written warranty to that effect ; and

- (b) that he had no reason to believe at the time of the alleged offence that the filling materials were not clean; and
- (c) that the filling materials were then in the same state as when he purchased them.

(4) Where the defendant is a servant or agent of the person who purchased the material under a warranty, he shall be entitled to rely on the provisions of the last foregoing subsection in the same way as his employer or principal would have been entitled to do if he had been the defendant.

Rag flock

Rag flock for filling to be manufactured and kept at licensed premises.

4.—(1) No rag flock shall be delivered to premises registered under this Act except from premises licensed under this Act for manufacturing rag flock or from premises licensed under this Act as a rag flock store.

(2) If any rag flock is delivered in contravention of this section the occupier of the premises to which it is delivered shall be guilty of an offence.

(3) In any proceedings under subsection (2) of this section and in any proceedings under subsection (1) of the last foregoing section in respect of rag flock, it shall be a defence for the defendant to prove—

- (a) that he purchased the rag flock to which the proceedings relate as coming from premises licensed under this Act and with a written warranty to that effect; and
- (b) that he had no reason to believe at the time of the alleged offence that the rag flock came from some other place; and
- (c) in the case of proceedings under subsection (1) of the last foregoing section, that at the time of the alleged offence the rag flock was in the same state as when he purchased it.

Sale of rag flock not from source demanded.

5. If any person sells, on the demand of a purchaser for rag flock coming from premises licensed under this Act, rag flock not coming from premises licensed under this Act, he shall be guilty of an offence.

Licensing of premises for manufacturing rag flock.

6.—(1) A local authority on receiving from the occupier of, or a person proposing to occupy, any premises within their area an application for the grant or renewal of a licence authorising him to manufacture rag flock on those premises for use on premises registered under this Act and a fee of one pound, may grant or renew to him a licence in respect of those premises.

(2) The local authority shall not grant a licence under this section, otherwise than by way of renewal of an existing licence, until an officer of the authority has inspected the premises named in the application and has made a report thereon.

(3) The local authority shall not refuse to grant or renew a licence under this section except where—

- (a) the premises are not furnished with such appliances as appear to the authority to be necessary to enable clean rag flock to be manufactured, or
- (b) the premises are only part of a building and it appears to the authority that any business carried on in the remainder of the building on premises not licensed or registered under this Act involves or may involve the use or keeping or manufacture of rag flock.

(4) If a local authority refuse to grant or renew a licence under this section, they shall forthwith give notice to the applicant of their decision in the matter, and shall, if so required by him within fourteen days of service on him of notice of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.

(5) A person aggrieved by the refusal of a local authority to grant or renew a licence under this section may within twenty-eight days of service on him of notice of their decision appeal, in England or Wales, to the Minister of Local Government and Planning and, in Scotland, to the Secretary of State.

(6) On any appeal under the last foregoing subsection—

- (a) the opinion of the local authority as to any matter mentioned in paragraph (a) or paragraph (b) of subsection (3) of this section shall not be conclusive ;
- (b) the appellant shall be entitled, if he so desires, to be heard by himself or by counsel or a solicitor or other representative, as he may elect, before a person appointed for the purpose by the Minister to whom he is appealing ;
- (c) if the appellant exercises his right to a hearing under the last foregoing paragraph the local authority concerned shall also be entitled to be heard by such representative as they may elect and either party or their representative may call witnesses and cross-examine the witnesses of the other party.

(7) A licence under this section shall remain in force for such period not exceeding twelve months as may be fixed by the local authority, but may from time to time be renewed by them for a period not exceeding twelve months at any one time.

(8) If on premises licensed under this section there is rag flock which is not clean, the occupier of the premises shall be guilty of an offence.

Licensing of
premises for
storing
rag flock.

7.—(1) A local authority on receiving from the occupier of, or a person proposing to occupy, any premises within their area an application for the grant or renewal of a licence authorising him to store rag flock on those premises for use on premises registered under this Act and a fee of one pound, may grant or renew to him a licence in respect of those premises.

(2) The local authority shall not grant a licence under this section, otherwise than by way of renewal of an existing licence, until an officer of the authority has inspected the premises named in the application and has made a report thereon.

(3) The local authority shall not refuse to grant or renew a licence under this section except where the premises are only part of a building and it appears to the authority that any business carried on in the remainder of the building on premises not licensed or registered under this Act involves or may involve the use or keeping or manufacture of rag flock.

(4) If a local authority refuse to grant or renew a licence under this section, they shall forthwith give notice to the applicant of their decision in the matter, and shall, if so required by him within fourteen days of service on him of notice of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(5) A person aggrieved by the refusal of a local authority to grant or renew a licence under this section may within twenty-eight days of service on him of notice of their decision appeal, in England or Wales, to the Minister of Local Government and Planning and, in Scotland, to the Secretary of State.

(6) On any appeal under the last foregoing subsection—

- (a) the opinion of the local authority as to any matter mentioned in subsection (3) of this section shall not be conclusive ;
- (b) the appellant shall be entitled, if he so desires, to be heard by himself or by counsel or a solicitor or other representative, as he may elect, before a person appointed for the purpose by the Minister to whom he is appealing ;
- (c) if the appellant exercises his right to a hearing under the last foregoing paragraph the local authority concerned shall also be entitled to be heard by such representative as they may elect and either party or their representative may call witnesses and cross-examine the witnesses of the other party.

(7) A licence under this section shall remain in force for such period not exceeding twelve months as may be fixed by the local authority, but may from time to time be renewed by them for a period not exceeding twelve months at any one time.

(8) If on premises licensed under this section there is rag flock which is not clean, the occupier of the premises shall be guilty of an offence.

(9) In any proceedings under the last foregoing subsection it shall be a defence for the defendant to prove—

- (a) that he purchased the rag flock to which the proceedings relate as coming from premises licensed under this Act or as being clean within the meaning of this Act and, in either case, with a written warranty to that effect; and
- (b) that he had no reason to believe at the time of the alleged offence that the rag flock came from some other place or, as the case may be, that it was not clean; and
- (c) that, in either case, at the time of the alleged offence the rag flock was in the same state as when he purchased it.

Power to extend provisions as to rag flock to other materials

8.—(1) The Minister of Local Government and Planning and the Secretary of State acting jointly may by statutory instrument make regulations for extending any provisions of this Act relating to rag flock so as to apply to any other kind of filling materials to which this Act applies.

Power to extend provisions as to rag flock to other materials.

(2) Regulations under this section may provide for the adaptation of any provision of this Act as so extended and may contain transitional provisions.

(3) A statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Records to be kept on registered and licensed premises

9.—(1) The occupier of any premises registered under this Act shall keep records of all filling materials to which this Act applies consigned to the premises, and of all second-hand articles containing filling materials to which this Act applies consigned to or from the premises.

Records to be kept on registered and licensed premises.

(2) The occupier of any premises licensed for the manufacture of rag flock shall keep records of all rag flock consigned from those premises.

(3) The occupier of premises licensed under this Act as a store for the keeping of rag flock shall keep records of all rag flock consigned to or from the premises.

(4) Records shall be kept under this section in the prescribed form and in the prescribed manner and shall include the prescribed information as to the nature and quantity of the materials or articles consigned, the persons from or to whom they were consigned, the places from or to which they were consigned and the dates of receipt at or despatch from the premises.

(5) If the foregoing provisions of this section are contravened as respects any premises, the occupier of the premises shall be guilty of an offence.

(6) If any person with intent to deceive makes, or causes or allows to be made, in a record kept under this section an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from a record kept under this section an entry required to be made therein, he shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both.

Selling of articles containing unclean materials

Selling of
articles
containing
unclean
materials.

10.—(1) Subject to the provisions of this and the next following section, if any person has in his possession for the purpose of sale, or offers or exposes for sale, or sells, any article which—

(a) is upholstered or otherwise lined or stuffed with filling materials to which this Act applies which are not clean, and

(b) is of a kind which ought to be upholstered or stuffed or lined on premises registered under this Act,

he shall be guilty of an offence.

(2) Nothing in subsection (1) of this section shall make it an offence for a person to have in his possession for the purpose of sale, or offer or expose for sale, or sell, any second-hand article.

(3) Nothing in subsection (1) of this section shall render liable any auctioneer acting in the course of his business on behalf of another or any person acting as the servant of an auctioneer in the course of his business but this subsection shall be without prejudice to the liability of any person on whose behalf the auctioneer was acting.

(4) In any proceedings under this section it shall be a defence for the defendant to prove—

(a) that he purchased the article to which the proceedings relate as one which contained no filling materials to which this Act applies which were not clean within the meaning of this Act and with a written warranty to that effect; and

(b) that he had no reason to believe at the time of the alleged offence that any filling materials to which this Act applies in the article were not clean; and

(c) that the article at the time of the alleged offence was in the same state as when he purchased it.

(5) In any proceedings under this section it shall be a defence for the defendant to prove—

(a) that the filling materials alleged not to be clean were put into the article on premises occupied by him and registered under this Act and were purchased by him as being clean within the meaning of this Act or, in the case of rag flock, as coming from premises licensed under this Act and, in either case, with a written warranty to that effect ; and

(b) that he had no reason to believe at the time of the alleged offence that the materials were not clean, or, as the case may be, that the rag flock came from some other place ; and

(c) that, in any case, those materials were when put in the article in the same state as when he purchased them.

(6) Where the defendant is a servant or agent of the person who purchased the article or materials under a warranty, he shall be entitled to rely on the provisions of either of the two last foregoing subsections in the same way as his employer or principal would have been entitled to do if he had been the defendant.

(7) References in this section to a sale or to selling shall include references to hiring under a contract of hire purchase within the meaning of the Hire-Purchase Act, 1938.

In the application of this subsection to Scotland, for the reference to a contract of hire purchase within the meaning of the Hire-Purchase Act, 1938, there shall be substituted a reference to a contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies, or would apply if the limitation as to value contained in section one of that Act were omitted.

11.—(1) In any proceedings under the last foregoing section where the filling materials to which the proceedings relate are not rag flock, it shall be a defence for the defendant to prove that those filling materials were not put into the article after the commencement of this Act. Saving for existing stocks.

(2) Regulations prescribing additional kinds of articles for the purposes of section one of this Act may apply the foregoing subsection with any necessary modifications to articles of those kinds.

Enforcement

12.—(1) It shall be the duty of every local authority within their area to carry into execution and enforce this Act with a view to securing the use of clean filling materials. Duty of local authorities to enforce this Act.

(2) It shall, in particular, be the duty of a local authority to secure the inspection of premises within their area registered or licensed under this Act as often as may appear to them to be necessary for the proper enforcement of this Act.

(3) Nothing in this section shall be construed as authorising a local authority in Scotland to institute proceedings for an offence against this Act.

Powers of entry
and
inspection.

13.—(1) An authorised officer of a local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable times to enter—

- (a) any premises registered or licensed under this Act ;
- (b) any premises where he has reasonable grounds for believing that filling materials to which this Act applies or articles upholstered or otherwise stuffed or lined with filling materials to which this Act applies are held for sale or offered or exposed for sale ;
- (c) any premises which he has reasonable grounds for believing ought to be registered under this Act ;
- (d) any premises where he has reasonable grounds for believing that rag flock is being manufactured or kept with a view to its use, or sale for use, on premises which are or ought to be registered under this Act ;

and may inspect the premises and any such materials or articles as aforesaid found therein.

(2) Where application is made for the grant or renewal of a licence under this Act, an authorised officer of the local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable times to enter both the premises in respect of which the application is made and any other premises in the same building (except premises used as a private dwelling) with a view to ascertaining whether the licence ought to be granted.

(3) An authorised officer entering premises under subsection (1) of this section—

- (a) where the premises are registered or licensed under this Act, may require the occupier or the person in charge of the premises to produce the records kept for the premises in accordance with section nine of this Act ;
- (b) where the premises are not registered or licensed under this Act or where a requirement under the foregoing paragraph is not complied with, may require any person carrying on any business on the premises or employed in connection therewith to produce any books, accounts or records relating to the business and to furnish any information relating to any such materials or articles as aforesaid on the premises.

(4) An authorised officer may make copies of, or extracts from, any document produced to him under this section.

(5) Where an authorised officer finds on any premises entered under subsection (1) of this section any filling materials or articles in respect of which he has grounds for believing that an offence has been committed under this Act, he may require the occupier of the premises to keep them on the premises and to take such steps as appear to the officer to be necessary to secure that they shall not be moved or tampered with by any person:

Provided that the occupier shall not be required to keep them for more than one month, except where within one month of the requirement being made summary proceedings have been instituted in respect of them, and then not after those proceedings have been finally disposed of.

(6) No information which has been obtained under or by virtue of this section shall be disclosed without the consent of the person for the time being carrying on the trade or business to which it relates except in connection with the execution of this Act or for the purposes of any proceedings pursuant thereto or any report of such proceedings, and any person who discloses any information in contravention of this subsection shall be guilty of an offence.

14.—(1) An authorised officer of a local authority finding on any premises entered under this Act any materials appearing to him to be filling materials to which this Act applies or any article appearing to him to contain or be likely to contain filling materials to which this Act applies may take samples. Powers of sampling.

The Schedule to this Act shall have effect where under this subsection samples are taken from the filling materials in any article.

(2) Where an officer takes samples under the foregoing subsection, he shall observe the following procedure, that is to say, he shall divide the sample into three parts, each part to be marked, and sealed or fastened up, in such manner as its nature will permit, and shall—

- (a) if required so to do, deliver one part to the occupier of the premises or the person for the time being in charge of the premises ;
- (b) retain one part for future comparison ; and
- (c) if he thinks fit, submit one part for testing whether the filling materials are clean.

15.—(1) If an authorised officer of a local authority considers that a sample should be tested, he shall submit it to be tested by a prescribed analyst or, where there is no prescribed analyst, by the public analyst for the area in which the sample was procured. Right to have samples tested.

(2) A person may submit a sample of filling materials to which this Act applies to a prescribed analyst or, where there is no prescribed analyst, to the public analyst for the area where the person resides or carries on business.

(3) The analyst shall test as soon as practicable any sample sent to him in pursuance of this section, and give to the person by whom it was submitted a certificate in the prescribed form specifying the result of the test.

(4) It shall be the duty of the Ministers making regulations prescribing analysts for the purposes of this Act to secure that, except where a public analyst is prescribed, any person so prescribed has first given his consent and has a right to withdraw his consent after reasonable notice.

(5) The said Ministers acting jointly may by statutory instrument make regulations providing for the cases in which a fee may be charged for a test under this section and for the amount of the fee and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Exercise of powers outside local authority's area.

16. If it appears to an authorised officer of a local authority that in connection with the execution of this Act in the area of that authority it is expedient so to do, he may exercise any of the powers conferred on him by this Act within the area of any other local authority so long as the consent (which may be either general or limited to the particular occasion) of that other authority has been first obtained.

Obstruction of execution of this Act.

17.—(1) A person who wilfully obstructs any person acting in the execution of this Act shall be liable to a fine not exceeding five pounds:

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Act, or if he has within the twelve months last preceding been convicted of an offence under this subsection, he shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

(2) A person who fails to give to any person acting in the execution of this Act any assistance which that person may reasonably request him to give or any information which that person is expressly authorised by this Act to call for or may reasonably require, or who, when required to give any such information, knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

Legal Proceedings

18. A person guilty of an offence under this Act shall, unless ^{Penalties.} a special penalty for that offence is provided by this Act, be liable—

- (a) in the case of a first offence, to a fine not exceeding fifty pounds ;
- (b) in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

19. Where any offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. ^{Offences by corporations.}

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

20. Where a person is convicted under this Act in respect of any materials or article owned by him, the court may, in ^{Power of forfeiture.} addition to any penalty imposed by them, order that the materials or article shall be forfeited and, upon any such order, notwithstanding anything in paragraph (5) of section thirty-nine of the Summary Jurisdiction Act, 1879, the materials or article shall be forfeited to the local authority for the area where the offence was committed to be disposed of by them in such manner as they think fit.

21.—(1) All offences under this Act may be prosecuted under ^{Prosecutions.} the Summary Jurisdiction Acts.

(2) In any proceedings under this Act in respect of filling materials from which a sample has been taken, the day on which the summons is returnable shall be not less than fourteen days from the day on which it is served, and a copy of any certificate of testing obtained on behalf of the prosecutor shall be served with the summons.

(3) In any proceedings under this Act in respect of filling materials from which a sample has been taken under section fourteen of this Act, the part of the sample retained by the person who procured it shall be produced at the hearing.

Defence available in certain circumstances where some other person is responsible.

22.—(1) A person against whom proceedings are brought under this Act shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person, to whose act or default he alleges that the contravention of the provisions in question was due, brought before the court in the proceedings, and, if after the contravention has been proved the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Act against some person and the authority are reasonably satisfied that the offence of which the complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

(4) In Scotland the foregoing subsections shall not apply but—

(a) where a contravention of any provision of this Act for which any person is liable to a fine under this Act was due to an act or default of any other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the contravention and shall be liable on conviction to the same punishment as might have been inflicted on the first-mentioned person if he had been convicted of the contravention; and

- (b) where a person who is charged with a contravention of any provision of this Act proves to the satisfaction of the court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first-mentioned person shall be acquitted of the contravention.

23.—(1) A warranty shall only be a defence to proceedings under this Act if—

Conditions under which warranty may be used in defence.

- (a) the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person ;
- (b) in the case of a warranty given by a person resident outside the United Kingdom, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(2) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

24.—(1) In any proceedings under this Act, the production by one of the parties of a document purporting to be a certificate of a public or prescribed analyst in the prescribed form, or of a document supplied to him by or on behalf of the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein unless, in the first mentioned case, the other party requires that the analyst shall be called as a witness.

Evidence of certificates of testing.

(2) In any proceedings under this Act, if a defendant intends to produce a certificate of a public or prescribed analyst, or under subsection (1) of this section to require that the public or prescribed analyst shall be called as a witness, notice of his intention together, in the first mentioned case, with a copy of the certificate shall be given to the other party at least three clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

25.—(1) The court before which any proceedings are taken under this Act may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under subsection (3) of section twenty-one of this Act to

Power of court to require testing by Government Chemist.

be sent to the Government Chemist, who shall make a test, and transmit to the court a certificate of the result thereof, and the costs of the test shall be paid by the prosecutor or the defendant as the court may order.

(2) If, in a case where an appeal is brought, no action has been taken under the foregoing subsection, the provisions thereof shall apply also in relation to the court by which the appeal is heard.

Misuse of
warranty or
certificate of
testing.

26. A defendant who in any proceedings under this Act wilfully applies to any filling materials or article a warranty or certificate of testing given in relation to any other filling materials or article shall be guilty of an offence.

Miscellaneous

Extension of
validity of
licence
pending
an appeal.

27. Notwithstanding the refusal of a local authority to renew a licence under this Act, the licence shall remain in force for all the purposes of this Act until the time for appealing against the refusal has expired and, if an appeal is lodged, until the appeal is finally disposed of.

Protection for
officers of local
authority
acting in the
execution of
their duty.

28.—(1) An officer of a local authority shall not be personally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment, if he did that act in the honest belief that his duty under this Act required or entitled him to do it:

Provided that nothing in this subsection shall be construed as relieving a local authority from any liability in respect of acts of their officers.

(2) Where an action has been brought against an officer of a local authority in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may, nevertheless, indemnify him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under this Act required or entitled him to do it.

Registers and
lists of licence
holders to be
open to
inspection.

29. Any person may in the usual hours of business inspect any register of premises or list of licence holders kept by a local authority for the purposes of this Act.

Regulations.

30. The Minister of Local Government and Planning and the Secretary of State acting jointly may by statutory instrument make regulations for prescribing anything which is to be prescribed under this Act and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

31. Any notice or other document which is required or Service of authorised by this Act to be given to or served on any person notices. may be given or served either—

- (a) by delivering it to that person ; or
- (b) by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence ; or
- (c) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office.

32. There shall be defrayed out of moneys provided by Par- Expenses liament any increase attributable to this Act in the moneys to of local be so provided under Part I or Part II of the Local Government authorities. Act, 1948.

Filling materials within this Act and meaning of " clean "

33. The filling materials to which this Act applies are—

Filling materials to which this Act applies.

- (a) rag flock,
- (b) unwoven cotton, cotton linters, cotton millpuffs, cotton felt, cotton flock,
- (c) unwoven wool, woollen felt, woollen flock,
- (d) jute,
- (e) unwoven synthetic fibres, synthetic fibre flock,
- (f) hair,
- (g) feathers or down,
- (h) kapok,
- (i) coir fibre, Algerian fibre, Mexican fibre, sisal,
- (j) seaweed, seagrass, Spanish moss,
- (k) straw or chaff,
- (l) such other materials as may be prescribed.

34. Where standards of cleanliness have been prescribed for Meaning any kind of filling materials to which this Act applies, filling of " clean ". materials of that kind shall be treated for the purposes of this Act as clean if, and only if, they comply with the prescribed standards.

Interpretation, repeals, etc.

35. In this Act, unless the context otherwise requires—

Interpretation.

“ authorised officer of a local authority ” means an officer authorised by the local authority in writing, either generally or specially, to act in matters of any specified kind or in any specified matter, except that the medical officer of health and sanitary inspector of the local

authority shall by virtue of their appointments be deemed to be authorised officers of that local authority for all the purposes of this Act ;

“ local authority ” means, except as respects the administrative county of London, the council of a borough or urban or rural district, and as respects any area in the administrative county of London, the sanitary authority for that area for the purposes of the Public Health (London) Act, 1936 ;

“ prescribed ” means prescribed by regulations ;

“ public analyst ” means public analyst for the purposes of the Food and Drugs Act, 1938, including a deputy public analyst appointed under subsection (6) of section sixty-six of that Act and acting during any vacancy in the office of public analyst or during the absence or incapacity of the holder of that office ;

“ rag flock ” means flock which has been produced wholly or partly by tearing up spun or woven or knitted or felted materials, whether old or new, but does not include flock obtained wholly in the processes of the scouring, milling or finishing of newly woven or newly knitted or newly felted fabrics.

**Application
to Scotland.**

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

(2) The expression “ defendant ” means accused ; references to a summons shall be construed as references to a complaint ; and for references to the day on which a summons is served and to the day on which it is returnable there shall be respectively substituted references to the day on which a complaint is served and to the day on which the prosecution thereon proceeds to trial.

(3) The expression “ local authority ” means a county or town council ; and the expression “ public analyst ” means public analyst appointed under section fifteen of the Food and Drugs (Adulteration) Act, 1928.

Repeals.

37. The Rag Flock Acts, 1911 and 1928, and section one hundred and thirty-six of the Public Health (London) Act, 1936, are hereby repealed.

**Short title,
commence-
ment and
extent.**

38.—(1) This Act may be cited as the Rag Flock and Other Filling Materials Act, 1951.

(2) This Act shall come into operation at the expiration of a period of three months beginning with its passing.

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

SCHEDULE

TAKING OF SAMPLES FROM FILLING MATERIALS IN ARTICLES

Section 14.

1. For the purpose of taking samples from any article in pursuance of the powers conferred on him by this Act, an authorised officer of a local authority may open up any covering or do any other thing necessary to get access to the filling materials.

2. After taking any steps under the foregoing paragraph, the authorised officer shall make such arrangements as appear to him to be reasonable for repairing the article or for a payment by the local authority to the owner of the article for having the article repaired.

3. Unless some person is convicted under this Act on the ground that the article is not clean, the local authority shall pay to the owner of the article a sum representing the diminution (if any) in value of the article consequent on the exercise of the powers conferred by this Act.

4. Any dispute as to whether any and if so what sum is due under the last foregoing paragraph of this Schedule shall be referred to and determined by the county court, or, in Scotland, the sheriff.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Summary Jurisdiction Act, 1879 ...	42 & 43 Vict. c. 49.
Food and Drugs (Adulteration) Act, 1928	18 & 19 Geo. 5. c. 31.
Hire Purchase and Small Debt (Scotland) Act, 1932.	22 & 23 Geo. 5. c. 38.
Public Health (London) Act, 1936 ...	26 Geo. 5. & 1 Edw. 8. c. 50.
Hire-Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
Food and Drugs Act, 1938	1 & 2 Geo. 6. c. 56.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.

CHAPTER 64*Rivers (Prevention of Pollution) Act, 1951*

ARRANGEMENT OF SECTIONS

Section

1. Preliminary.
2. Prohibition on use of stream for disposal of polluting matter, refuse, etc.
3. Prevention and making good of defaults under s. 2.
4. Cleansing bed of stream, cutting vegetation, &c.
5. Bye-laws.
6. Extension of ss. 2 to 5 to estuaries and coastal waters.
7. Restrictions on new outlets and new discharges.
8. Restrictions on proceedings.
9. Combination of sewage disposal or sewerage systems.
10. Reports of river boards.
11. Interpretation.
12. Short title, repeal, extent and commencement.

SCHEDULES :

First Schedule—Enactments replaced by this Act.

Second Schedule—Transitional and other consequential provisions.

Third Schedule—Repeals.

An Act to make new provision for maintaining or restoring the wholesomeness of the rivers and other inland or coastal waters of England and Wales in place of the Rivers Pollution Prevention Act, 1876, and certain other enactments; and to provide for laying before Parliament the annual reports of river boards. [1st August 1951.]

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:—

- Preliminary.**
- 1.—(1) Subject to this Act—
- (a) the functions, in river board areas, of the river board; and
 - (b) the functions, in excluded areas—
 - (i) of the Conservators of the River Thames in the Thames catchment area; and
 - (ii) of the Lee Conservancy Catchment Board in the Lee catchment area; and
 - (iii) of the council of a metropolitan borough in the area of that borough so far as not included in subparagraph (i) or (ii) of this paragraph; and

(iv) of the county or county borough council in any other area;

shall include the enforcement in their area of this Act, and this Act shall have effect in place of the enactments specified in the First Schedule to this Act.

(2) The Second Schedule to this Act shall have effect—

- (a) for adapting to this Act the River Boards Act, 1948, and other enactments passed before this Act; and
- (b) for adapting the general provisions of this Act in their application outside river board areas and in their application to matters arising wholly or partly before or shortly after the commencement of this Act.

2.—(1) Subject to this Act, a person commits an offence punishable under this section—

- (a) if he causes or knowingly permits to enter a stream any poisonous, noxious or polluting matter; or
- (b) if he causes or knowingly permits to enter a stream any matter so as to tend either directly or in combination with similar acts (whether his own or another's) to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences;

Prohibition on use of stream for disposal of polluting matter, refuse, etc.

and for the purposes of paragraph (a) of this subsection a local authority shall be deemed to cause or knowingly permit to enter a stream any poisonous, noxious or polluting matter, which passes into the stream from any sewer or sewage disposal works vested in them, in any case where either the local authority were bound to receive the matter into the sewer or sewage disposal works, or they consented to do so unconditionally, or they consented to do so subject to conditions and those conditions were observed.

(2) Subsection (1) of this section shall not, by virtue of paragraph (a) thereof, penalise the discharge of anything into a sewer or sewage disposal works vested in a local authority, so that it passes into a stream, in any such case as aforesaid.

(3) Subject to section five of this Act, the said subsection shall not, by virtue of paragraph (a) thereof, penalise the discharge into a stream of any trade effluent or any effluent from the sewage disposal or sewerage works of a local authority, if—

- (a) it is not reasonably practicable to dispose of the effluent otherwise than by discharging it (directly or indirectly) into that or some other stream; and

(b) all reasonably practicable steps are taken to prevent the effluent being unnecessarily poisonous, noxious or polluting:

Provided that this subsection shall not have effect so long as the period referred to in subsection (2) of section eight of this Act (as varied by any Order in Council under subsection (3) of that section) has not expired or been terminated.

(4) The said subsection shall not, by virtue of paragraph (a) thereof, penalise the discharge of water raised or drained from any underground part of a mine into a stream in the same condition in which it is raised or drained from underground:

Provided that the Minister may by order (which shall be made by statutory instrument and may be varied or revoked by a subsequent order so made by him) direct that this subsection shall not apply to discharges into any specified stream or part of a stream.

(5) The said subsection shall not, by virtue of paragraph (b) thereof, penalise the depositing with the consent of the river board (which shall not be unreasonably withheld) of the solid refuse of a mine or quarry on any land so that it falls or is carried into a stream, if no other site for the deposit is reasonably practicable, and all reasonably practicable steps are taken to prevent the refuse entering the stream.

(6) Any question whether a river board's consent for the purposes of the last foregoing subsection has or has not been unreasonably withheld shall be determined by the Minister.

(7) Any person guilty of an offence punishable under this section shall be liable—

(a) on conviction on indictment, to a fine not exceeding two hundred pounds; or

(b) on summary conviction, to a fine not exceeding fifty pounds:

Provided that where a person is convicted of any such offence, and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence (whether under this Act or otherwise), he shall be liable, if he is convicted on indictment, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or five hundred pounds (whichever is the greater) or to both or, if he is convicted summarily, to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds for every such day or one hundred pounds (whichever is the greater) or to both.

(8) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

(9) Where a person is convicted of an offence by virtue of the last foregoing subsection as having at the time of its commission been a director, general manager, secretary or other similar officer of a body corporate within the meaning of that subsection (or been purporting to act in any such capacity), and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by the body corporate after it had been convicted of the earlier offence (whether under this Act or otherwise), he shall be liable to the same penalties as the body corporate under the proviso to subsection (7) of this section, including the imprisonment to which it would be liable if a natural person:

Provided that—

- (a) he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier offence he was not acting or purporting to act in any such capacity; and
- (b) in determining the maximum amount of any fine to which he is so liable any repetition or continuation of the earlier offence by the body corporate shall be disregarded if he shows either—
 - (i) that at the time when the repetition or continuation occurred he was not acting or purporting to act in any such capacity; or
 - (ii) that the repetition or continuation occurred without his consent or connivance and that he exercised all such diligence to prevent its occurrence as he ought to have exercised having regard to the nature of his functions in any such capacity in which he was acting or purporting to act and to all the circumstances.

Prevention
and making
good of
defaults under
s. 2.

3.—(1) Where a river board apprehends that a contravention of subsection (1) of the last foregoing section as respects any stream in their area (whether a new contravention or a repetition or continuation of one already occurred or occurring) is likely to occur—

- (a) by reason of any use or proposed use of the stream or of any land for the disposal of any matter; or
- (b) by reason of any use or proposed use of any land for the storage of any matter; or
- (c) by reason of any use or proposed use of a vessel in a defective state of repair for the carriage of cargoes from which poisonous, noxious or polluting matter may enter the stream;

then, subject to this Act, the board may apply to the court, and the court (if satisfied of the matters complained of by the application) may make an order prohibiting the use complained of or permitting it only on terms designed to remove the grounds of complaint, or such other order as the court thinks fit.

(2) For the purposes of the proviso to subsection (7) and of subsection (9) of the last foregoing section, an order made against a person under subsection (1) of this section shall be treated as a conviction of an offence punishable under that section, and any contravention by him of subsection (1) of that section shown to have been, or to have been wholly or partly due to, a contravention of or failure to comply with the order shall be treated as a repetition or continuation of that offence by him.

(3) The court to which an application is made for an order under subsection (1) of this section with respect to the disposal or storage of any matter, or which has made such an order, may at the instance of the river board make an order—

- (a) directing the removal from the stream or from any land of any matter which, before the giving of the direction, has been dealt with in the way complained of by the application or prohibited by the first-mentioned order, as the case may be; and
- (b) authorising the river board, if the direction is not complied with, to undertake the removal and to dispose of the matter removed in any manner authorised by the court.

(4) Any application for an order under subsection (1) of this section shall be made to the county court.

(5) A river board shall, at the request of any person appearing to them to be interested in any land, and at his expense, furnish him or such other person as may be specified in the request with such particulars as may be so specified of any orders made under

subsection (1) of this section with respect to any stream in their area, being orders about any use or proposed use of that land or otherwise material to its use.

(6) On a person's conviction of an offence punishable under the last foregoing section which consists in or arises out of the use by him of a stream or of any land for the disposal or storage of any matter, the court by or before which he is convicted may on the application of the river board, of which not less than ten days notice has been given to the person charged, make any such order as could be made under subsection (3) of this section by a county court on an application for an order prohibiting that use.

(7) Any expenses reasonably incurred by a river board in removing any matter under the authority of an order under subsection (3) or (6) of this section, or in disposing of any matter so removed, may be defrayed out of any money obtained by the board from the disposal of it and, in so far as they are not so defrayed, shall be recoverable as a simple contract debt due to them from the person in default under the order.

4.—(1) Subject to this Act, a person commits an offence punishable under this section—

- (a) if, without the consent of the river board (which shall not be unreasonably withheld), he cleanses any part of the channel or bed of a stream from a deposit accumulated by reason of any dam, weir, or sluice holding back the water of the stream, and does so by causing the deposit to be carried away in suspension in the water of the stream; or
- (b) if, by his wilful default and without the consent of the river board (which shall not be unreasonably withheld), any substantial amount of vegetation cut or uprooted in the stream, or so near to the stream that it falls in, is allowed to remain in the stream.

Cleansing
bed of
stream,
cutting
vegetation,
&c.

(2) Paragraph (a) of the foregoing subsection shall not apply to anything done in the exercise of statutory powers conferred by or under any enactment referring to land drainage, flood prevention or navigation.

(3) Any question whether a river board's consent for the purposes of paragraph (a) or paragraph (b) of subsection (1) of this section has or has not been unreasonably withheld shall be determined by the Minister.

(4) Any person guilty of an offence punishable under this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Bye-laws.

5.—(1) A river board may by bye-laws make such provision as respects any stream or part of a stream in their area as appears to them expedient—

- (a) for prescribing standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting for the purposes of this Act;
- (b) for prohibiting or regulating the washing or cleansing in the stream of things of any class or description, or the putting into the stream of litter or other objectionable matter, whether poisonous, noxious or polluting or not;
- (c) for prohibiting or regulating the keeping or use on the stream of vessels provided with sanitary appliances from which polluting matter passes or can pass into the stream.

A river board in exercising the powers conferred by this subsection to make bye-laws for any stream or part of a stream shall have regard to the character and flow of the stream and to the extent to which the stream is or may in the future be used for industrial purposes, fisheries, water supply, agriculture, transport or navigation, and before making any such bye-laws by virtue of paragraph (a) of this subsection shall make such survey (if any) as may be necessary of the area in which that stream or part of a stream is situated.

(2) For the avoidance of doubt it is hereby declared that bye-laws made by virtue of paragraph (a) of the foregoing subsection may prescribe standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting—

- (a) by reason of its temperature;
- (b) by reason of its effect in discolouring a stream;

and may provide for an effluent to be, or not to be, so treated according to the relation between the volume and rate of flow of the water of the stream and the volume and rate of discharge of the effluent.

(3) In so far as standards are prescribed for any stream or part of a stream by bye-laws so made, they shall be conclusive for the purposes of this Act on the question what is or is not poisonous, noxious or polluting in relation to that stream or part; and where any such effluent as is mentioned in subsection (3) of section two of this Act is poisonous, noxious or polluting in any respect in which it ought to comply with a standard so prescribed, that subsection shall not apply to the effluent.

(4) No matter entering a stream shall, in any respect in which it complies with a standard so prescribed, be treated for the purposes of subsection (1) of section eight of the Salmon and Freshwater Fisheries Act, 1923 (which penalises the discharge of poisonous matter into waters containing fish), as causing the water to be poisonous or injurious to fish or to the spawning grounds, spawn or food of fish.

(5) Where, in consequence of the making of any bye-laws by virtue of paragraph (a) of subsection (1) of this section as respects any stream or part of a stream, a person who is or has been discharging any trade or sewage effluent into that stream or part proposes to take steps either—

(a) to ensure that the effluent will comply with the standards prescribed by the bye-laws; or

(b) to enable him to discontinue the discharge;

but those steps could not be taken or completed before the date when the bye-laws come into force, then he may apply to the river board (whether before or after that date) and the board, if they are satisfied that it is reasonable so to do, may direct that for such period as may be specified in that or any subsequent direction the effluent shall be treated as complying with those standards so long as such conditions (if any) as may be so specified are observed (including, in particular, conditions requiring the steps proposed to be taken to be completed within such time, by such stages and with such modifications as may be so specified, if any).

(6) Before making bye-laws under this section as respects any stream or part of a stream, a river board shall give reasonable notice of their intention to do so to any body of persons designated to them for this purpose by the Minister as being representative of a class of persons having a material interest in the waters of the stream or of a part of it to which the bye-laws are to relate.

(7) Any person contravening bye-laws made by virtue of paragraph (b) or (c) of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and, where a contravention of bye-laws made by virtue of the said paragraph (c) is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the contravention is so continued.

6.—(1) Subject to this section, the Minister may by order direct that all or any of the provisions of sections two to five of this Act shall apply to any tidal waters or parts of the sea specified in the order as they apply to streams, subject however to any modifications of those provisions and to any restrictions on the powers exercisable thereunder by a river board which may be so specified.

Extension of
ss. 2 to 5 to
estuaries
and coastal
waters.

(2) Any order under this section may be varied or revoked by a subsequent order of the Minister, and shall be made by statutory instrument.

(3) The Minister shall not make an order under this section except on the application of a river board or of some other person appearing to him to be interested, or without the holding of a public local inquiry.

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(4) Every application for an order under this section shall set out a draft of the proposed order, and the Minister may make the order either in terms of the draft or with such modifications as he thinks desirable.

(5) At least one month before application is made for an order under this section, notice of the intention to make the application shall be given in the London Gazette and one or more local newspapers circulating in the area affected, and a copy of the application shall be sent to any river board, or county or borough or district council, whose area is wholly or partly within the area affected (not being the applicant).

(6) For at least one month before application is made for an order under this section, a copy of the application shall be kept at the offices of any river board whose area is wholly or partly within the area affected, and shall at all reasonable hours be open to public inspection without charge, and the board shall supply copies free of charge to any person appearing to the board to be interested.

Any copies required by a river board for the purposes of this subsection shall, where it is not their application, be supplied to them free of charge by the applicant.

(7) Notwithstanding anything in an order under this section, paragraph (c) of subsection (1) of section three of this Act shall not apply to the use or proposed use of a vessel in any tidal waters or parts of the sea in which a harbour authority within the meaning of the Merchant Shipping Act, 1894, exercises jurisdiction.

**Restrictions
on new outlets
and new
discharges.**

7.—(1) Subject to this section, no person shall without the consent of the river board (which consent shall not be unreasonably withheld) bring into use any new or altered outlet for the discharge of trade or sewage effluent to a stream or begin to make any new discharge of trade or sewage effluent to a stream.

(2) On an application for consent under the foregoing subsection the river board may grant their consent subject to such conditions as they may reasonably impose, being—

(a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or the construction of the outlet, or as to the use of that outlet or any other outlet for trade or sewage effluent from the same land or premises; and

(b) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of effluent from the land or premises from which the new discharge is to be made.

(3) A river board shall not grant their consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions reasonably imposed by the board to enable them to exercise their right to take samples of the effluent.

(4) Where, without the consent of the river board, there is brought into use a new or altered outlet for the discharge of trade or sewage effluent to a stream, or there begins to be made a new discharge of trade or sewage effluent to a stream, the river board may give the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as they might have imposed on an application for their consent for bringing the outlet into use or beginning to make the discharge.

(5) A river board shall from time to time review any condition imposed under this section (other than a condition to be satisfied before an outlet is brought into use or a new discharge begins to be made), and may give the person using the outlet or making the discharge, as the case may be, a notice making any reasonable variation of or revoking any such condition; and the Minister may, if he thinks fit so to do, direct the board to vary or revoke any such condition and, if the board fail within such period as the Minister may allow to give effect to any such direction, the Minister may himself give a notice as aforesaid.

(6) Any conditions imposed under this section shall continue in force (subject to any variation under the last foregoing subsection) until revoked under that subsection, and shall be binding on any person using the outlet, or discharging effluent from the land or premises, to which the condition relates.

(7) Every river board shall maintain a register containing such particulars as the Minister may direct of conditions which have been imposed under this section in relation to outlets in their area, or in relation to effluent from land or premises in their area, and are for the time being in force (except conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), and so much of the register as relates to any outlet, or to any land or premises—

(a) shall be open to inspection at all reasonable hours by any person appearing to the river board to be interested in the outlet, or in the land or premises, as the case may be, or by any person authorised by him; and

(b) in favour of a person charged under this section with causing or knowingly permitting to enter a stream an effluent not complying with any such conditions, shall be conclusive as to the conditions with which the effluent is required to comply.

(8) For the purposes of this section—

- (a) the expression “new or altered outlet” means any outlet which is wholly or partly constructed on or after the date on which this section comes into force or which (whether so constructed or not) is substantially altered after that date;
- (b) the expression “new discharge” means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent, substantially a continuation of a previous discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of a previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

(9) Subsection (1) of this section shall not apply to the bringing into use of any new or altered outlet which forms part of the sewage disposal or sewerage works of a local authority if its construction or alteration, as the case may be, or the raising of a loan to defray the cost thereof, has been approved or authorised by the Minister or, before the thirtieth day of January, nineteen hundred and fifty-one, by the Minister of Health.

(10) Any question whether the consent of a river board has or has not been unreasonably withheld or as to the reasonableness of any conditions or of any variation of any conditions shall be determined for the purposes of this section by the Minister.

(11) If, on an application to the Minister for him to determine a question under the last foregoing subsection, he determines that the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, was unreasonable, then—

- (a) where the application was in respect of the withholding of consent, he may direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable;
- (b) where the application was in respect of the unreasonableness of any condition imposed, he may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to him to be reasonable;
- (c) where the application was in respect of the reasonableness of any variation of a condition, he may direct either

that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to him to be reasonable;

but, as respects the period before the giving of the direction, this section shall apply as if the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, had not been unreasonable.

(12) If a river board fail, within three months of the making to them of an application for their consent under this section, to give the person proposing to bring into use the new or altered outlet or to begin to make the new discharge, as the case may be, notice that they give or refuse their consent, the consent shall be deemed to be given unconditionally at the expiration of those three months.

(13) Where a person, in contravention of this section, brings into use a new or altered outlet or begins to make a new discharge without obtaining the consent of the river board or without observing any conditions imposed by the river board in giving their consent under this section (being conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), he shall be liable—

(a) on conviction on indictment, to a fine not exceeding two hundred pounds; or

(b) on summary conviction, to a fine not exceeding fifty pounds.

(14) No person shall cause or knowingly permit to enter a stream by an outlet, or from land or premises, in relation to which conditions have been imposed under this section and are for the time being in force, a trade or sewage effluent not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section two of this Act.

(15) Section three of this Act shall apply in relation to the last foregoing subsection as it applies in relation to subsection (1) of section two of this Act.

(16) Subject to the following subsection, no person shall bring into use any new or altered outlet for the discharge of trade or sewage effluent to any tidal waters or part of the sea included in a river board area for the purposes of the river board's functions relating to fisheries, or begin to make any new discharge of trade or sewage effluent to any such waters or part of the sea, unless—

(a) he has given the river board notice of his intention to do so not less than three months beforehand (or such less period as the board may agree to); and

(b) in the case of a new or altered outlet, the outlet is so constructed as to comply with any conditions reasonably imposed by the board to enable them to exercise their right to take samples of the effluent;

and any person contravening this subsection shall be liable, on conviction on indictment, to a fine not exceeding two hundred pounds or, on summary conviction, to a fine not exceeding fifty pounds:

Provided that this subsection shall not apply to the bringing into use of any new or altered outlet which forms part of the sewage disposal or sewerage works of a local authority if its construction or alteration, as the case may be, or the raising of a loan to defray the cost thereof, has been approved or authorised by the Minister or, before the thirtieth day of January, nineteen hundred and fifty-one, by the Minister of Health.

(17) Section six of this Act shall apply in relation to the foregoing provisions of this section, except the last foregoing subsection, as it applies in relation to sections two to five of this Act, and the last foregoing subsection shall not apply in relation to any tidal waters or parts of the sea to which any of the preceding provisions of this section are applied by virtue of this subsection.

**Restrictions
on proceedings.**

8.—(1) Subject to this Act, proceedings for a contravention of subsection (1) of section two of this Act in respect of any trade effluent or any effluent from the sewage disposal or sewerage works of a local authority shall not be instituted except by the Attorney General or a river board, and proceedings for any other offence against this Act shall not be instituted except by or with the consent of the Attorney General or by a river board.

(2) Proceedings for a contravention of subsection (1) of section two of this Act in respect of any such effluent as aforesaid shall not be instituted by a river board without the consent of the Minister, nor shall a river board apply, without his consent, for an order under subsection (1) of section three of this Act in respect of any apprehended contravention as aforesaid:

Provided that this subsection shall not apply to a contravention arising only from the effluent not complying with a standard prescribed by bye-laws under this Act or to any contravention occurring or apprehended after the end of the period of seven years beginning with the date of the passing of this Act.

(3) If at any time before the expiration of the said period of seven years (or of that period as previously extended under this subsection) an address is presented to His Majesty by each House of Parliament praying that the period shall be extended for a further year or for a specified number of years from the time at

which it would otherwise expire, or shall be terminated on a specified date before that time, His Majesty may by Order in Council direct that the period shall be so extended or terminated.

(4) Proceedings for any offence against this Act shall not be taken by a river board until the expiration of one month after notice has been given to the offender that the taking of such proceedings is being considered.

(5) Any proceedings under the Summary Jurisdiction Acts which may be taken by a river board for a contravention of subsection (1) of section two of this Act in a case where the consent of the Minister is required by subsection (2) of this section to the taking of the proceedings may, notwithstanding anything to the contrary in those Acts, be taken at any time within two months of the giving of the consent, so long as they are not taken more than twelve months from the date of the commission of the offence.

9.—(1) Where the Minister considers it expedient so to do for reasons connected with the prevention of river pollution (including the pollution of the tidal part of any river), he may—

Combination
of sewage
disposal or
sewerage
systems.

(a) make an order under section six of the Public Health Act, 1936, providing for the constitution, for the purpose of discharging functions relating to sewage disposal or sewerage, of a united district consisting of districts or parts of districts of local authorities, and for the constitution under that section for the purpose aforesaid of a joint board for that united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or by any of those authorities;

(b) make an order providing that any sewer vested in a local authority shall communicate with a sewer of, or discharge into sewage disposal works of, any other local authority in such manner, and not later than such date, as may be determined by or in accordance with the order.

(2) Any order made under paragraph (b) of the foregoing subsection, if objected to by any of the local authorities concerned, shall be subject to special parliamentary procedure.

(3) Where the Minister makes an order under the said paragraph (b), the local authorities concerned may enter into an agreement for giving effect to the order and as to their respective rights and liabilities in relation to the communication or discharge, and in the event of any failure to agree the difference shall be determined by the Minister.

10. The Minister shall lay before each House of Parliament copies of the reports of river boards sent to him in each year under section twelve of the River Boards Act, 1948.

Reports of
river boards.

Interpretation. 11.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“excluded area” means any area originally excluded from section one of the River Boards Act, 1948, and not subsequently included in a river board area;

“local Act” includes enactments in a public general Act which amend a local Act;

“local authority” means a sewerage authority as defined by section ninety of the Public Health Act, 1936, but includes also—

(a) the mayor, commonalty and citizens of the City of London;

(b) a harbour board within the meaning of the Railway and Canal Traffic Act, 1888, where any sewer of a local authority discharges into a sewer or sewage disposal works of the harbour board; and

(c) a development corporation within the meaning of the New Towns Act, 1946, where the development corporation is by virtue of an order under subsection (2) of section nine of the said Act of 1946 entitled to exercise any powers under section fifteen of the Public Health Act, 1936;

“the Minister” means the Minister of Local Government and Planning;

“river board” means, in relation to any area, the river board exercising in relation to that area functions transferred to them by section four of the River Boards Act, 1948, and “river board area” does not include any area in relation to which no river board has yet become entitled to exercise such functions;

“sewage effluent” includes any effluent from the sewage disposal or sewerage works of a local authority;

“statutory order” means an order, bye-law, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

“stream” includes any river, stream, watercourse or inland water (whether natural or artificial), except that it does not include either—

(a) any lake or pond which does not discharge to a stream; or

(b) any sewer vested in a local authority;

or (save as otherwise provided by this Act) any tidal waters, but any reference to a stream includes a reference to the channel or bed of a stream which is for the time being dry;

“tidal waters” includes the waters of any enclosed dock which adjoins tidal waters;

“trade effluent” includes any liquid (either with or without particles of matter in suspension therein) which is discharged from premises used for carrying on any trade or industry, other than surface water and domestic sewage, and for the purposes of this definition any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises used for carrying on a trade or industry.

(2) For the purposes of this Act matter shall not be deemed to enter a stream on passing from one stream to another, but the two shall be regarded as together forming a single stream.

(3) Subject to any bye-laws made by virtue of paragraph (a) of subsection (1) of section five of this Act, matter shall not be deemed for the purposes of this Act to be poisonous, noxious or polluting by reason of any effect it may have in discolouring a stream, if the discolouration is innocuous.

(4) Where under any provision of this Act an order of the Minister is to be subject to special parliamentary procedure if objected to by any authority specified in that provision, the Minister before making the order shall give the authorities so specified notice of his intention to do so, setting out a provisional draft of the order and stating the time, not being less than twenty-eight days, within which objections may be made; and the order shall not be subject to special parliamentary procedure if—

- (a) it is made in terms of the draft or with such modifications only as appear to the Minister to be immaterial for this purpose; and
- (b) either no objections are made by any such authority within the time so stated or all objections so made are withdrawn;

but in any other case the order shall be subject to special parliamentary procedure.

(5) Nothing in this Act shall be taken as prejudicing the power conferred by section twenty-two of the River Boards Act, 1948, on the Ministers under that Act to exercise functions of a river board where the board is in default, or the power conferred by

paragraph 11 of the Second Schedule to that Act on a river board to act by a committee, and references in this Act to a river board shall be construed accordingly.

(6) Nothing contained in this Act shall affect the law relating to nuisance.

(7) Nothing contained in this Act shall affect section thirty-four of the Water Act, 1945 (which relates to temporary discharges of water by water undertakers in connection with the construction etc. of works forming part of their undertaking), or any provisions of a local Act or statutory order which expressly confer power to discharge effluent to any stream or other waters.

Short title,
repeal, extent
and commence-
ment.

12.—(1) This Act may be cited as the Rivers (Prevention of Pollution) Act, 1951.

(2) The enactments specified in the Third 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 Scotland except in so far as it repeals the Rivers Pollution Prevention (Border Councils) Act, 1898, and shall not extend to Northern Ireland.

(4) Except as otherwise provided in this Act, this Act shall come into force at the expiration of two months beginning with the date of its passing:

Provided that in any area which at the expiration of those two months is included neither in a river board area nor in an excluded area this Act shall come into force on the day on which the area is first included in a river board area.

SCHEDULES

FIRST SCHEDULE

ENACTMENTS REPLACED BY THIS ACT

Section sixty-nine of the Public Health Act, 1875.

The Rivers Pollution Prevention Act, 1876 (except section seven).

The West Riding of Yorkshire Rivers Act, 1894.

Subsection (2) of section eight of the Salmon and Freshwater Fisheries Act, 1923.

Sections twenty-one to twenty-six of the Essex County Council Act, 1933.

Part IV of the Lancashire County Council (Rivers Board and General Powers) Act, 1938.

Sections one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty-one to one hundred and fifty-five of the Middlesex County Council Act, 1944.

Section 1.

Sections thirty-nine to forty-five of the Cumberland County Council Act, 1948.

Such other enactments contained in any local Act or statutory order as may be added to this Schedule by an order of the Minister (which shall be made by statutory instrument and, if objected to by any authority authorised to enforce this Act and having functions under the local Act or statutory order, or by any local authority having such functions, shall be subject to special parliamentary procedure).

SECOND SCHEDULE

Section 1.

TRANSITIONAL AND OTHER CONSEQUENTIAL PROVISIONS

Adaptations of River Boards Act, 1948

1.—(1) The duty of a river board under subsection (1) of section nine of the River Boards Act, 1948, in exercising the functions conferred on or transferred to them by that Act, to conserve so far as practicable the water resources of their area shall apply also to the exercise of their functions under this Act.

(2) Where, in the case of an area not included in a river board area before the coming into force of this Act, functions under this Act which become exercisable by the river board in relation to the area at the time when it is first so included, or functions substantially the same under some other Act, cease at that time to be exercisable in relation to the area by some other body, the provisions of the River Boards Act, 1948, relating to the transfer of functions to a river board by or under that Act or to matters arising out of any such transfer shall apply as if there were at that time a transfer under section four of that Act to the river board of the functions in relation to that area then ceasing to be exercisable by the other body.

2.—(1) Notwithstanding anything in the River Boards Act, 1948, a river board area shall, for the purposes of the functions of the river board relating to river pollution, include any tidal waters or parts of the sea adjoining the coast of the river board area to which any of the provisions of sections two to five or section seven of this Act for the time being apply by virtue of an order under section six of this Act.

(2) Any tidal waters or parts of the sea adjoining the coast of a river board area shall be deemed to be included in the expression "river, stream, watercourse or inland water" for the purposes of the river board's powers under section fifteen of the said Act of 1948 (which gives power to take samples of effluents).

3. For the purposes of a river board's functions relating to river pollution, sections sixteen and seventeen of the River Boards Act, 1948 (which confer powers of entry and inspection and penalise persons obstructing the exercise of those powers), shall apply in relation to vessels as they apply in relation to land.

4.—(1) In relation to a river board's bye-laws under this Act, subsection (4) of section eighteen of the River Boards Act, 1948 (which provides among other things that Ministers when confirming a river board's bye-laws may modify them, subject to the consent of the river

2ND SCH.
—cont.

board), shall have effect with the substitution of the words “ after consultation with the river board ” for the words “ subject to the consent of the river board. ”

(2) A river board’s bye-laws under this Act shall not be confirmed under the said subsection (4) without a public local inquiry, if any written objection to their confirmation has been received by the Ministers and has not been withdrawn:

Provided that this sub-paragraph shall not apply to any objection if in the opinion of the Ministers the person making it has no material interest in the stream or part of a stream to which the bye-laws relate.

(3) Nothing in section thirty-four of the said Act of 1948 shall enable the powers of the Ministers under that Act in relation to the making of bye-laws under this Act to be exercised by one of them without the other.

(4) In this paragraph the expression “ the Ministers ” means the Minister and the Minister of Agriculture and Fisheries.

Adaptations for Thames, Lee and London areas

5.—(1) Where immediately before the coming into force of this Act the functions relating to river pollution of the rivers authority for an excluded area are exercisable in relation to any tidal waters in that area, those tidal waters shall be included in the expression “ stream ” for the purposes of this Act.

(2) Subject to the foregoing sub-paragraph, sections two to eight of this Act (except the last two subsections of section seven) shall apply in relation to any excluded area as if it were a river board area and as if the rivers authority for the area were a river board.

(3) The Minister may by order direct that all or any of the provisions of sections fifteen to twenty, section twenty-two and section twenty-four of the River Boards Act, 1948, as amended by this Act (which sections contain supplementary provisions as to the powers and procedure of river boards and similar matters) shall apply for the purpose of the functions under this Act of the rivers authority for any excluded area as if the authority were a river board and their area a river board area, subject to such modifications as may be specified in the order.

(4) Where a local Act or statutory order, for the purpose of any functions of a rivers authority relating to river pollution, made provision similar to any of the said provisions of the River Boards Act, 1948, an order of the Minister under the last foregoing sub-paragraph may apply the provision so made, instead of that of the said Act of 1948, or may apply the provision of the said Act of 1948 for the purpose of any functions of the rivers authority to which the provision made by the local Act or statutory order applied, as well as for the purpose of their functions under this Act.

(5) In this paragraph, the expression “ rivers authority ” means, in relation to any excluded area, the authority by which this Act is to be enforced in that area.

6. All payments by the Conservators of the River Thames for and on account of this Act shall be made out of the conservancy fund within the meaning of section one hundred and eighty-nine of the Thames Conservancy Act, 1932.

*General transitional provisions*2ND SCH.
—cont.

7.—(1) A person who brings into use any new or altered outlet for the discharge of trade or sewage effluent to any waters in or adjoining the coast of any area, or begins to make any new discharge of trade or sewage effluent to any such waters, shall be deemed for the purposes of section seven of this Act to do so with the consent of the river board (or, in a case to which the penultimate subsection of that section applies, to have complied with that subsection) if—

- (a) he does so within three months of the time when the area is first included in a river board area; and
- (b) where he was or but for this Act would have been required to give notice of his intention so to do by a provision corresponding to the said section seven which immediately before that time was in force in that area, he complied with the requirements of that provision.

(2) For the purposes of this paragraph the provisions corresponding to section seven of this Act shall be taken to be subsection (2) of section eight of the Salmon and Freshwater Fisheries Act, 1923, and any similar provision contained in a local Act or statutory order and requiring notice to be given to the council of a county, county borough or county district, or to a joint board or joint committee of any such councils, for the purpose of their functions relating to river pollution.

(3) This paragraph shall not apply to any area originally excluded from section one of the River Boards Act, 1948.

8.—(1) Any proceedings begun before the coming into force of this Act—

- (a) for an order of the county court under section ten of the Rivers Pollution Prevention Act, 1876; or
- (b) for an order of the county court or of a court of summary jurisdiction under any similar provision contained in a local Act or statutory order;

may be carried on, and any order made in any such proceedings (whether before or after the coming into force of this Act) shall continue in force, and any further proceedings may be had by virtue of or in relation to any order so made, as if this Act had not been passed.

(2) Subsection (2) of section three of this Act shall apply to any such order as is mentioned in paragraph (a) or (b) of the foregoing sub-paragraph, as it applies to an order under subsection (1) of that section.

9. Any order under section twenty of the Rivers Pollution Prevention Act, 1876, or under section fifty-five of the Salmon and Freshwater Fisheries Act, 1923, which is in force at the coming into force of this Act shall have effect, for the purposes of this Act, as if it were an order under section six of this Act and extended sections two to five and section seven (except the two last subsections) of this Act to the waters which, by virtue of the order, were included in the definition of “stream” for the purposes of the said Act of 1876.

10. Where by any provision contained in a local Act or statutory order power is immediately before the coming into force of this Act conferred on a body carrying on a water undertaking to enforce the Rivers Pollution Prevention Act, 1876, for the protection of that

2ND SCH.
—cont.

undertaking, then that provision shall have effect as if it conferred on that body power to enforce section two of this Act for the same purposes and subject to the same conditions and restrictions, if any (other than the conditions and restrictions imposed by the said Act of 1876), and accordingly for the purpose of proceedings taken in the exercise of that power—

- (a) subsection (1) of section eight of this Act shall not apply; and
- (b) section three and subsections (2) and (5) of section eight of this Act shall apply as if references to a river board were references to that body.

*Power to make further provision with respect to local
Acts and statutory orders*

11.—(1) The Minister may by order make such further provision as appears to him necessary or expedient in consequence of this Act for adapting to this Act any local Act or statutory order which contains provisions relating to river pollution, for amending or repealing any such Act or order and for making any savings or additional savings from the effect of any repeal made by or under this Act of the whole or part of any such Act or order, including any provision appearing to him to be necessary or expedient as aforesaid by reason of any order made or proposed to be made under section seven of the River Boards Act, 1948 (which provides for bringing into river board areas areas originally excluded from section one of that Act), or under any other provision of this Act.

(2) Any order made under this paragraph, with respect to any local Act or statutory order, if objected to by any authority authorised to enforce this Act and having functions under the local Act or statutory order, or by any local authority having such functions, shall be subject to special parliamentary procedure.

Supplementary

12.—(1) Any order of the Minister under this Schedule may be varied or revoked by a subsequent order made by him.

(2) Any power of the Minister to make an order under this Schedule shall be exercisable by statutory instrument.

Section 12.

THIRD SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section sixty-nine, except as respects proceedings instituted before the coming into force of this Act.
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	The whole Act, except section seven.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section fourteen.
56 & 57 Vict. c. 31.	The Rivers Pollution Prevention Act, 1893.	The whole Act.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. clxvi.	The West Riding of Yorkshire Rivers Act, 1894.	The whole Act, except section four.
61 & 62 Vict. c. 34.	The Rivers Pollution Prevention (Border Councils) Act, 1898.	The whole Act.
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act, 1923.	Subsection (2) of section eight and section fifty-five.
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	Section fifty-six; paragraph (a) of, and the proviso to, section seventy-three.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act, 1933.	Sections twenty-one to twenty-six; in section thirty, paragraph (c) of subsection (1) and subsection (6); sections thirty-one, thirty-two, thirty-six and thirty-seven; subsection (1) of section forty-three; in subsection (1) of section forty-seven, the words "pollution or"; in section fifty-one the words "the Rivers Pollution Prevention Acts, 1876 and 1893, or"; subsection (2) of section fifty-two.
24 & 25 Geo. 5. c. 40.	The Administration of Justice (Appeals) Act, 1934.	In Part I of the Schedule, the entry relating to section eleven of the Rivers Pollution Prevention Act, 1876.
1 & 2 Geo. 6. c. xciv.	The Lancashire County Council (Rivers Board and General Powers) Act, 1938.	Section six; Part IV; section seventy-four; Part VII.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act, 1944.	Sections one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty-one to one hundred and fifty-five, and one hundred and fifty-seven; in subsection (1) of section one hundred and sixty-one, the words "pollution or"; paragraphs (2) and (3) of and the proviso to section one hundred and sixty-five; in section one hundred and seventy-one the words "under the Rivers Pollution Prevention Acts, 1876 and 1893, or"; subsection (1) to the last "and" and subsection (2) of section one hundred and seventy-seven.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In subsection (1) of section four the words "section sixty-nine of the Public Health Act, 1875, the Rivers Pollution Prevention Act, 1876, and"; paragraph (b) of subsection (1) of section five; subsection (1) of section thirty-seven; in the Third Schedule, in paragraph 2 the word "fifty-six", in paragraph 10 the words "subsection (1) of section fifty-five", paragraph 14 (except as respects proceedings instituted before the coming into force of this Act) and paragraphs 15 and 16.
11 & 12 Geo. 6. c. xliii.	The Cumberland County Council Act, 1948.	Sections thirty-nine to forty-five; in section forty-six, paragraphs (b) and (c) of subsection (1) and subsection (6); sections forty-seven and forty-eight; subsection (2) of section fifty-three; in section eighty-four, paragraphs (1), (2), (3) and (5) and in paragraph (4) the words "and section forty (notice for discontinuance of pollution)".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Rivers Pollution Prevention Act, 1876 ...	39 & 40 Vict. c. 75.
Railway and Canal Traffic Act, 1888 ...	51 & 52 Vict. c. 25.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
West Riding of Yorkshire Rivers Act, 1894	57 & 58 Vict. c. clxvi.
Rivers Pollution Prevention (Border Councils) Act, 1898.	61 & 62 Vict. c. 34.
Salmon and Freshwater Fisheries Act, 1923.	13 & 14 Geo. 5. c. 16.
Thames Conservancy Act, 1932	22 & 23 Geo. 5. c. xxxvii.
Essex County Council Act, 1933	23 & 24 Geo. 5. c. xlv.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Lancashire County Council (Rivers Board and General Powers) Act, 1938.	1 & 2 Geo. 6. c. xciv.
Middlesex County Council Act, 1944 ...	7 & 8 Geo. 6. c. xxi.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Cumberland County Council Act, 1948 ...	11 & 12 Geo. 6. c. xliii.

CHAPTER 65

Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951

ARRANGEMENT OF SECTIONS

PART I

PROTECTION AGAINST CERTAIN LEGAL REMEDIES

Provisions as to England and Wales

Section

1. Application of sections two to six.
2. General restrictions on execution and other remedies.
3. Scope of protection.
4. Special provisions as to leases and hire-purchase agreements.
5. Appropriate courts and procedure.
6. Interpretation of sections two to five.

Provisions as to Scotland

7. Application of sections eight to twelve.
8. General restrictions on execution and other remedies.
9. Scope of protection.
10. Property in goods subject to hire-purchase agreement.
11. Appropriate courts and procedure.
12. Interpretation of sections eight to eleven.

Effect of failure to observe restrictions under Part I

13. Effect of failure to observe restrictions under Part I.

PART II

PROTECTION AGAINST INSECURITY OF TENURE OF PLACE OF RESIDENCE

Protection during service other than short period of training

14. Period of residence protection, and scope of three succeeding sections (protection of tenure under lettings at a rent).
15. Protection of tenure of furnished, and certain other, rented premises, by extension of the Furnished Houses (Rent Control) Act.
16. Protection of tenure of rented premises not within the preceding section, by extension of the Rent Acts.
17. Provisions supplementary to section sixteen in case of rented premises which include accommodation shared otherwise than with the landlord.
18. Protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts.
19. Limitation on application of Rent Acts by virtue of sections sixteen to eighteen.
20. Modifications of Rent Acts as respects occupation by employees.
21. Modifications of Agricultural Holdings Act, 1948, where tenant is a service man.
22. Facilities for action on behalf of men serving abroad in proceedings as to tenancies.
23. Interpretation of Part II.
24. Application of Part II to Scotland.

Protection during short period of training

25. Protection during short period of training.

PART III

PROTECTION AGAINST INSECURITY OF TENURE OF BUSINESS AND PROFESSIONAL PREMISES

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26. Application of sections twenty-seven to thirty-six.
27. Renewal of tenancy expiring during period of service or within two months thereafter.
28. Premises to be comprised in new tenancy.
29. Application for grant of new tenancy.
30. Power of court to grant new tenancy.
31. Provision for further renewal of tenancy.
32. Provision for cases where landlord is a tenant.
33. Provisions as to Landlord and Tenant Act, 1927.
34. Appeals.
35. Application to Crown property.
36. Interpretation of preceding sections of Part III.

Provisions as to Scotland

37. Application of sections thirty-eight to forty.
38. Application by service man for renewal of tenancy of business premises.
39. Power of sheriff to grant new tenancy.
40. Application to Crown property.

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PROTECTION OF SUPERANNUATION RIGHTS

41. Extension of section one of Superannuation (Miscellaneous Provisions) Act, 1948.
42. Provisions as to firemen's pensions.
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PAYMENTS TO MAKE UP CIVIL REMUNERATION

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50. Assimilation of treatment of payments under Part V and certain other payments to treatment of remuneration in civil capacity.
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PROTECTION AGAINST LOSS OF BENEFITS UNDER CONTRACTS WITH INDUSTRIAL ASSURANCE COMPANIES AND FRIENDLY SOCIETIES

54. Protection of life policies (industrial assurance, and collecting societies).
55. Protection of life policies (friendly societies other than collecting societies).
56. Adjustment of rights under policies protected.
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58. Relief against non-payment of contributions to friendly societies (other than life policy premiums).
59. Interpretation and extent of Part VI.

PART VII

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Section

60. Evidence as to performance of relevant service.
61. Presumption of death of persons serving in the forces.
62. Pension rights of justices' clerks, collecting officers and their staff.
63. Dispensation with declaration on ending of service of constable.
64. Interpretation.
65. Provisions as to Northern Ireland.
66. Short title.

SCHEDULES :

First Schedule—Service relevant for the purposes of this Act.

Second Schedule—Capacities in respect of which payments may be made under Part V, and paying authorities.

Third Schedule—Financial provisions consequential on treating a person dying on service as alive and the converse.

An Act to provide for protecting the interests of persons called up or volunteering for certain naval, military or air force service, or doing work or training under the National Service Act, 1948, by virtue of being conditionally registered under that Act as conscientious objectors, and of other persons consequentially affected, in respect of civil rights and liabilities of theirs.

[1st August 1951.]

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

PROTECTION AGAINST CERTAIN LEGAL REMEDIES

Provisions as to England and Wales

1. The five next following sections shall apply to England and Wales only.

Application of sections two to six.

2.—(1) In the cases mentioned in the next following section no person shall be entitled, subject to the provisions of this Part of this Act, to proceed, except with the leave of the appropriate court, to execution on, or otherwise to the enforcement of, a judgment or order of any court other than a county court (whether given or made before or after the commencement of this Act) for the payment or recovery of a sum of money:

General restrictions on execution and other remedies.

Provided that nothing in this subsection shall apply to—

- (a) a judgment for the recovery of damages for tort;
- (b) a judgment or order for the recovery of a debt which has become due by virtue of a contract made after the relevant date;

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—cont.

- (c) a judgment or order under which no sum of money is recoverable otherwise than in respect of costs ;
- (d) an order in a matter of bastardy, an order enforceable as an affiliation order, or an order for alimony, maintenance or other payments which has been made under sections nineteen to twenty-seven of the Matrimonial Causes Act, 1950, or under subsection (2) of section three or subsection (4) of section five of the Guardianship of Infants Act, 1925 ;
- (e) an order made in criminal proceedings, or an order made in proceedings for the recovery of a penalty in respect of a contravention of, or failure to comply with, any provisions of an Act ;

or to the enforcement of any other judgment or order by judgment summons.

(2) In the cases mentioned in the next following section no person shall be entitled, subject to the provisions of this Part of this Act, except with the leave of the appropriate court—

- (a) to proceed to exercise any remedy which is available to him by way of—
 - the levying of distress ;
 - the taking of possession of any property ;
 - the appointment of a receiver of any property ;
 - re-entry upon land ;
 - the realisation of a security ; or
 - the forfeiture of a deposit ; or
- (b) to institute proceedings for foreclosure or for sale in lieu of foreclosure, or for the recovery of possession of mortgaged property, or to take any step in any such proceedings instituted before the relevant date :

Provided that this subsection shall not apply to any remedy or proceedings available in consequence of default in the payment of a debt arising by virtue of a contract made after the relevant date or the performance of an obligation so arising ; and nothing in this subsection shall affect—

- (i) a power of sale of a mortgagee of land or an interest in land who is in possession of the mortgaged property at the relevant date, or who before that date has appointed a receiver who at that date is in possession, or in receipt of the rents and profits, of the mortgaged property ; or
- (ii) a power of sale of a mortgagee in possession of property other than land or some interest in land, where the power of sale has arisen and notice of the intended sale has been given before the relevant date ; or
- (iii) a right or power of a pawnbroker to deal with a pledge ; or

- (iv) any right or power of a person to sell goods in his custody as a bailee, being a right or power arising by reason of default in the payment of a debt ; or
- (v) the institution or prosecution of proceedings for the appointment by the court of a receiver of any property.

(3) In the cases mentioned in the next following section no person shall be entitled, subject to the provisions of this Part of this Act, to proceed, except with the leave of the appropriate court, to execution on, or otherwise to the enforcement of, a judgment or order of any court (whether given or made before or after the commencement of this Act) for the recovery of possession of land in default of payment of rent or for the delivery of any property other than mortgaged property by reason of a default in the payment of money :

Provided that nothing in this subsection shall apply to a judgment given or order made in proceedings for the enforcement of a contract made after the relevant date.

(4) If, on any application for such leave as is required under this section for the exercise of any of the rights and remedies mentioned in subsections (1), (2) and (3) of this section, the appropriate court is of opinion that the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question is unable immediately to do so by reason of circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service, the court may, subject to the provisions of this Part of this Act, refuse leave for the exercise of that right or remedy, or give leave therefor subject to such restrictions and conditions as the court thinks proper.

(5) The appropriate court, in determining for the purpose of the last foregoing subsection whether a person is unable immediately to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question by reason of any such circumstances as are mentioned in that subsection, or in determining the restrictions and conditions (if any) subject to which leave is to be given under that subsection, may take account of other liabilities, whether present or future, of his.

(6) Where—

- (a) a bankruptcy petition has been presented against a debtor, and it is shown to the satisfaction of the court having jurisdiction in the bankruptcy that his inability to pay his debts is due to circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service ; or

PART I
—cont.

- (b) a winding-up petition has been presented against an exempt private company on the ground that it is unable to pay its debts, and it is shown to the satisfaction of the court having jurisdiction in the winding up that its inability to pay its debts is due to circumstances directly or indirectly attributable to any person's performing or having performed a period of relevant service ;

the court may at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

In this subsection the expression "an exempt private company" shall be construed in accordance with subsection (4) of section one hundred and twenty-nine of the Companies Act, 1948.

**Scope of
 protection.**

3.—(1) Subject to the following provisions of this section, the provisions of subsection (1), (2) or (3) of the last foregoing section shall apply to the exercise of a right or remedy in the following cases, and in the following cases only, that is to say :—

- (a) they shall apply (by virtue of this paragraph and without more) where the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question is for the time being performing a period of relevant service ;
- (b) they shall apply (by virtue of this paragraph and without more, but subject to any order of the appropriate court directing that they shall not so apply or shall cease so to apply) where the person liable as aforesaid has been performing a period of relevant service and, while he was so doing, an application was made to the appropriate court for leave under the last foregoing section to exercise the right or remedy ;
- (c) they shall apply in a case where—

(i) the appropriate court by order so directs, on the application of the person liable as aforesaid and on being satisfied that he is unable immediately to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question by reason of circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service ; or

(ii) the person liable as aforesaid has made to the appropriate court an application for an order under this paragraph and the application has not been disposed of, or not having made such an application has given to the proper person written notice of his intention to do so.

(2) A notice given for the purpose of paragraph (c) of the foregoing subsection shall expire at the expiration of fourteen days (or, if given in a class of case as to which a longer period is prescribed for the purposes of this subsection, at the expiration of that period) from the date on which it was given, and where the person giving a notice for that purpose has given a previous notice to the like effect the later notice shall have no operation unless the previous notice was withdrawn with the consent of the proper person before it expired.

(3) For the purpose of the foregoing subsections, the expression "the proper person" means the person seeking to exercise the right or remedy in question, but a notice shall be deemed to be given to the proper person if given to any person (whether the proper person or his agent or not) proceeding to the enforcement of that right or remedy.

(4) Where the appropriate court makes an order under paragraph (c) of subsection (1) of this section with respect to the exercise of a right or remedy, the powers of the court under the last foregoing section shall thereupon be exercisable as if an application for leave to exercise the right or remedy in question had been made under that section.

(5) The appropriate court, in determining for the purpose of the said paragraph (c) whether the applicant is unable immediately to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question by reason of any such circumstances as are mentioned in that paragraph, may take account of other liabilities, whether present or future, of his.

(6) In their application to the enforcement of a judgment or order for the recovery of possession of land in default of payment of rent, the references in subsection (4) of the last foregoing section and subsection (1) of this section to the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question shall be construed as referring only to the person or persons against whom the judgment or order was made and who is or are, or would, but for any forfeiture incurred in consequence of the default be, entitled to the benefit of the lease under which the rent was reserved.

(7) Any reference in subsection (4) of the last foregoing section or subsection (1) of this section to the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question shall in a case where it is sought to exercise a right or remedy against one such person separately from any others who are also so liable, be construed as referring to him only and not including any such other person, but, in a case where it is sought to exercise it against two or more such persons jointly, shall be construed as referring to all

PART I
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or any of the persons against whom it is sought to exercise the right or remedy ; and in this subsection references to exercising a right or remedy against a person shall include exercising it against property in which he has an interest or of which he is in possession.

(8) This section, and subsection (4) of the last foregoing section, shall apply to a person affected, or claiming to be affected, by an exercise or proposed exercise by the mortgagee of any property of any of the rights or remedies mentioned in subsection (2) of the last foregoing section, being a right or remedy arising by virtue of a default in the payment of any mortgage money or a breach of any mortgage obligation, as if that person were a person liable to pay the mortgage money or to perform the mortgage obligation :

Provided that the said subsection (2) shall not apply to require leave for the exercise of the right or remedy otherwise than against the person liable as aforesaid except by virtue of paragraph (c) of subsection (1) of this section.

(9) For the purposes of the last foregoing section and of subsection (3) of this section a person shall be deemed to be proceeding to execution on, or otherwise to the enforcement of, a judgment or order if, being entitled to the benefit of the judgment or order—

- (a) he issues a bankruptcy notice or presents a bankruptcy petition or a winding-up petition founded on the non-payment of money due under the judgment or order ;
or
- (b) he takes out some judicial process with a view to, or in the course of, the enforcement of the judgment or order ;

and, where a person has (in a case for which leave was not required under the last foregoing section) taken out any judicial process with a view to, or in the course of, the enforcement of a judgment or order, or proceeded to the exercise of any such remedy as is mentioned in subsection (2) of that section, he shall be deemed to be proceeding to the enforcement of the judgment or order or to the exercise of the remedy when any step is taken by him or on his behalf towards its completion :

Provided that—

- (i) the last foregoing section shall not apply to require leave for the taking of any such step as aforesaid except by virtue of paragraph (c) of subsection (1) of this section ; and
- (ii) for the purposes of this subsection, an application for discovery in aid of execution shall not be treated as the taking out of a judicial process or as the taking of a step towards the completion of the enforcement of a judgment or order.

(10) For the purposes of the last foregoing section, the expression "the relevant date" means the date on which the service man in question began to perform the period of relevant service:

PART I
—cont.

Provided that—

- (a) for the purposes of any reference in the last foregoing section to a contract made after the relevant date, where a service man performs two or more periods of relevant service the said expression means the date on which he began the later or latest of those periods of service; and
- (b) for the purposes of paragraph (b) of subsection (2) of the last foregoing section, and of paragraphs (i) and (ii) of the proviso to the said subsection (2)—
- (i) where the said date was before the commencement of this Act, then subject to sub-paragraph (ii) of this paragraph the said expression means the date of that commencement; and
- (ii) in a case to which the last foregoing section applies by virtue of paragraph (c) of subsection (1) of this section, the said expression means the date on which that section began so to apply.

4.—(1) Where under section two of this Act the appropriate court refuses, or grants subject to restrictions and conditions, leave to enforce a judgment or order for the recovery of possession in default of payment of rent of any premises, the lease shall be deemed not to have been forfeited by reason of the default so long as the judgment or order remains unenforceable; and a judgment or order shall be deemed to have remained unenforceable, notwithstanding that it has at some time been enforceable, if before it is enforced it again becomes unenforceable.

Special provisions as to leases and hire-purchase agreements.

(2) A judgment or order for the recovery of possession of a dwelling house to which the Rent Restrictions Acts apply shall be deemed for the purposes of the foregoing provisions of this Act to be a judgment or order for the recovery of possession of the dwelling house in default of payment of rent if the court in giving or making the judgment or order was exercising the power conferred by paragraph (a) of the First Schedule to the Rent Act of 1933 on the sole ground that rent lawfully due from the tenant had not been paid and was not exercising any other power conferred by that Schedule.

(3) On an application under section two of this Act for leave to enforce a judgment or order for the recovery in default of payment of rent of possession of land held in distinct parcels under one lease by two or more lessees, the court may (notwithstanding that a single rent was reserved by the lease and the proviso for re-entry in default of payment of the rent was

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PART I
—cont.

not severable) order that the application shall be dealt with as if those parcels had been held under distinct leases and applications were being made for leave to enforce separate judgments or orders in relation thereto, and may make such consequential provision as seems just for the apportionment of the arrears of rent, for the relief of any lessee from forfeiture of the parcel held by him and for the adjustment of the rights and obligations under the lease of the parties to the application.

(4) Where the appropriate court refuses leave under subsection (4) of section two of this Act to take possession of goods let under a hire-purchase agreement or to execute a judgment or order for the delivery of such goods, or gives such leave subject to restrictions and conditions, and the hirer, before possession is taken or execution on the judgment or order is completed, pays the hire-purchase price, the owner's title to the goods, shall, notwithstanding any failure to pay the hire-purchase price at the times required by the agreement, vest in the hirer.

(5) Where the owner of goods let under a hire-purchase agreement has taken possession of the goods, the appropriate court on an application made under paragraph (c) of subsection (1) of section three of this Act may, if it sees fit so to do, deal with the case as if he were proceeding to take possession of them and, if it makes an order under that paragraph, may direct accordingly that the goods shall be restored to the hirer; and if, after the owner has taken possession of the goods, notice is given under that paragraph with respect to them, he shall not, so long as the notice is in force or any application in pursuance thereof is undisposed of, deal with the goods in such a way as to prejudice the powers of the appropriate court under this subsection.

(6) In this section the expressions "hire-purchase agreement", "hire-purchase price", "owner" and "hirer" have the meanings respectively assigned to them by section twenty-one of the Hire Purchase Act, 1938:

Provided that the expression "hire-purchase agreement" includes an agreement for the sale of goods under which the price is payable by instalments and the property in the goods remains in the seller, notwithstanding that the buyer is in possession of the goods, until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled, and the other expressions above referred to and the expression "let" shall be construed accordingly.

Appropriate
courts and
procedure.

5.—(1) The appropriate court for the purposes of any of the provisions of this Part of this Act applying to England and Wales shall be such court as may be designated by rules made by the Lord Chancellor under this section, and such rules may designate different courts in relation to different classes of proceedings.

(2) The Lord Chancellor may also make rules prescribing the manner in which applications under the said provisions are to be made, and prescribing any matter which under any of those provisions is to be prescribed, and generally for regulating the conduct of proceedings under the said provisions.

(3) Rules so made may in particular make provision for enabling a court, for the purpose of hearing and determining an application under the said provisions of this Part of this Act or in exercising any discretion for the purposes of the said provisions of this Part of this Act, to admit any document as evidence of any facts stated therein.

(4) Rules so made may in particular make provision for requiring, or dispensing with, service of notice of any application under the said provisions of this Part of this Act upon persons who may be affected, whether by virtue of subsection (5) of section two or subsection (5) or (8) of section three or otherwise, and for enabling any persons to be heard at the hearing of any application under those provisions, and may also make provision for the making of applications *ex parte* in such cases as may be prescribed by the rules.

(5) Rules so made may, for the purpose of enabling a person performing relevant service to obtain the protection afforded by subsections (8) and (9) of section three of this Act, provide for enabling the appropriate court to treat as an application made by him for an order under paragraph (c) of subsection (1) of the said section three, an application for that purpose made by some other person on his behalf; and the rules may further provide that an application which the appropriate court has, under the rules, power to treat as an application by the person performing relevant service shall also be treated for the purposes of subparagraph (ii) of the said paragraph (c) as an application made by that person.

(6) The power to make rules conferred by this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6.—(1) In the foregoing provisions of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation
of sections
two to five.

“costs” includes all charges and possession money payable to a sheriff in respect of interpleader proceedings taken by him;

“lease” includes an underlease and any contract of tenancy, and the expression “lessee” shall be construed accordingly;

PART I
—cont.

“ mortgage ” includes any charge, and the expressions “ mortgagor ” and “ mortgagee ” shall be construed accordingly ;

“ mortgage money ” includes any part thereof and interest thereon ;

“ mortgage obligation ” means any obligation arising under or by virtue of the mortgage, other than an obligation to pay the mortgage money ;

“ prescribed ” means prescribed by rules made under the last foregoing section ;

“ rent ” includes any sum payable by way of mesne profits ;

“ the relevant date ” has the meaning assigned to it by subsection (10) of section three of this Act.

(2) It is hereby declared that in this Part of this Act the expression “ distress ” includes distress for rates.

(3) For the purposes of the foregoing provisions of this Act an execution against goods shall be deemed to be completed by seizure and sale or, where a writ or warrant of delivery is issued, by delivery of the goods, an attachment of a debt shall be deemed to be completed by the receipt of the debt, an execution against land shall be deemed to be completed by seizure or, in the case of an equitable interest, by the appointment of a receiver, and the enforcement of a judgment or order for recovery of possession of land shall be deemed to be completed by delivery of possession.

(4) References in the foregoing provisions of this Act to judgments or orders for the recovery of possession of land include references to any judgment or order the effect of which is to enable a person to obtain possession of land, and in particular includes, in relation to a mortgagee, a judgment or order for the delivery of possession of the mortgaged land.

(5) For the purposes of the foregoing provisions of this Act a mortgagee of land or any interest in land shall be treated as not being entitled to obtain possession of the mortgaged property, whether by virtue of his estate or interest as mortgagee or of any attornment or other provision contained in the mortgage or in any agreement collateral thereto, unless default has been made in payment of some mortgage money, or there has been a breach on the part of the mortgagor, or of some person concurring in the making of the mortgage of some mortgage obligation ; and for this purpose default shall not be deemed to have been made in payment of any mortgage money (except in a case where the mortgage money is repayable by instalments) unless a written demand for payment has been served on the person liable, and a period of three months has elapsed since the service of the demand.

Provisions as to Scotland

PART I
—cont.

7. The five next following sections shall apply to Scotland only.

Application of sections eight to twelve.

8.—(1) In the cases mentioned in the next following section no person shall be entitled, subject to the provisions of this Part of this Act, to enforce, except with the leave of the appropriate court, a decree of any court (whether pronounced before or after the commencement of this Act) for the payment of a sum of money or for the recovery of possession of land:

General restrictions on execution and other remedies.

Provided that nothing in this subsection shall apply to—

- (a) any decree for damages in respect of loss or damage arising from any wrongful act or omission;
- (b) any decree based upon a contract made after the relevant date;
- (c) any decree for expenses;
- (d) any decree for aliment or any decree or order enforceable by virtue of any enactment in like manner as a decree for aliment, or any order for payment under subsection (2) of section three, or subsection (4) of section five, of the Guardianship of Infants Act, 1925; or
- (e) any order made in criminal proceedings, or an order for the recovery of a penalty due in respect of a contravention of, or failure to comply with, any Act.

(2) In the cases mentioned in the next following section no person shall be entitled, subject to the provisions of this Part of this Act, except with the leave of the appropriate court—

- (a) to do any diligence (not being diligence used only on the dependence of an action or *ad fundandam jurisdictionem*);
- (b) to enforce any irritancy, legal or conventional;
- (c) to realise any security or forfeit any deposit;
- (d) to exercise any power of sale conferred by a heritable security;
- (e) to institute an action of maills and duties; or
- (f) to take or resume possession of any property by reason of any default by any person in the payment of money or the performance of any obligation:

Provided that this subsection shall not apply to any remedy or proceedings available in consequence of any default in the payment of a debt arising by virtue of a contract made after the relevant date or the performance of an obligation so arising, and nothing in this subsection shall affect—

- (i) any right or power of pawnbrokers to deal with pledges;

or

PART I
—cont.

- (ii) any remedy competent to a heritable creditor in possession of the security subjects at the relevant date ;
- (iii) any right or power of a person to sell goods in his custody arising by reason of default in the payment of a debt.

(3) If on any application for such leave as is required under this section for the enforcement of any decree or the exercise of any right or remedy mentioned in the foregoing provisions of this section, the appropriate court is of opinion that the person liable to implement such decree or perform the obligation in respect of which such right or remedy arises, is unable immediately to do so by reason of circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service, the court may, subject to the provisions of this Part of this Act, refuse leave to enforce the decree or to exercise the right or remedy or give leave therefor subject to such restrictions and conditions as the court thinks proper.

Any order pronounced under this subsection may be suspended, rescinded or varied by a subsequent order.

(4) The appropriate court, in determining for the purpose of the last foregoing subsection whether a person is unable immediately to implement the decree or perform the obligation in question by reason of any such circumstances as are mentioned in that subsection, or in determining the restrictions and conditions (if any) subject to which leave is to be given under that subsection, may take account of other liabilities, whether present or future, of that person.

(5) Where—

- (a) a petition for sequestration has been presented against any debtor, and it is shown to the satisfaction of the court before which such petition depends that his inability to pay his debts is due to circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service ; or
- (b) a winding-up petition has been presented against an exempt private company on the ground that it is unable to pay its debts, and it is shown to the satisfaction of the court before which such petition depends that its inability to pay its debts is due to circumstances directly or indirectly attributable to any person's performing or having performed a period of relevant service ;

the court may sist the proceedings in the petition for such time and subject to such conditions as the court thinks fit.

In this subsection the expression "an exempt private company" shall be construed in accordance with subsection (4) of section one hundred and twenty-nine of the Companies Act, 1948.

9.—(1) Subject to the following provisions of this section, the provisions of subsection (1) or (2) of the last foregoing section shall apply to the exercise of any right or remedy in the following cases and in the following cases only, that is to say:—

PART I
—cont.

Scope of
protection.

- (a) they shall apply (by virtue of this paragraph) where the person liable to implement the decree or to perform the obligation in question is for the time being performing a period of relevant service ;
- (b) they shall apply (by virtue of this paragraph but subject to any order of the appropriate court directing that they shall not so apply or shall cease so to apply) where the person liable as aforesaid has been performing a period of relevant service and while he was so doing an application was made to the appropriate court for leave under the last foregoing section to exercise the right or remedy ;
- (c) they shall apply in any case where—
 - (i) the appropriate court by order so directs, on the application of the person liable as aforesaid and on being satisfied that he is unable immediately to implement the decree or to perform the obligation in question by reason of circumstances directly or indirectly attributable to his or someone else's performing or having performed a period of relevant service ; or
 - (ii) the person liable as aforesaid has made to the appropriate court an application for an order under this paragraph, and the application has not been disposed of, or not having made such an application has given to the proper person written notice of his intention to do so.

(2) A notice given for the purpose of paragraph (c) of the foregoing subsection shall expire at the expiration of fourteen days (or, if given in a class of case as to which a longer period is prescribed for the purposes of this subsection, at the expiration of that period) from the date on which it was given, and where the person giving a notice for that purpose has given a previous notice to the like effect the later notice shall have no operation unless the previous notice was withdrawn with the consent of the proper person before it expired.

(3) For the purpose of the foregoing subsections, the expression "the proper person" means the person seeking to exercise the right or remedy in question, but a notice shall be deemed to be given to the proper person if given to any person (whether the proper person or his agent or not) proceeding to enforce that right or remedy.

PART I
—cont.

(4) Where the appropriate court makes an order under paragraph (c) of subsection (1) of this section with respect to the exercise of any right or remedy the powers of the court under the last foregoing section shall thereupon be exercisable as if an application for leave to exercise the right or remedy in question had been made under that section.

(5) The appropriate court, in determining for the purpose of the said paragraph (c) whether the applicant is unable immediately to implement the decree or to perform the obligation in question by reason of any such circumstances as are mentioned in that paragraph, may take account of other liabilities, whether present or future, of his.

(6) Any reference in subsection (3) of the last foregoing section or subsection (1) of this section to the person liable to implement the decree or to perform the obligation in question shall in a case where it is sought to exercise a right or remedy against one such person separately from any others who are also so liable, be construed as referring to him only and not including any such other person but, in a case where it is sought to exercise it against two or more such persons jointly, shall be construed as referring to all or any of the persons against whom it is sought to exercise the right or remedy; and in this subsection references to exercising a right or a remedy against a person shall include references to exercising it against property in which he has an interest or of which he is in possession.

(7) For the purposes of the last foregoing section, a person in right of a decree who presents a petition for sequestration or a winding up petition founded on the non-payment of money due under the decree shall be deemed to be enforcing the decree.

(8) For the purposes of the last foregoing section, the expression "the relevant date" means the date on which the service man in question began to perform the period of relevant service:

Provided that—

(a) for the purposes of any reference in that section to a contract made after the relevant date where a service man performs two or more periods of relevant service the said expression means the date on which he began the later or latest of those periods of service; and

(b) for the purposes of the proviso to subsection (2) of that section—

(i) where the said date was before the commencement of this Act, then subject to sub-paragraph (ii) of this paragraph the said expression means the date of that commencement; and

(ii) in a case to which the last foregoing section applies by virtue of paragraph (c) of subsection (1) of this section, the said expression means the date on which that section began so to apply.

10.—(1) Where the appropriate court refuses leave under subsection (3) of section eight of this Act to take or resume possession of goods let under a hire-purchase agreement or to do diligence on any decree for the delivery of any such goods, or gives such leave subject to restrictions and conditions, and the hirer or purchaser, before possession is taken or resumed or diligence is done, pays to the owner a sum equal to the total of the unpaid instalments, the property in the goods shall thereupon, notwithstanding any failure to pay any such instalment at the time required by the agreement, pass to the hirer or purchaser.

PART I
—cont.

Property in goods subject to hire-purchase agreement.

(2) Where the owner of goods let under a hire-purchase agreement has taken possession of the goods, the appropriate court on an application made under paragraph (c) of subsection (1) of section nine of this Act may, if it sees fit so to do deal with the case as if he were proceeding to take possession of them and, if it makes an order under that paragraph, may direct accordingly that the goods shall be restored to the hirer; and if, after the owner has taken possession of the goods, notice is given under that paragraph with respect to them, he shall not, so long as the notice is in force or any application in pursuance thereof is undisposed of, deal with the goods in such a way as to prejudice the powers of the appropriate court under this subsection.

(3) In this section the expression “hire-purchase agreement” means any contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the limitation as to value contained in section one of that Act were omitted and the expressions “hirer”, “instalment”, “owner” and “purchaser” have the like meanings as in that Act.

11.—(1) The appropriate court for the purposes of any of the provisions of this Part of this Act applying to Scotland shall be such court as the Court of Session may by Act of Sederunt designate, and different courts may be designated in relation to different classes of proceedings.

Appropriate courts and procedure.

(2) The Court of Session may by Act of Sederunt make provision for requiring, or dispensing with, service of notice of any application under this Part of this Act upon persons who may be affected, whether by virtue of subsection (4) of section eight or subsection (5) of section nine of this Act or otherwise, and may also make provision for the making of applications *ex parte* in such cases as may be prescribed by the Act of Sederunt.

(3) Any power conferred on the Court of Session by the foregoing provisions of this section shall be exercisable by statutory instrument and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an Act of Sederunt made in the exercise of the said power in like manner as if the Act of Sederunt had been made by a Minister of the Crown.

S*

PART I
—cont.

Interpretation
of sections
eight to eleven.

Effect of
failure to
observe
restrictions
under Part I.

12. For the purposes of sections eight to eleven of this Act the expression “heritable security” includes a security constituted by *ex facie* absolute disposition.

Effect of failure to observe restrictions under Part I

13.—(1) Omission to obtain leave required under section two of this Act, failure to observe a restriction or condition subject to which leave so required was given, or contravention of the prohibition in subsection (5) of section four of this Act against dealing with goods, shall not render invalid, or alter the effect of—

- (a) anything which would have operated as a transfer of the title to any property or of the possession of any property if leave had not been required or the restriction, condition or prohibition had not been imposed ;
- (b) any payment, receipt, appointment or other transaction ;
or
- (c) any legal proceedings.

(2) In any action for damages for conversion or other proceedings which lie by virtue of any such omission, failure or contravention, the court may take account of the conduct of the defendant with a view, if the court thinks fit, to awarding exemplary damages in respect of the wrong sustained by the plaintiff.

(3) If in any action or proceedings which lie by virtue of any such omission, failure or contravention the court is satisfied that the defendant acted honestly and reasonably, and ought fairly to be excused for it, the court may relieve the defendant from liability in respect thereof.

(4) In so far as it appears to the appropriate court to be practicable to remedy the results of any such omission, failure or contravention as aforesaid specifically without prejudice to the interests of third parties, the court may give any such directions for restoration of property, repayment of money or other measures as may appear to the court to be requisite for that purpose.

In this subsection the expression “third parties” means persons other than—

- (a) in the case of such an omission or failure in connection with the enforcement of a judgment or order or the exercise of a remedy, the person proceeding thereto and any person acting in relation thereto on his behalf ;
- (b) in the case of an omission to obtain leave for instituting such proceedings as are mentioned in paragraph (b) of subsection (2) of section two of this Act or for taking a step in such proceedings, the person instituting the proceedings or taking the step in question ;
- (c) in the case of a contravention of the prohibition in subsection (5) of section four of this Act, the owner of the goods ; and

PART I
— cont.

(d) in any of the cases aforesaid, any person taking a transfer of the title to or possession of any property under a transaction in connection with which the omission, failure or contravention took place, if he took with knowledge of the circumstances which rendered what was done such an omission, failure or contravention.

(5) In relation to an action or other proceedings tried by a judge and jury—

(a) the references to the court in subsections (2) and (3) of this section shall be construed as references to the jury, but without prejudice to the power of the judge to give to the jury directions whether there is any evidence of facts justifying an award of exemplary damages on the one hand or the granting of relief on the other hand, or to give them advice as to the making of such an award or grant ;

(b) the references to the court in subsection (4) of this section shall be construed as references to the judge alone.

(6) This section shall apply to Scotland subject to the following modifications :—

(a) for references to section two or to subsection (5) of section four of this Act there shall be respectively substituted references to section eight or to subsection (2) of section ten of this Act ;

(b) paragraph (b) of subsection (4) of this section shall be omitted ;

(c) the expression “ plaintiff ” means pursuer and the expression “ defendant ” means defender and any reference to a judgment shall include a reference to a decree.

PART II

PROTECTION AGAINST INSECURITY OF TENURE OF PLACE OF RESIDENCE

Protection during service other than short period of training

14.—(1) The three next succeeding sections shall have effect, subject to subsection (2) of this section, in the case of a service man who performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, for giving, during that period of service, or the residue of it if it began before the commencement of this Act, and four months from the date of the ending of it (in this Part of this Act referred to, in relation to such a service man, as his “ period of residence protection ”), security of tenure of premises which at any time during the period of protection are a rented family residence of his.

Period of residence protection, and scope of three succeeding sections (protection of tenure under lettings at a rent).

For the purposes of the operation of this Part of this Act at any time during a service man’s period of residence protection—

(a) the expression “ rented family residence ” means premises in which (or in part of which) the service man

PART II
—cont.

was living immediately before the beginning of his period of service with a dependant or dependants of his in right of a tenancy at a rent of those premises being a tenancy vested in him or in that dependant or any of those dependants, and in which (or in part of which) at the time in question during the period of protection a dependant or dependants of his is or are living, whether with or without him, in right of such a tenancy of those premises being a tenancy vested in him or in that dependant or any of those dependants; and .

(b) the expression “tenancy qualifying for protection” means the tenancy of a rented family residence of the service man in right of which a dependant or dependants of his is or are living therein or in part thereof at the time in question.

(2) The three next succeeding sections shall not have effect if and so long as the rented family residence—

- (a) is such a dwelling-house as is mentioned in paragraph (a) of subsection (2) of section three of the Rent Act of 1939 (which relates to on-licensed premises); or
- (b) is bona fide let at a rent which includes payments in respect of board.

Protection of tenure of furnished, and certain other, rented premises, by extension of the Furnished Houses (Rent Control) Act.

15.—(1) Subject to subsection (2) of the last preceding section, where at any time during a service man’s period of residence protection—

- (a) the rented family residence is let under the tenancy qualifying for protection either on such terms as are mentioned in subsection (1) of section two of the Furnished Houses (Rent Control) Act, 1946 (which relates to premises let in consideration of a rent which includes payment for the use of furniture or for services) or on terms of sharing with the lessor, and
- (b) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired, but
- (c) the conditions required for the operation of section eleven of the Rent Act of 1949 (which makes provision as to security of tenure) that the contract in question should have been referred to a tribunal under the Furnished Houses (Rent Control) Act, 1946, and that the reference should not have been withdrawn, are not fulfilled,

the said section eleven shall apply in relation to the notice to quit as if those conditions had been fulfilled as to the contract under which that tenancy subsists.

(2) The reference in paragraph (a) of the preceding subsection to a letting on terms of sharing with the lessor is a reference to a letting under which—

- (a) the lessee has the exclusive occupation of some accommodation (in this subsection referred to as “the separate accommodation”);
- (b) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and
- (c) the accommodation mentioned in the last preceding paragraph is or includes accommodation of such a nature that the circumstance specified in that paragraph is sufficient to prevent the separate accommodation from being a dwelling-house to which the Rent Restrictions Acts apply, whether apart from that circumstance it would be such a dwelling-house or not.

(3) Subject to subsection (2) of the last preceding section, where at any time during a service man’s period of residence protection the rented family residence is let as mentioned in paragraph (a) of subsection (1) of this section and a notice to quit has been served as aforesaid and has not expired, the subsistence of a Crown interest in the premises shall not affect the application of section eleven of the Rent Act of 1949 (or of that section as extended by subsection (1) of this section) in relation to the notice to quit, if the reversion immediately expectant on the tenancy in question is not a Crown interest.

(4) References in the said section eleven to that section shall be construed as including references to the preceding provisions of this section and to the said section eleven as extended by those provisions.

(5) Nothing in the preceding provisions of this section shall be construed as rendering the said section eleven applicable in a case in which the contract under which the tenancy in question subsists is excluded from the operation of the Furnished Houses (Rent Control) Act, 1946, by subsection (4) of section twelve of that Act (which relates to accommodation let under Regulation sixty-eight CB of the Defence (General) Regulations, 1939).

16.—(1) Subject to subsection (2) of section fourteen of this Act, if at any time during a service man’s period of residence protection—

- (a) a tenancy qualifying for protection ends without being continued or renewed by agreement (whether on the same or on different terms and conditions), and

Protection of
tenure of
rented
premises not
within the
preceding
section, by
extension of
the Rent Acts.

PART II
—cont.

- (b) by reason only of such circumstances as are mentioned in the next succeeding subsection no statutory tenancy arises (apart from the provisions of this section) on the ending of the tenancy qualifying for protection,

the Rent Restrictions Acts shall during the remainder of the period of protection apply in relation to the rented family residence as if those circumstances did not exist, and had not existed immediately before the ending of that tenancy, but shall so apply subject to the modifications provided for by this section as to standard rent.

(2) The circumstances referred to in the last preceding subsection are any one or more of the following, that is to say—

- (a) that the rateable value on the appropriate day (as defined for the purposes of the Rent Act of 1939) of the premises which are the rented family residence, or of a property of which at the ending of the tenancy qualifying for protection those premises form part, exceeded the relevant limit specified in subsection (1) of section three of that Act ;
- (b) that those premises are such a dwelling-house as is mentioned in paragraph (c) of subsection (2) of the said section three (which relates to local authorities' houses) ;
- (c) that there is a Crown interest in those premises, not being the reversion immediately expectant on the tenancy qualifying for protection ;
- (d) that immediately before the ending of the tenancy qualifying for protection those premises were let together with agricultural land exceeding two acres in extent but were not such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948 (which excludes from the Rent Restrictions Acts any dwelling-house which is comprised in an agricultural holding and is occupied by the person responsible for the control, whether as tenant or as servant or agent of the tenant, of the farming of the holding) ;
- (e) that immediately before the ending of the tenancy qualifying for protection the circumstances mentioned in subsection (7) of section twelve of the Rent Act of 1920 (which relates to tenancies where the rent is less than two-thirds of the rateable value) applied as respects that tenancy or applied as respects a tenancy having effect subject to that tenancy.

(3) As regards any period during which the Rent Restrictions Acts apply in relation to a rented family residence as mentioned

in subsection (1) of this section, the succeeding provisions of this section shall have effect as to the standard rent of any premises (hereafter in this section referred to as "the protected premises") of which a statutory tenancy arises by virtue of the said subsection (1) on the ending of the tenancy qualifying for protection.

(4) If the circumstances referred to in paragraph (b) of subsection (1) of this section do not include the circumstances mentioned in paragraph (e) of subsection (2) of this section—

- (a) the standard rent of the protected premises shall be the rent payable in respect of the tenancy qualifying for protection immediately before its ending or, if the protected premises are only part of the property comprised in that tenancy, an amount to be ascertained by apportionment of the rent so payable ;
- (b) section one of the Rent Act of 1949 (which provides for varying a standard rent in certain cases) shall not apply ; and
- (c) any apportionment required for the purposes of paragraph (a) of this subsection shall, in default of agreement, be made by the county court, and the decision of the county court on the apportionment shall be final and conclusive.

(5) If the circumstances referred to in paragraph (b) of subsection (1) of this section do include the circumstances mentioned in paragraph (e) of subsection (2) of this section, the standard rent of the protected premises shall be such amount as may be agreed between the parties or, in default of agreement, as may be determined in accordance with the following provisions, that is to say—

- (a) subject to the succeeding paragraphs, the standard rent shall be ascertained in accordance with paragraph (a) of the last preceding subsection ;
- (b) if at any time, whether before or after the ending of the tenancy qualifying for protection, the landlord serves on the tenant a notice (in such form as may be prescribed by the Minister of Local Government and Planning by statutory instrument) specifying the amount which is to be the standard rent, then as from the service of the notice or from the ending of the tenancy qualifying for protection (whichever is the later) that amount shall, subject to the succeeding paragraphs, be the standard rent ;
- (c) at any time after the service of a notice under the last preceding paragraph the tenant may apply to the tribunal to determine what rent is reasonable for the

PART II
—cont.

protected premises and on any such application the tribunal shall determine that rent and shall notify the parties of their determination ; and

- (d) the rent determined by the tribunal under the last preceding paragraph shall as from the date of the determination be the standard rent of the protected premises :

Provided that, if the tribunal so determine, the rent determined by the tribunal shall be the standard rent as from such earlier date as they may direct, being a date not earlier than the serving of the notice under paragraph (b) of this subsection nor earlier than the ending of the tenancy qualifying for protection.

(6) In determining under paragraph (c) of the last preceding subsection what rent is reasonable for the protected premises the tribunal shall have regard to the terms and conditions (other than terms and conditions fixing the amount of the rent) of the statutory tenancy to which, by virtue of subsection (1) of this section, the premises are for the time being subject or will become subject on the ending of the tenancy qualifying for protection, as the case may be, but save as aforesaid shall disregard any considerations arising from the personal circumstances of any of the parties.

(7) For the purposes of the said paragraph (c) the tribunal shall be the tribunal which, if the application were an application under section one of the Rent Act of 1949, would be the tribunal for the purposes of that section, and paragraph (b) of section eight of the Furnished Houses (Rent Control) Act, 1946 (under which the Minister of Local Government and Planning has power to make regulations with regard to proceedings before tribunals for the purposes of the said section one) shall apply.

(8) Section one hundred and ninety-six of the Law of Property Act, 1925 (which relates to service of notices) shall apply to notices for the purposes of this section.

Provisions supplementary to section sixteen in case of rented premises which include accommodation shared otherwise than with the landlord.

17.—(1) Where at any time during a service man's period of residence protection a tenancy qualifying for protection ends as mentioned in paragraph (a) of subsection (1) of the last preceding section, and immediately before the ending of the tenancy—

- (a) the tenant under the terms of the tenancy had the exclusive occupation of some accommodation (in this section referred to as " the separate accommodation ") and had the use of other accommodation in common with another person or other persons, not being or including the landlord, but
- (b) by reason only of such circumstances as are mentioned in subsection (2) of the last preceding section subsection (1) of section eight of the Rent Act of 1949

(which applies the Rent Restrictions Acts to accommodation of which a tenant has the exclusive occupation where under the terms of the tenancy he shares other accommodation with other persons but not with his landlord) did not have effect as respects the separate accommodation,

PART II
—cont.

then subject to the next succeeding subsection the said section eight shall during the remainder of the period of protection apply in relation to the separate accommodation as if the circumstances referred to in paragraph (b) of this subsection did not exist, and had not existed immediately before the ending of the tenancy.

(2) As regards any period during which the said section eight applies as mentioned in the last preceding subsection—

- (a) if the said circumstances did not include the circumstances mentioned in paragraph (e) of subsection (2) of the last preceding section, the standard rent of the separate accommodation shall be the rent payable in respect of the tenancy immediately before its ending, and section one of the Rent Act of 1949 shall not apply ;
- (b) if the said circumstances did include the circumstances mentioned in the said paragraph (e), then for ascertaining the standard rent of the separate accommodation the provisions of subsections (5) to (8) of the last preceding section shall apply with the necessary modifications.

18.—(1) Where—

- (a) a service man begins a period of relevant service, other than a short period of training, after the commencement of this Act, and immediately before beginning it he was living, together with a dependant or dependants of his, in any premises by virtue of a licence in that behalf granted to him by his employer in consequence of his employment, or by virtue of a tenancy so granted otherwise than at a rent (in this section referred to as a 'rent-free tenancy'), or
- (b) a service man is performing a period of relevant service, other than a short period of training, at the commencement of this Act, and immediately before beginning it he was living as aforesaid, and a dependant or dependants of his is or are living in the premises or in part thereof, otherwise than in right of a tenancy at a rent, at the commencement of this Act,

Protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts.

then during the service man's period of residence protection as defined in section fourteen of this Act the Rent Restrictions Acts shall, subject to the provisions of this section, apply in relation to those premises as if instead of the licence, or of the

PART II
—cont.

rent-free tenancy, as the case may be, there had been granted to the service man a tenancy at a rent—

- (i) for a term of years certain expiring at the beginning of the period of service, or at the commencement of this Act if the period of service began theretofore, and
- (ii) in other respects on the same terms and conditions (excluding any terms or conditions relating to the employment) as those on which the licence, or the rent-free tenancy, as the case may be, was granted ;

and those premises shall be deemed to be during the period of protection a dwelling-house to which those Acts apply if apart from this section they would not have been so.

(2) As regards any period during which the Rent Restrictions Acts apply in relation to premises as mentioned in the preceding subsection—

- (a) if the grant in question was of a licence and a rent not less than two-thirds of the rateable value of the premises was payable in respect thereof immediately before the beginning of the period of service, the standard rent of the premises shall be that rent, and section one of the Rent Act of 1949 shall not apply ;
- (b) if the grant in question was of a licence and no such rent as aforesaid was payable as aforesaid, or if the grant in question was of a rent-free tenancy, then for ascertaining the standard rent of the premises the provisions of subsections (5) to (8) of section sixteen of this Act shall apply with the necessary modifications ;

and where paragraph (b) of this subsection applies, subsection (7) of section twelve of the Rent Act of 1920 shall be treated as not having applied as respects the tenancy assumed for the purposes of subsection (1) of this section.

In this subsection the expression “ rateable value ”, in relation to any premises, means the value shown for the time being in the valuation list then in force as the rateable value thereof or, where the net annual value differs from the rateable value, as the net annual value thereof :

Provided that, where the premises are not separately shown in the valuation list, the rateable value thereof shall be taken to be an apportioned part of the rateable value of the hereditament shown in the valuation list which comprises the premises, and any apportionment required for the purposes of this proviso shall, in default of agreement, be made by the county court.

(3) Subsection (1) of this section shall not have effect—

- (a) where the licence, or the rent-free tenancy, as the case may be, was granted in connection with the management of premises licensed for the sale of intoxicating liquor for consumption thereon, or

(b) where the licence, or the rent-free tenancy, as the case may be, was granted pursuant to a contract which imposed on the grantor thereof an obligation to provide board for the service man and the dependant or dependants.

(4) As regards the assumption of the granting of a tenancy which is to be made for the purposes of subsection (1) of this section in a case where the grant in question was of a licence, if the granting of such a tenancy would have been a subletting of the premises it shall not be treated for any purpose as constituting a breach of any covenant or agreement prohibiting or restricting subletting.

(5) The subsistence of a Crown interest in the premises shall not affect the application of this section if the interest of the grantor of the licence, or the rent-free tenancy, as the case may be, is not a Crown interest.

(6) In relation to a policeman service man this section shall have effect with the substitution of a reference to a grant to him, either by the relevant police authority or by another person under arrangements made by that authority with that person, in consequence of the service man's membership of the relevant police force, for the reference in subsection (1) to a grant to a service man by his employer in consequence of his employment.

19.—(1) Where by virtue of any of the three last preceding sections, or by virtue of the succeeding provisions of this section, the operation of the Rent Restrictions Acts in relation to any premises is extended or modified, the extension or modification shall not affect any tenancy of those premises other than—

Limitation on application of Rent Acts by virtue of sections sixteen to eighteen.

(a) the statutory tenancy arising by virtue of section sixteen or seventeen of this Act on the ending of a tenancy qualifying for protection (as defined in section fourteen of this Act), or arising by virtue of the last preceding section at the beginning of a period of relevant service or at the commencement of this Act, and

(b) any subsequent statutory tenancy arising on the ending of a statutory tenancy that falls within the preceding paragraph, or within this paragraph,

and shall not affect rent payable in respect of any period before the beginning of the statutory tenancy arising as mentioned in paragraph (a) of this subsection or anything done or omitted theretofore.

(2) In relation to premises to which the Rent Restrictions Acts apply as mentioned in subsection (1) of either section sixteen or section eighteen of this Act, or apply by virtue of section seventeen of this Act, paragraph (h) of the First Schedule to the Rent

PART II
 —cont.

Act of 1933 (which excepts a landlord who purchased after the date therein mentioned from provisions as to possession for occupation for himself or certain relatives of his) shall have effect with the substitution of references to the seventeenth day of April, nineteen hundred and fifty-one for references to the date therein mentioned.

(3) In the application to any premises of the Rent Restrictions Acts as mentioned in the last preceding subsection—

(a) they shall have effect subject to the modifications set out in the first column of the First Schedule to the Rent Act of 1939 (being modifications subject to which, by virtue of section three of that Act, they apply in relation to dwelling-houses brought within them by that section) if apart from this subsection they would not so have effect, but

(b) whether apart from this subsection they would so have effect or not, those modifications shall apply (except as provided by the last preceding subsection) with the substitution, for references to the passing or the commencement of the Rent Act of 1939, of references to the beginning of the statutory tenancy referred to in paragraph (a) of subsection (1) of this section.

(4) Subsection (6) of section twelve of the Rent Act of 1920 (which provides that that Act shall continue to apply to premises to which it has once become applicable) shall not apply as respects any premises to which the Rent Restrictions Acts apply as mentioned in subsection (2) of this section.

(5) A mortgage which, if the three last preceding sections had not been enacted, would not be a mortgage to which the Rent Restrictions Acts apply shall be deemed not to be such a mortgage.

In this subsection the expression “mortgage” has the same meaning as in the Rent Act of 1920.

(6) References in this section to premises to which the Rent Restrictions Acts apply by virtue of section seventeen of this Act are references to premises to which those Acts apply in accordance with the provisions of section eight of the Rent Act of 1949, in a case where the said section eight applies as mentioned in subsection (1) of the said section seventeen.

Modifications
 of Rent Acts
 as respects
 occupation by
 employees.

20.—(1) Where the carrying out of duties connected with an employment which a service man had before beginning a period of relevant service (or, in the case of a policeman service man, the carrying out of his police duties) constitutes an obligation of a tenancy, and his performing that service prevents his carrying out those duties, the fact that he does not carry them

out shall not be treated for the purposes of paragraph (a) of the First Schedule to the Rent Act of 1933 (which relates to recovery of possession where an obligation of a tenancy has been broken or not performed) as a breach or non-performance of the obligation.

(2) Paragraph (g) of the said First Schedule (which relates to recovery of possession, without proof of suitable alternative accommodation, in circumstances connected with occupation by employees) shall not apply for the purposes of the proceedings on an application for possession of premises made at any time during a service man's period of residence protection (as defined in section fourteen of this Act) if either—

- (a) the premises are a rented family residence of his as defined in that section ; or
- (b) the Rent Restrictions Acts apply to the premises as mentioned in subsection (1) of section eighteen of this Act, and a dependant or dependants of the service man is or are living in the premises or in part thereof in right of a statutory tenancy that falls within paragraph (a) or (b) of subsection (1) of the last preceding section.

(3) Where the last preceding subsection has effect as to an application for possession, the circumstances specified in the said First Schedule in which the court has power to make or give an order or judgment for the recovery of possession without proof of suitable alternative accommodation shall include the circumstances specified in either of the following paragraphs, that is to say—

- (a) that the landlord is a body who are statutory undertakers or a local authority or development corporation having public utility functions, and that the premises are required by that body in the public interest for occupation as a residence for some person who is engaged in their whole-time employment in connection with their public utility functions or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into ;
- (b) where the last preceding subsection has effect by virtue of paragraph (b) thereof and the service man in question is a policeman service man, that the premises are required by the relevant police authority for occupation as a residence by a member of the police force in question :

Provided that, where the court is satisfied that circumstances exist such as are specified in paragraph (a) of this subsection, the matters relevant for the court in determining under subsection (1) of section three of the Rent Act of 1933 whether it is

PART II
—cont.

reasonable to make or give such an order or judgment shall (without prejudice to the generality of that subsection) include the question whether the body seeking the order or judgment have at their disposal any vacant accommodation which would be suitable alternative accommodation for the tenant, or will have such accommodation at their disposal at or before the time when it is proposed that the order or judgment should take effect.

(4) In the last preceding subsection the expressions “ statutory undertakers ” and “ local authority ” have the same meanings as in the Town and Country Planning Act, 1947, the expression “ development corporation ” has the same meaning as in the New Towns Act, 1946, and the expression “ public utility functions ” means powers or duties conferred or imposed by or under any enactment, being powers or duties to carry on a statutory undertaking (as defined in the said Act of 1947) or to provide public sewers or provide for the disposal of sewage, or being powers or duties of a river board or other drainage authority (as defined respectively in the River Boards Act, 1948, and the Land Drainage Act, 1930).

Modifications
of Agricultural
Holdings Act,
1948, where
tenant is a
service man.

21.—(1) The three next succeeding subsections shall have effect where the tenant of an agricultural holding to which this section applies performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, and after the commencement of this Act, at a time during his period of residence protection, there is given to him notice to quit the holding, or notice to quit a part of the holding, being a part to which this section applies.

This section applies to any agricultural holding which comprises such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, and applies to any part of an agricultural holding being a part which consists of or comprises such a dwelling-house.

(2) Subsection (1) of section twenty-four of the said Act of 1948 (which restricts the operation of notices to quit) shall apply notwithstanding the existence of any such circumstances as are mentioned in subsection (2) or subsection (3) of that section; but where the Minister is satisfied that such circumstances exist then (subject to the next succeeding subsection) the Minister shall not be required to withhold his consent to the operation of the notice to quit by reason only that he is not satisfied that circumstances exist such as are mentioned in paragraphs (a) to (e) of subsection (1) of section twenty-five of that Act.

(3) In determining whether to give or withhold his consent under the said section twenty-four the Minister—

(a) if satisfied that circumstances exist such as are mentioned in subsection (2) or subsection (3) of the said section

twenty-four or in subsection (1) of the said section twenty-five, shall consider to what extent (if at all) the existence of those circumstances is directly or indirectly attributable to the service man's performing or having performed the period of service in question, and

- (b) in any case, shall consider to what extent (if at all) the giving of such consent at a time during the period of protection would cause special hardship in view of circumstances directly or indirectly attributable to the service man's performing or having performed that period of service ;

and the Minister shall withhold his consent to the operation of the notice to quit unless in all the circumstances he considers it reasonable to give his consent thereto.

(4) The two last preceding subsections shall apply in relation to the giving or withholding of consent by the Agricultural Land Tribunal, on a reference to that Tribunal under subsection (4) of the said section twenty-five, as they apply in relation to the giving or withholding of consent by the Minister.

(5) Where the tenant of an agricultural holding to which this section applies performs such a period of service as is mentioned in subsection (1) of this section and—

- (a) a notice to quit the holding or a part thereof to which this section applies was given to him before the commencement of this Act or is given to him thereafter but before the beginning of his period of residence protection, and
- (b) the tenant duly serves or has served a counter-notice under subsection (1) of the said section twenty-four, and
- (c) either the Minister has not consented to the operation of the notice to quit or the matter of his consent thereto is or has been duly referred to the Agricultural Land Tribunal and the Tribunal has not determined the matter so referred,

the two last preceding subsections shall (with the necessary modifications) apply in relation to the giving or withholding of consent to the operation of the notice to quit as they apply in relation to the giving or withholding of consent to the operation of a notice to quit given in the circumstances mentioned in subsection (1) of this section.

(6) Section twenty-six of the said Act of 1948 (which authorises the Minister to make regulations as to matters arising out of sections twenty-four and twenty-five of that Act) shall apply

PART II
—cont.

in relation to the provisions of those sections as modified by the preceding provisions of this section as it applies in relation to the provisions of those sections apart from this section.

(7) For the avoidance of doubt it is hereby declared that the power of the Minister under section seventy-two of the Agriculture Act, 1947, to make regulations providing for the delegation of functions to a County Agricultural Executive Committee extends to the making of regulations providing for the delegation to such a committee of any functions of his under section twenty-four or section twenty-five of the said Act of 1948 as modified by the preceding provisions of this section.

(8) In this section the expression “agricultural holding” has the same meaning as in the said Act of 1948 and the expression “the Minister” means the Minister of Agriculture and Fisheries.

Facilities for
action on
behalf of
men serving
abroad in
proceedings
as to
tenancies.

22.—(1) Where in the course of any proceedings brought before a court under the Rent Restrictions Acts, or of any proceedings consequential upon the making of a reference or application to a rent tribunal under the Furnished Houses (Rent Control) Act, 1946, or under this Part of this Act, it appears to the court or tribunal—

- (a) that the proceedings relate to a tenancy vested in a service man ;
- (b) that a person other than the service man desires to take a step in the proceedings on behalf of the service man at a time when he is serving abroad, or has purported to take a step in the proceedings on his behalf at a time when he was so serving ; and
- (c) that the said person, in seeking or purporting to take that step, is or was acting in good faith in the interests of the service man, and is or was a fit person to take that step on his behalf, but is or was not duly authorised to do so,

the court or tribunal may direct that the said person shall be deemed to be, or to have been, duly authorised to take that step on behalf of the service man.

(2) The provisions of the preceding subsection apply in relation to the institution of proceedings before a court as they apply in relation to the taking of a step in such proceedings, and apply in relation to the making of a reference or application to a rent tribunal as they apply in relation to the taking of a step in proceedings consequential upon the making of such a reference or application ; and references in that subsection to proceedings brought or a reference or application made as therein mentioned include references to proceedings which purport to be so brought or to a reference or application which purports to be so made, as the case may be.

(3) Where in the course of any proceedings a court or tribunal gives a direction under subsection (1) of this section, the person to whom the direction relates shall have the like right of audience in those proceedings as the service man himself would have.

(4) The Minister of Agriculture and Fisheries may make regulations—

(a) for enabling a counter-notice under subsection (1) of section twenty-four of the Agricultural Holdings Act, 1948, to be served on behalf of a service man at a time when he is serving abroad, in a case where a notice to quit is given to him as mentioned in subsection (1) of section twenty-one of this Act ; and

(b) for enabling any act or proceedings consequential upon the service of a counter-notice under subsection (1) of the said section twenty-four to be performed or conducted on behalf of a service man at a time when he is serving abroad, either in such a case as is mentioned in the preceding paragraph or in a case where subsection (5) of section twenty-one of this Act applies in relation to the service man.

(5) Regulations made under the last preceding subsection may contain such incidental and consequential provisions as may appear to the said Minister to be necessary or expedient for the purposes of the regulations.

(6) The power to make regulations under subsection (4) of this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) References in this section to a time when a service man is serving abroad are references to a time when he is performing a period of relevant service and is outside the United Kingdom.

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

“ agricultural land ” has the same meaning as in the Rent Act of 1939 ;

“ Crown interest ” means an interest belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or to a Government department, or held on behalf of His Majesty for the purposes of a Government department ;

“ dependant ”, in relation to a service man, means—

(a) his wife, and

(b) any other member of his family who was wholly or mainly maintained by him immediately before the beginning of the period of service in question ;

PART II
—cont.

- “landlord” and “tenant” have the same meanings as in the Rent Restrictions Acts;
- “policeman service man” means a service man who, immediately before beginning the period of relevant service in question, was a member of a police force;
- “police force” means a police force maintained by virtue of a scheme under the Police Act, 1946, or maintained for a police area mentioned in the Third Schedule to the Police Pensions Act, 1921;
- “relevant police authority” means, in relation to a police force maintained by virtue of a scheme under the Police Act, 1946, the authority responsible under the scheme for the maintenance of that force, and, in relation to any other police force, the police authority (within the meaning of the Police Pensions Act, 1921) responsible for the maintenance of that force;
- “statutory tenancy” means a right to retain possession of premises after the ending of a tenancy thereof, being a right arising on the ending of that tenancy from the operation of the Rent Restrictions Acts (or of those Acts as extended by this Part of this Act) in relation to a person as being, or being the widow of or otherwise related to, the former owner of the tenancy, or a right to retain possession of premises arising by virtue of subsection (1) of section eighteen of this Act;
- “tenancy” includes a statutory tenancy, and, apart from a statutory tenancy, means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement, but does not include any relationship between a mortgagor and a mortgagee as such.
- (2) In this Part of this Act—
- (a) references to the ending of a tenancy are references to the coming to an end thereof however brought about, whether by effluxion of time, notice to quit or otherwise, and in particular, as respects a statutory tenancy, include references to the coming to an end thereof as between the tenant and a landlord who is himself a tenant by reason of the ending of the tenancy of the landlord;
- (b) references to a tenancy vested in any person include references to a tenancy vested in trustees, or held as part of the estate of a deceased person, where the first-mentioned person has a right or permission to occupy the premises arising by reason of a beneficial interest (whether direct or derivative) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee.

(3) In this Part of this Act, and in the Rent Restrictions Acts as applied by any provision thereof, references to rent shall be construed as including references to any sum in the nature of rent payable in respect of such a licence as is mentioned in section eighteen of this Act.

PART II
—cont.

24. In the application of the preceding sections of this Part of this Act to Scotland— Application
of Part II to
Scotland.

- (a) for any reference to the Minister of Local Government and Planning or to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State; and for any reference to the county court there shall be substituted a reference to the sheriff;
- (b) for references to the Agricultural Holdings Act, 1948, and to sections twenty-four, twenty-five and twenty-six thereof, there shall be respectively substituted references to the Agricultural Holdings (Scotland) Act, 1949, and to sections twenty-five, twenty-six and twenty-seven thereof; for references to the Agricultural Land Tribunal and to references thereto there shall be respectively substituted references to the Scottish Land Court and to appeals thereto; and for any reference to such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, there shall be substituted a reference to a dwelling-house comprised in an agricultural holding and occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding;
- (c) for references to the Agriculture Act, 1947, and to section seventy-two thereof there shall be respectively substituted references to the Agriculture (Scotland) Act, 1948, and to section sixty-nine thereof; and for any reference to a County Agricultural Executive Committee there shall be substituted a reference to an Agricultural Executive Committee;
- (d) for any reference to the Town and Country Planning Act, 1947, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1947, and for references to the Furnished Houses (Rent Control) Act, 1946, and to section eight thereof, there shall be respectively substituted references to the Rent of Furnished Houses Control (Scotland) Act, 1943, and to section six thereof;
- (e) for any reference to a valuation list there shall be substituted a reference to a valuation roll; for any reference to a hereditament there shall be substituted a

PART II
—cont.

- reference to lands and heritages; and for any reference to intoxicating liquor there shall be substituted a reference to exciseable liquor;
- (f) the expression “licence” means a right or permission derived otherwise than under a lease; and any reference to the reversion immediately expectant on a tenancy shall be construed as a reference to the interest of the immediate landlord of the tenant under the tenancy;
- (g) for references to the Police Act, 1946, and to an authority responsible under a scheme for the maintenance of a police force there shall be respectively substituted references to the Police (Scotland) Act, 1946, and to a joint police committee to whom the functions of constituent authorities have been delegated;
- (h) section sixteen of this Act shall have effect as if for subsection (8) there were substituted the following subsection—

“(8) A notice for the purposes of this section may be served in like manner as a notice under section three hundred and forty-nine of the Local Government (Scotland) Act, 1947.”

Protection during short period of training

Protection
during short
period of
training.

25.—(1) Where a service man who has been living with a dependant or dependants of his in any premises in right of a tenancy, or of a licence in that behalf granted by his employer in consequence of his employment, performs a short period of training, then, for so long during that period and within fourteen days from the ending of it as the dependant or dependants and the service man or any of them is or are still living in the premises or any part thereof, no person shall be entitled, except with the leave of the appropriate court, to proceed—

- (a) to execution on, or otherwise to the enforcement of, any judgment or order given or made against any of them for the recovery of possession of any part of the premises in which any of them is or are living, or
- (b) to exercise against any of them any right to take possession of, or to re-enter upon, any such part thereof.

(2) If, on any application for such leave as is required by the preceding subsection, the court is of opinion that, by reason of circumstances directly or indirectly attributable to the service man’s performing or having performed the period of service in question, the judgment, order or right ought not to be immediately executed, enforced or exercised, the court may refuse leave or give leave subject to such restrictions and conditions as the court thinks proper.

(3) References in this section to a judgment or order for the recovery of possession of premises include references to any judgment or order the effect of which is to enable a person to obtain possession of the premises, and in particular includes, in relation to a mortgagee, a judgment or order for the delivery of possession of the premises.

(4) For the purposes of this section a person shall be deemed to be proceeding to execution on, or otherwise to the enforcement of, a judgment or order in the circumstances in which, by virtue of subsection (9) of section three of this Act, he would be deemed to be so proceeding for the purposes of section two of this Act, and, where a person has, in a case for which leave was not required under this section, taken out any judicial process with a view to, or in the course of, the enforcement of a judgment or order or proceeded to the exercise of a right to take possession of or to re-enter upon premises, he shall be deemed to be proceeding to the enforcement of the judgment or order or to the exercise of the right when any step is taken by him or on his behalf towards its completion.

(5) The references in section five and subsection (1) of section eleven of this Act to the provisions of Part I of this Act shall include references to the provisions of this section, and the provisions of section thirteen of this Act which relate to omission to obtain leave required under section two of this Act shall have effect in relation to omission to obtain leave required under this section.

(6) In this section the expression “dependant”, in relation to a service man, means—

- (a) his wife, and
- (b) any other member of his family wholly or mainly maintained by him.

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

- (a) the expression “licence” has the meaning assigned to it by paragraph (f) of section twenty-four of this Act;
- (b) a reference to proceeding to execution on or otherwise to the enforcement of a judgment or order shall be construed as a reference to the enforcement of a decree, and any reference to a mortgagee shall be omitted;
- (c) for the references to section two and to subsection (9) of section three of this Act there shall be respectively substituted references to section eight and to subsection (7) of section nine of this Act.

PART III

PROTECTION AGAINST INSECURITY OF TENURE OF
BUSINESS AND PROFESSIONAL PREMISES*Provisions as to England and Wales*

Application of sections twenty-seven to thirty-six.

26. The ten next following sections shall apply to England and Wales only.

Renewal of tenancy expiring during period of service or within two months thereafter.

27.—(1) The provisions of this Part of this Act shall have effect for empowering the court to order the grant of new tenancies in cases where—

- (a) immediately before beginning (whether after or before the commencement of this Act) a period of relevant service, other than a short period of training, a service man was the working proprietor of a business or professional practice carried on in the premises, or part of the premises, comprised in a tenancy vested in him, and
- (b) the tenancy (in this Part of this Act referred to as “the expiring tenancy”) would apart from the provisions of this Part of this Act come to an end after the commencement of this Act and before the date of the ending of that period of service or before the expiration of two months from that date, and would so come to an end by effluxion of time or by the expiration of a notice to quit given by the landlord, whether after or before the commencement of this Act, and
- (c) at the time when an application for the grant of a new tenancy is made under this Part of this Act the service man is still the proprietor of the business or practice and it is still being carried on in the premises, or part of the premises, comprised in the expiring tenancy:

Provided that the said provisions shall not have effect if at the time when the application might otherwise be made the premises comprised in the expiring tenancy are an agricultural holding (within the meaning of the Agricultural Holdings Act, 1948), or consist of or comprise premises (other than premises excepted from this provision) licensed for the sale of intoxicating liquor for consumption on the premises, or if the expiring tenancy was granted in pursuance of subsection (2) of section four of the War Damaged Sites Act, 1949.

(2) For the purposes of paragraph (a) of the last preceding subsection a service man shall be deemed to have been at any time the working proprietor of a business or professional practice

carried on as mentioned in that paragraph if, and only if, he was the proprietor of the business or practice during the whole of the period of one year immediately preceding that time and, during more than one-half of that period, either—

- (a) he worked whole-time in the actual management or conduct of that business or practice, or
- (b) he worked whole-time in the actual management or conduct of a business or professional practice of which that business or practice was a branch and was mainly engaged in the management or conduct of that branch.

(3) In the preceding provisions of this section the expression “proprietor” means, in the case of a business or practice carried on by a partnership firm, a partner in the firm on terms and conditions entitling him to not less than one half of the profits of the firm, and, in the case of a business or practice carried on by a company, a person holding shares in the company amounting in nominal value to not less than one half of the issued share capital of the company; and, in relation to a business or practice carried on by a partnership firm or by a company, references in those provisions to the proprietor of the business or practice include references to a person being one of two such partners in the firm or, as the case may be, being one of two persons each holding such shares in the company, and references to the working proprietor of the business or practice shall be construed accordingly.

(4) In relation to a business or practice carried on by a partnership firm or by a company, references in the preceding provisions of this section to a tenancy vested in the service man include references to a tenancy vested in one or more partners of the firm, or vested in the company, as the case may be; and for the purposes of those provisions and of this subsection a tenancy shall be treated as having been vested at any time in a person if it was then vested in trustees, or held as part of the estate of a deceased person, and the first-mentioned person then had a right or permission to occupy the premises comprised in the tenancy, or the part of those premises in which the business or practice was being carried on, being a right or permission arising by reason of a beneficial interest (whether direct or derivative) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee.

(5) In this section—

- (a) the expression “profits” in relation to a firm means such profits of the firm as are from time to time distributable among the partners therein;

PART III
—cont.

- (b) the expression “ company ” has the same meaning as in the Companies Act, 1948 ;
- (c) the expression “ share ” includes stock and the expression “ share capital ” shall be construed accordingly ;

and for the purposes of this section shares held by a person’s wife, or held by him jointly with his wife, shall be treated as shares held by that person.

(6) In the proviso to subsection (1) of this section the reference to premises excepted from the provision as to premises licensed for the sale of intoxicating liquor is a reference to premises in respect of which—

- (a) the excise licence for the time being in force is a licence the duty in respect of which is the reduced duty payable under section forty-five of the Finance (1909-10) Act, 1910, or a licence granted in pursuance of regulations under subsection (5) of the said section forty-five (which relates to the granting of licences on the provisional payment of reduced duty), or
- (b) the Commissioners of Customs and Excise certify that no application under the said section forty-five has been made in respect of the period for which the excise licence for the time being in force was granted, but that if such an application had been made such a licence could properly have been granted as is mentioned in the preceding paragraph.

Premises to be comprised in new tenancy.

28.—(1) Any new tenancy granted under this Part of this Act shall, subject to the next succeeding subsection, be a tenancy of the whole of the premises comprised in the expiring tenancy.

(2) If at the time of the application for a new tenancy the business or practice is being carried on in a separate part of the premises comprised in the expiring tenancy (whether that part is used exclusively for the purposes of the business or practice or not) any new tenancy granted as aforesaid shall, if the landlord so requires, be a tenancy of the whole of the premises comprised in the expiring tenancy, but otherwise shall be a tenancy of that separate part:

Provided that where in such a case the landlord does not require the new tenancy to be a tenancy of the whole of the premises comprised in the expiring tenancy and—

- (a) those premises include such a separate part as aforesaid and also another separate part consisting of living accommodation occupied wholly or mainly by one or

more dependants of the service man, or by a person who is employed for the purposes of the business or practice carried on as aforesaid, and

(b) an application is made in that behalf,

the new tenancy shall, unless the court in its discretion otherwise determines, be a tenancy of the separate part in which the business or practice is carried on and also of the separate part consisting of the living accommodation.

(3) Any question arising under the last preceding subsection whether a part of premises should be treated as a separate part for the purposes of the grant of a new tenancy shall be determined by the court on the hearing of the application.

(4) In this section the expression “dependant” has the meaning assigned to it by subsection (1) of section twenty-three of this Act.

29.—(1) An order for the grant of a new tenancy under this Part of this Act shall not be made except upon an application to the county court made by the tenant under the expiring tenancy; and, subject to subsection (3) of this section, any such application shall—

Application
for grant of
new tenancy.

(a) if apart from this section the expiring tenancy would expire by effluxion of time, not be made later than one month before the date on which that tenancy would so expire;

(b) if apart from this section the expiring tenancy would come to an end by notice to quit given by the landlord, be made after the giving of the notice to quit and not later than one month before the notice is due to expire:

Provided that—

(i) in a case falling within paragraph (b) of this subsection an application may be made at any time not later than one month after the giving of the notice to quit, if the latest time limited by that paragraph would fall before the end of that month; and

(ii) where the latest time limited by the preceding provisions of this subsection would fall before the end of one month beginning with the commencement of this Act, an application may be made not later than the end of that month.

(2) Where apart from this section the expiring tenancy would come to an end—

(a) by effluxion of time, or

(b) by notice to quit given by the landlord so as to expire not less than four months after the giving of the notice,

T

PART III
—cont.

the landlord may at any time not earlier than the beginning of the service man's period of service in question nor earlier than four months before the date on which that tenancy would so come to an end serve on the tenant notice, in such form and containing such particulars as to the provisions of this Part of this Act as may be prescribed by regulations made by the Lord Chancellor by statutory instrument, requiring the tenant within the period of one month from the date of the service of the notice to elect whether or not to make an application under the preceding subsection; and, subject to the next succeeding subsection, where a notice under this subsection is served no such application shall be made in relation to the expiring tenancy after the end of the said period of one month.

(3) The court to which an application under subsection (1) of this section could be made within the time limited by the preceding subsections shall have power, on an application made in that behalf either before or after the expiration of that time, to extend the time limited by those subsections for making the application under the said subsection (1) if the court is satisfied that there are or were adequate reasons for not making that application within the time so limited and that in all the circumstances of the case it is reasonable to extend the time.

(4) Where an application is duly made under subsection (1) of this section and the expiring tenancy would apart from this section come to an end before the relevant date, then—

- (a) if the expiring tenancy would so come to an end after the application is made, it shall be treated as continuing until the relevant date;
- (b) if the expiring tenancy would have so come to an end at a time before the application is made, it shall be treated as having continued since that time until the application is made and as continuing thereafter until the relevant date.

(5) The relevant date for the purposes of the last preceding subsection, in relation to an application—

- (a) unless the application is withdrawn, is the date falling one month after the date on which the proceedings on the application (including any proceedings on or in consequence of an appeal) are finally determined;
- (b) if the application is withdrawn, is the date falling one month after the withdrawal of the application.

(6) Section one hundred and ninety-six of the Law of Property Act, 1925 (which relates to service of notices) shall apply to notices for the purposes of this section.

30.—(1) Subject to the provisions of this Part of this Act, on an application under this Part of this Act duly made the court may, if in all the circumstances of the case it appears reasonable to do so, order that there shall be granted to the tenant a tenancy for such period, at such rent and on such terms and conditions as the court in all the circumstances thinks reasonable, and thereafter the parties shall be deemed to have entered into a lease of the premises or part of premises (as the case may be) creating such a tenancy:

PART III
—cont.

Power of court
to grant new
tenancy.

Provided that in fixing the rent under this subsection the court shall disregard any consideration arising from the personal circumstances of any of the parties.

(2) Any period for which under the last preceding subsection a tenancy is ordered to be granted shall begin with the end of the expiring tenancy, whether it ends in accordance with the terms thereof or after being continued by subsection (4) of the last preceding section.

(3) In ordering the grant of a new tenancy under this section the court shall so limit the period of the tenancy, or shall order the grant subject to such terms and conditions, as in the opinion of the court may be most suitable for securing that the tenancy shall not extend beyond, or may be terminated by the landlord at a time not later than, the expiration of four months from the end of the period of service in consequence of which the application was made:

Provided that nothing in this subsection shall be construed as restricting the discretion of the court in a case where the court thinks it reasonable that the tenancy should come to an end, or be capable of being terminated by the landlord, at any earlier time.

(4) The court shall not order the grant of a new tenancy if it is satisfied—

- (a) that the tenant has broken any of the terms or conditions of the expiring tenancy, and that in view of the nature and circumstances of the breach a new tenancy ought not to be granted; or
- (b) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the court are reasonable, alternative accommodation which, in the opinion of the court, is suitable for the purposes of the business or professional practice carried on under the expiring tenancy; or
- (c) that the landlord reasonably requires possession in order that the premises the subject of the expiring tenancy, or a substantial part of those premises, may be demolished or reconstructed; or

PART III
—cont.

- (d) where there subsists in the premises an interest belonging to a public authority, that in the public interest a new tenancy ought not to be granted ; or
- (e) that having regard to all the circumstances of the case greater hardship would be caused by ordering the grant of a new tenancy than by refusing to do so.

The reference in paragraph (d) of this subsection to an interest belonging to a public authority is a reference to an interest belonging to a Government department or held on behalf of His Majesty for the purposes of a Government department, or held by a local authority (as defined in the Town and Country Planning Act, 1947), by statutory undertakers (as so defined) or by a development corporation (as defined in the New Towns Act, 1946).

(5) Where at the commencement of this Act any authority is empowered by any enactment or order to purchase compulsorily land specifically described in that enactment or order, there shall, for the purposes of the last preceding subsection, be deemed, during a period of six months from the commencement of this Act or during such period as the authority remains so empowered as aforesaid (whichever period first expires), to be subsisting in that land an interest belonging to that authority.

(6) A tenancy ordered to be granted under this section shall, where the reversion is subject to a mortgage, be deemed to be a tenancy created by a lease authorised by section ninety-nine of the Law of Property Act, 1925.

Provision for further renewal of tenancy.

31. Where the grant of a new tenancy has been ordered under this Part of this Act, the provisions of this Part of this Act shall thereafter apply in relation to the new tenancy as if the conditions specified in paragraph (a) of subsection (1) of section twenty-seven of this Act were fulfilled in relation to the new tenancy and the new tenancy were the tenancy referred to in those provisions as the expiring tenancy.

Provision for cases where landlord is a tenant.

32.—(1) Where in the case of a tenancy the reversion is itself a tenancy, and the period for which in accordance with the preceding provisions of this Part of this Act the court proposes to order the grant of a new tenancy will extend beyond the date on which the reversion will come to an end, the power of the court under those provisions shall include power to order such a grant until the end of the reversion and also to order the grant of such a reversionary tenancy or reversionary tenancies as may be required to secure that the combined effect of those grants will be equivalent to the grant of a tenancy for

the said period; and the provisions of this Part of this Act shall, subject to the necessary modifications, apply to the grant of a tenancy and of one or more reversionary tenancies.

PART III
—CONT.

(2) Where by virtue of any of the provisions of this Part of this Act a tenancy (in this subsection referred to as “the inferior tenancy”) is continued or granted for a period such as to extend to or beyond the end of the term of a superior tenancy, the superior tenancy shall, for the purposes of this Part of this Act and of any other enactment and of any rule of law, be deemed so long as it subsists to be an interest in reversion expectant upon the termination of the inferior tenancy and, if there is no intermediate tenancy, to be the interest in reversion immediately expectant upon the termination thereof.

(3) In the case of a tenancy continuing by virtue of subsection (4) of section twenty-nine of this Act after the coming to an end of the reversion, subsection (1) of section one hundred and thirty-nine of the Law of Property Act, 1925 (which relates to the effect of the extinguishment of a reversion) shall apply as if references in the said subsection (1) to the surrender or merger of the reversion included references to the determination of the reversion for any reason other than surrender or merger.

33.—(1) In relation to the granting of tenancies under this Part of this Act, the following provisions shall have effect as respects the Landlord and Tenant Act, 1927. Provisions as to Landlord and Tenant Act, 1927.

(2) The provisions of Part I of the said Act of 1927 shall not apply in relation to tenancies granted under this Part of this Act.

(3) Nothing in this Part of this Act shall affect the time at which a tenancy is to be treated as terminating for the purposes of the said Part I; and a tenant who by virtue of this Part of this Act remains in occupation of any premises or part of premises after the expiring tenancy would apart from this Part of this Act have come to an end shall be treated for those purposes as having quitted his holding on the termination of that tenancy.

(4) In considering, for the purposes of section four of the said Act of 1927, whether the tenant or his predecessors in title has or have carried on a trade or business at any premises for the period of five years specified in subsection (1) of that section, a period of occupation of the premises by virtue of this Part of this Act shall not count towards completion of the said five years, but shall notwithstanding anything in the last preceding subsection be treated as not breaking the continuity of immediately preceding and succeeding periods of occupation of the premises.

(5) Notwithstanding anything in this Part of this Act, the following provisions shall have effect, as respects claims by the

PART III
—cont.

tenant for compensation under Part I of the said Act of 1927, and notices by the landlord under paragraph (d) of subsection (1) of section two of that Act or paragraph (b) of the proviso to subsection (1) of section four thereof (which paragraphs exclude compensation where within the specified period of two months the landlord serves on the tenant such a notice for the renewal of the tenancy as is therein mentioned)—

- (a) no application shall be made under this Part of this Act for the grant of a new tenancy if the tenant has duly claimed such compensation as aforesaid and the landlord has within the said period of two months served such a notice as aforesaid ;
- (b) where an application is made under this Part of this Act at a time when the tenant has duly claimed such compensation and when the landlord has not served such a notice as aforesaid but the said period of two months has not expired, the application shall not be heard until that period has expired, and, if within that period the landlord serves such a notice, the application shall be dismissed ;
- (c) where at the time such an application is made the tenant has not duly claimed such compensation but the time for claiming it has not expired the application shall not be heard before the expiration of that time, and if before the expiration thereof the tenant duly makes a claim the last foregoing paragraph shall apply as it applies where the application under this Part of this Act is made after the making of a claim for compensation.

(6) Where the tribunal under the said Act of 1927 has made an interim order under subsection (13) of section five of that Act and subsequently determines not to order the grant of a new tenancy under subsection (2) of that section, the said tribunal may if it thinks fit direct that the possession of the tenant under the interim order shall be treated as if it were a tenancy granted under this Part of this Act, and where it so directs the time within which an application for the grant of a further new tenancy may be made under this Part of this Act shall be such as the tribunal may direct.

Appeals.

34.—(1) No appeal shall be brought from any determination or order of the court under this Part of this Act except with the leave of the court or of the Court of Appeal.

(2) Notwithstanding anything in subsection (4) of section twenty-nine of this Act, the court granting leave to appeal may direct that during the period beginning with the granting of leave to appeal and ending with the date to which a tenancy is

continued by the said subsection (4) the tenancy shall have effect subject to such modifications, terms or conditions as that court may specify.

PART III
—cont.

35.—(1) Except in so far as it is otherwise expressly provided, this Part of this Act shall apply where there is an interest belonging to His Majesty in right of the Crown or to a Government department, or held on behalf of His Majesty for the purposes of a Government department, in like manner as where no such interest subsists.

Application to
Crown
property.

(2) Where an interest in any land belongs to a Government department, or is held on behalf of His Majesty for the purposes of a Government department, and the Minister or Board in charge of any Government department is satisfied that for reasons of national security it is necessary that the use or occupation of the land should be discontinued or changed, the Minister or Board may certify that this subsection applies to the land; and where such a certificate is given no order shall be made under this Part of this Act for the grant of a new tenancy comprising that land or any part thereof.

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

Interpretation
of preceding
sections of
Part III.

- “ the landlord ”, in relation to a tenancy, means the person for the time being entitled to the reversion and, where the reversion is subject to a mortgage and the mortgagee is in possession or he or a receiver appointed by him or by the court is in receipt of the rents and profits, includes that mortgagee and any such receiver as aforesaid;
- “ mortgage ” includes any charge, and the expressions “ mortgagor ” and “ mortgagee ” shall be construed accordingly;
- “ notice to quit ” includes a notice to determine a term of years certain, but does not include a notice requiring possession where section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845, applies;
- “ the reversion ”, in relation to a tenancy, means the interest which, not being a mortgage term and apart from any such term, is for the time being in reversion immediately expectant upon the termination of the tenancy; and
- “ tenancy ” means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement, but does not include any relationship between a mortgagor and a mortgagee as such, and “ tenant ” shall be construed accordingly.

PART III
—cont.

(2) References in this Part of this Act to the premises comprised in a tenancy are references to the aggregate of the land comprised in the tenancy.

Provisions as to Scotland

Application of sections thirty-eight to forty.

Application by service man for renewal of tenancy of business premises.

37. The three next following sections shall apply to Scotland only.

38.—(1) Where—

- (a) immediately before beginning (whether before or after the commencement of this Act) a period of relevant service other than a short period of training, a service man was the working proprietor of a business or a professional practice carried on in the premises or part of the premises comprised in a tenancy vested in him, and
- (b) the landlord gives or has given to the service man notice of termination of tenancy taking effect after the commencement of this Act, and before the date of the ending of that period of service or before the expiration of two months from that date, and
- (c) at the time when an application for renewal of the tenancy is made in pursuance of the provisions hereinafter contained the service man is still the proprietor of the business or practice and the business or practice is still being carried on in the premises comprised in the tenancy,

the service man may, at any time before the notice of termination of tenancy takes effect and not later than the expiry of twenty-one days after the service of the notice or after the commencement of this Act, whichever is the later, apply to the sheriff for a renewal of his tenancy.

(2) For the purposes of paragraph (a) of the last preceding subsection a service man shall be deemed to have been at any time the working proprietor of a business or professional practice carried on as mentioned in that paragraph if, and only if, he was the proprietor of the business or practice during the whole of the period of one year immediately preceding that time and during more than one-half of that period, either—

- (a) he worked whole-time in the actual management or conduct of that business or practice, or
- (b) he worked whole-time in the actual management or conduct of a business or professional practice of which that business or practice was a branch and was mainly engaged in the management or conduct of that branch.

(3) In the preceding provisions of this section the expression “proprietor” means, in the case of a business or practice carried on by a firm, a partner in the firm on terms and conditions entitling him to not less than one half of the profits of the firm and, in the case of a business or practice carried on by a company, a person holding shares in the company amounting in nominal value to not less than one half of the issued share capital of the company; and, in relation to a business or practice carried on by a partnership firm or by a company, references in those provisions to the proprietor of the business or practice include references to a person being one of two such partners in the firm or, as the case may be, being one of two persons each holding such shares in the company, and references to the working proprietor of the business or practice shall be construed accordingly.

(4) In relation to a business or practice carried on by a firm or by a company, references in the preceding provisions of this section to a tenancy vested in the service man include references to a tenancy vested in one or more partners in the firm, or vested in the company, as the case may be; and for the purposes of those provisions and of this subsection a tenancy shall be treated as having been vested at any time in a person if it was then vested in trustees, or held as part of the estate of a deceased person, and the first-mentioned person then had a right or permission to occupy the premises comprised in the tenancy, or the part of those premises in which the business or practice was being carried on, being a right or permission arising by reason of a beneficial interest (whether direct or derivative) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee.

(5) In this section—

- (a) the expression “profits” in relation to a firm means such profits of the firm as are from time to time distributable among the partners therein;
- (b) the expression “company” has the same meaning as in the Companies Act, 1948;
- (c) the expression “share” includes stock and the expression “share capital” shall be construed accordingly;

and for the purposes of this section shares held by a person’s wife, or held by him jointly with his wife, shall be treated as shares held by that person.

(6) The foregoing provisions of this section shall not have effect if at the time when an application for renewal of the tenancy might otherwise be made—

(a) the premises comprised in the tenancy—

- (i) are an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949, or

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PART III
—*cont.*

(ii) consist of or comprise premises (other than premises excepted from this provision) licensed for the sale of exciseable liquor for consumption on the premises, or

(b) the tenancy of the premises was granted in pursuance of subsection (2) of section four of the War Damaged Sites Act, 1949.

In this subsection the reference to premises excepted from the provision as to premises licensed for the sale of exciseable liquor is a reference to premises in respect of which—

- (i) the excise licence for the time being in force is a licence the duty in respect of which is the reduced duty payable under section forty-five of the Finance (1909-10) Act, 1910, or a licence granted in pursuance of regulations under subsection (5) of the said section forty-five (which relates to the granting of licences on the provisional payment of reduced duty); or
- (ii) the Commissioners of Customs and Excise certify that no application under the said section forty-five has been made in respect of the period for which the excise licence for the time being in force was granted, but that if such an application had been made such a licence could properly have been granted as is mentioned in the preceding paragraph.

Power of
sheriff to
grant new
tenancy.

39.—(1) On any application under subsection (1) of the last foregoing section the sheriff may, subject as hereinafter provided, determine that the tenancy shall be renewed for such period, at such rent, and on such terms and conditions as he shall, in all the circumstances, think reasonable, and thereafter the parties shall be deemed to have entered into a new lease of the premises for that period, at that rent and on those terms and conditions.

(2) The period for which a tenancy may be renewed under the last foregoing subsection shall not extend beyond the expiry of four months from the end of the period of service in consequence of which the application was made.

(3) Notwithstanding anything in subsection (1) of this section, the sheriff may, if in all the circumstances he thinks it reasonable to do so, dismiss any application under subsection (1) of the last foregoing section, and shall not determine that a tenancy shall be renewed, if he is satisfied—

- (a) that the tenant is in breach of any condition of his tenancy which in the opinion of the sheriff is material; or
- (b) that the tenant is notour bankrupt or is divested of his estate by virtue of a trust deed for behoof of creditors, or, being a company, is unable to pay its debts; or
- (c) that the landlord has offered to sell the premises to the tenant at such price as may, failing agreement, be fixed

by a single arbiter agreed on by the parties or appointed, failing such agreement, by the sheriff ; or

- (d) that the landlord has offered to afford to the tenant, on terms and conditions which in the opinion of the sheriff are reasonable, alternative accommodation which, in the opinion of the sheriff, is suitable for the purposes of the business carried on by the tenant in the premises ; or
- (e) that the tenant has given notice of termination of tenancy and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would in the opinion of the sheriff be seriously prejudiced if he could not obtain possession of the premises ; or
- (f) that, having regard to all the circumstances of the case, greater hardship would be caused by determining that the tenancy shall be renewed than by refusing so to do.

(4) Where a tenancy has been renewed under subsection (1) of this section, the tenant shall have the like right to apply for further renewals as if the tenancy had been renewed by agreement between the landlord and the tenant, and accordingly the foregoing provisions of this section and the immediately preceding section shall, with any necessary modifications, apply to a tenancy which has been renewed under the said subsection (1) or under this subsection.

(5) If on any application under this section the sheriff is satisfied that it will not be possible to dispose finally of the application before the notice of termination of tenancy takes effect, he may make an interim order authorising the tenant to continue in occupation of the premises at such rent, for such period (which shall not exceed three months) and on such terms and conditions as the sheriff may think fit.

(6) Applications under subsection (1) of the last foregoing section shall be conducted and disposed of in the summary manner in which proceedings are conducted and disposed of under the Small Debt (Scotland) Acts, 1837 to 1889, and the decision of the sheriff in any such application shall be final and not subject to review.

40.—(1) The last two foregoing sections shall apply to any such premises as are mentioned therein in which the interest of the immediate landlord of the tenant belongs to His Majesty in right of the Crown or to a government department or is held on behalf of His Majesty for the purposes of a government department, in like manner as the said section applies to any other such premises. Application to Crown property.

(2) Where the Minister or Board in charge of any Government Department is satisfied that for reasons of national security it is necessary that the use or occupation of any such premises

PART III
—cont.

in which the interest aforesaid belongs to a Government Department or is held on behalf of His Majesty for the purposes of a Government Department should be discontinued or changed, the Minister or Board may certify that this subsection applies to the premises; and where such a certificate is given the sheriff shall not determine that the tenancy shall be renewed.

PART IV

PROTECTION OF SUPERANNUATION RIGHTS

Extension of
section one
of Super-
annuation
(Miscellaneous
Provisions)
Act, 1948.

41.—(1) Section one of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to the treatment for civil service, local government, teachers' and other superannuation purposes of persons called up for service under the National Service Act, 1948) shall, subject to the provisions of this Part of this Act, apply in relation to persons who enter upon service of a description specified in the First Schedule to this Act other than compulsory national service, as it applies in relation to persons who enter upon compulsory national service.

(2) In the definition of the expression "compulsory national service" in subsection (7) of the said section one, for the words "work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors)", there shall be substituted the words "work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector."

(3) Subsection (2) of the said section one (which enables rules to be made providing that, where a person who has been successful in a competitive examination for posts in the permanent civil service of the state open to persons under the age of eighteen enters upon compulsory national service before becoming a civil servant, so much of the period of his service as falls after the issue to him by the Civil Service Commissioners of their certificate of qualification may be reckoned as service as a civil servant for superannuation purposes) shall, in relation to persons who enter upon service of a description specified in the First Schedule to this Act other than compulsory national service, have effect—

- (a) as if after the word "State" there were inserted the words "or who has been nominated by a Government department with the approval of the Treasury for appointment to such a post", and
- (b) as if the words "and that examination, or any subsequent examination, for persons desiring to obtain similar posts, was one in which persons below the age of eighteen years were allowed to compete" were omitted.

(4) Rules made under the said section one may make provision for securing that, where a person undertakes service of a description specified in the First Schedule to this Act other than compulsory national service—

- (a) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of the rules and also for the purposes of naval, military or air force service retired pay, service pension, or service gratuity ; and
- (b) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if he had remained in the employment in which he was engaged immediately before he undertook that service.

42.—(1) Subsection (2) of section twenty-six of the Fire Services Act, 1947 (which relates to the provisions which may be included in the Firemen's Pension Scheme brought into operation under that section) shall have effect as if after paragraph (a) thereof there were inserted the following paragraph:—

Provisions as to firemen's pensions.

- “(aa) where a person immediately before he undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends for hourly instruction as defined in section forty-two of that Act, either—
- (i) is a member of a fire brigade maintained in pursuance of this Act, or
 - (ii) is employed in employment on duties connected with the provision of fire services which is treated for the purposes of the Scheme as if it were employment as a member of such a fire brigade, for treating employment during the period of his service or instruction, and during such further period, if any, as may be specified in the Scheme, as employment as a member of such a fire brigade.”

(2) In this section the expression “hourly instruction” means—

- (a) part-time service under the National Service Act, 1948, otherwise than pursuant to a training notice under that Act ; and
- (b) service for the purposes of training only performed by a person mentioned in paragraph 7 of the First Schedule to this Act for a period shorter than that mentioned in that paragraph.

PART IV

—cont.

Provisions
as to police
pensions.

43.—(1) Subsection (2) of section one of the Police Pensions Act, 1948 (which enables regulations made under that section to provide that where a person ceases to be a member of a police force in order to undertake service under the National Service Act, 1948, the period of his service thereunder, and such further period, if any, as may be specified in the regulations, may be treated as a period of service as a member of a police force) shall have effect as if for the words “where a person ceases to be a member of a police force in order to undertake compulsory national service” there were substituted the words “where a person immediately before he undertakes compulsory national service is a member of a police force”.

(2) The said subsection (2), as amended by the last preceding subsection, shall apply in relation to persons who undertake service of a description specified in the First Schedule to this Act other than compulsory national service, or attend for hourly instruction as defined in the last preceding section, as it applies in relation to persons who undertake compulsory national service.

(3) In the definition of the expression “compulsory national service” in subsection (1) of section eight of the Police Pensions Act, 1948, for the words “work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors)”, there shall be substituted the words “work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector.”

Retrospective
effect of
Part IV.

44.—(1) Any rules made under section one of the Superannuation (Miscellaneous Provisions) Act, 1948, in relation to persons in relation to whom that section applies by virtue of section forty-one of this Act, any order made for the purposes of section forty-two of this Act, and any regulations made under the Police Pensions Act, 1948, for the purpose of treating a period of compulsory national service, of service of a description specified in the First Schedule to this Act other than compulsory national service, or of hourly instruction as defined in section forty-two of this Act, and any further period specified in the regulations, as a period of service as a member of a police force, may be framed so as to have effect as from the fifteenth day of July, nineteen hundred and fifty.

(2) Subsection (4) of section one of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to the retrospective effect of certain rules made under that section) shall not apply in relation to persons in relation to whom the said section one applies by virtue of section forty-one of this Act.

45.—(1) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Part of this Act in any sums payable under any other enactment out of moneys so provided.

PART IV
—cont.
Financial provisions.

(2) There shall be paid into the Exchequer any increase attributable to the provisions of this Part of this Act in any sums required under any other enactment to be so paid.

PART V

PAYMENTS TO MAKE UP CIVIL REMUNERATION

46.—(1) Where a person occupied in any capacity specified in the first column of Part I or Part II of the Second Schedule to this Act ceases to be so occupied in order to perform relevant service to which this Part of this Act applies, there may, subject to the provisions of this Part of this Act, be made to or in respect of him such payments as are hereafter in this section provided.

General provisions as to payments to make up civil remuneration.

(2) While any such person is performing relevant service to which this Part of this Act applies, there may be paid to him, or to or for the benefit of his wife or other dependants nominated by him, a sum which shall not exceed the remuneration which he would have received if he had continued to be occupied in the said capacity, after deducting therefrom the amount of his service pay:

Provided that, in applying this subsection in the case of a person occupied in several capacities specified as aforesaid, account shall be taken, in relation to any one of those capacities, of the appropriate proportion only of his service pay, and not of the whole.

(3) In the event of the death of any such person while performing relevant service to which this Part of this Act applies, then, unless that person leaves a widow entitled to a widow's pension by virtue of—

- (i) the Local Government Superannuation Acts, 1937 and 1939, or the Local Government Superannuation (Scotland) Acts, 1937 and 1939, or any local Act scheme; or
- (ii) subsection (1) of section sixty-seven of the National Health Service Act, 1946, or subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947; or
- (iii) the Fire Services Act, 1947; or
- (iv) the Police Pensions Act, 1948;

there may, during a period not exceeding twenty-six weeks from the date of the death, be paid to or for the benefit of his widow

PART V
—cont.

or other dependants such sum as might have been paid to him under the last foregoing subsection if he had been performing such service during that period.

(4) In determining for the purposes of this section the remuneration which a justices' clerk or employee of a justices' clerk who is performing relevant service to which this Part of this Act applies when section nineteen of the Justices of the Peace Act, 1949, comes into force would have received if he had continued to be occupied in that capacity, the consequences which would have ensued in his case upon the coming into force of that section shall be left out of account.

Paying and
determining
authorities.

47.—(1) Where the capacity in which the person in question was occupied is a capacity specified in Part I of the Second Schedule to this Act, the power of making payments under the last foregoing section shall be exercisable by the authority specified as respects that capacity in the second column of the said Part I.

(2) Where the capacity is a capacity specified in Part II of the said Schedule, the determination as to the payments to be made under the last foregoing section shall be made by the authority specified as respects that capacity in the second column of the said Part II (hereafter in this Part of this Act referred to as the "determining authority"), and it shall be the duty of the authority specified as respects that capacity in the third column of the said Part II (hereafter in this Part of this Act referred to as the "paying authority") to make any payment in accordance with the determination of the determining authority.

(3) A paying authority aggrieved by a determination under the last foregoing subsection of a determining authority who is not the Secretary of State may, within one month from the receipt by them of written notice of the determination, appeal to the Secretary of State, and where such an appeal is brought the said subsection shall have effect as if the Secretary of State were the determining authority:

Provided that in the cases as to which it is so directed in the third column of the said Part II the right of appeal shall be exercisable by the authority therein specified instead of by the paying authority.

Recoupment
of expenses
incurred in
connection
with civil
occupation
while serving
in the forces.

48. Where a person to whom subsection (1) of section forty-six of this Act applies by virtue of his having been occupied in the capacity of coroner, or clerk of the peace, or justices' clerk, incurs expenses in the payment of salaries or other sums to persons employed by him in connection with his duties in that capacity, or office expenses in connection with those duties, and those expenses are in respect of the period during which he is performing relevant service to which this Part of this Act applies

and would otherwise have had to be borne by him, those expenses shall be recouped to him by the paying authority.

PART V
—cont.

49. Where a power of making a payment under this Part of this Act is exercisable by several probation committees acting jointly and those committees cannot agree as to how that power is to be exercised, it shall be their duty to pay such amount, if any, as the Secretary of State may determine.

Special provision for probation committees.

50.—(1) Where any enactment (whether contained in or having effect under any Act) relating to the manner in which any expenses are to be paid or borne, or to the making of grants towards any expenses, would have applied as respects the remuneration which any such person as is mentioned in subsection (1) of section forty-six of this Act would have received if he had continued to be occupied in the capacity in question, that enactment shall apply in like manner as respects any payment under the foregoing provisions of this Part of this Act.

Assimilation of treatment of payments under Part V and certain other payments to treatment of remuneration in civil capacity.

(2) In relation to the following enactments (which relate to contributions towards the cost of salaries of medical officers of health and sanitary inspectors), that is to say—

(a) section one hundred and nine of the Local Government Act, 1933,

(b) paragraph 3 of the First Schedule to the Public Health Act, 1936,

(c) section eighty of the London Government Act, 1939, and

(d) subsection (7) of section eighty-seven of the Local Government (Scotland) Act, 1947,

the reference in the foregoing subsection to any payment under the foregoing provisions of this Part of this Act shall include a reference to the remuneration of another person acting temporarily in the absence of the medical officer of health or, as the case may be, of the sanitary inspector.

(3) Subsections (1) and (2) of this section shall apply in relation to any agreement between the town council of a small burgh within the meaning of the Local Government (Scotland) Act, 1947, and the county council relating to contributions by the town council towards the remuneration of a medical officer of health or sanitary inspector as they apply in relation to the enactments therein mentioned.

51. There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Part of this Act in any sums payable under any other enactment out of moneys so provided.

Payments out of moneys provided by Parliament.

PART V
—cont.

Service to which Part V applies and interpretation.

52.—(1) The relevant service to which this Part of this Act applies is any relevant service except—

- (a) compulsory national service, or service of a description specified in sub-paragraph (vi), (vii) or (viii) of paragraph 1 of the First Schedule to this Act ; or
- (b) service of a description specified in paragraph 2 of the said First Schedule to which a maximum period of fifteen days is attached, or service of a description specified in paragraph 7 of the said First Schedule performed under an obligation or voluntary arrangements under which its continuous duration is limited to fifteen days or less.

(2) In this Part of this Act—

- (a) the expression “ service pay ” means pay for performing relevant service to which this Part of this Act applies, and includes marriage, family and other similar allowances, and
- (b) the reference to the appropriate proportion of the service pay of a person previously occupied in several capacities specified in the Second Schedule to this Act shall, in relation to any one of those capacities, be construed as a reference to the proportion which the rate at which he was last remunerated in that capacity bears to that rate plus the rate at which he was last remunerated in each of the other capacities.

(3) In this Part of this Act the expression “ remuneration ” means salaries, wages and emoluments, but any reference to the remuneration which a person received or would receive shall be construed as a reference to the net remuneration after deducting any expenses which he incurred or would have incurred in the payment of salaries or other sums to persons employed by him in connection with the duties in respect of which he received or would receive the remuneration and any office expenses in connection with those duties.

Retrospective effect of Part V.

53. The provisions of this Part of this Act shall be deemed to have had effect from the fifteenth day of July, nineteen hundred and fifty.

PART VI

PROTECTION AGAINST LOSS OF BENEFITS UNDER CONTRACTS WITH INDUSTRIAL ASSURANCE COMPANIES AND FRIENDLY SOCIETIES

Protection of life policies (industrial assurance, and collecting societies).

54.—(1) This section applies to—

- (a) policies of industrial assurance ; and
- (b) policies of assurance upon human life effected with collecting societies other than policies of industrial assurance.

(2) In this Part of this Act the expression “relevant premium”, used in relation to a given period of relevant service, means an unpaid premium as to which the following conditions are fulfilled, that is to say, that it fell due either—

- (a) during that period of service or within the following additional period from the ending thereof, that is to say, three months or twice the duration of the period of service, whichever is the shorter, or
- (b) before the beginning of that period of service on a policy which was in force immediately before the beginning thereof,

and that at the beginning of the period of service one year's premiums or more had been paid on the policy on which it fell due.

(3) A policy to which this section applies shall not be forfeited after the commencement of this Act by reason of non-payment of any premium if either—

- (a) on an application for relief duly made under subsection (4) of this section after the non-payment occurred, relief from forfeiture in respect of the non-payment of it is granted thereunder ; or
- (b) it falls due whilst a period of protection for the policy under this section is current.

(4) Where under section twenty-three of the Industrial Assurance Act, 1923 (which requires notice before forfeiture by reason of non-payment of premium) a notice relating to a relevant premium or premiums either—

- (a) is served after the commencement of this Act, or
- (b) has been served before the commencement of this Act but the policy has not been forfeited at the commencement thereof,

if the owner of the policy or any other person on his behalf duly makes an application to the company or society for relief under this subsection and it appears on such an application that the owner of the policy, whether the service man or another, is unable to pay the amount stated in the notice as due by reason of circumstances directly or indirectly attributable to the service man's performing the period of relevant service, or, if it has ended, to his having performed it, the company or society shall grant relief in respect of the non-payment of the premium or premiums to which the notice relates, and, if the relief is granted after the ending of the additional period referred to in subsection (2) of this section, in respect of any other

**PART VI
—cont.**

relevant premium or premiums fallen due on the policy since the notice was served :

Provided that if the notice, being served after the ending of the said additional period, relates to any premium not being a relevant premium as well as to the relevant premium or premiums, relief shall be granted in respect only of the relevant premium or premiums, but in a case in which relief is granted and this proviso takes effect a further notice shall be required under and by virtue of the said section twenty-three before forfeiture of the policy by reason of default in payment of any premium excluded from the relief by this proviso.

An application for relief under this subsection must be made within twenty-eight days from the date of the serving of the notice if served after the commencement of this Act or within three months from such commencement if it was served theretofore, so however that, if the date of the serving of the notice was before the beginning of the period of relevant service, an application under this subsection shall be deemed to be made in due time if it is made within twenty-eight days from the beginning of that period.

(5) Where such a notice has been served before the commencement of this Act and the policy has been forfeited at the commencement thereof, if the owner of the policy or any other person on his behalf within three months from the commencement of this Act duly makes an application to the company or society for reinstatement of the policy and it appears on such an application that there was at the expiration of the time for payment limited by the notice the like inability to pay as is mentioned in the last preceding subsection, the company or society shall grant the application :

Provided that if the notice, having been served after the ending of the additional period referred to in subsection (2) of this section, related to any premium not being a relevant premium as well as to the relevant premium or premiums, the company or society shall not be under obligation to reinstate the policy unless the premium or premiums other than relevant premiums are paid within twenty-eight days from the time when the granting of the application is notified.

(6) Where under the preceding provisions relief from forfeiture is granted, or a policy is reinstated, during the period of relevant service in question or the additional period referred to in subsection (2) of this section, the company or society shall fix a period of protection for the policy.

(7) Where a period of protection for a policy has been fixed the company or society shall extend it from time to time on application being duly made by or on behalf of the owner of the policy if it appears that the period of service in question or the additional

period referred to in subsection (2) of this section has not ended, subject however to the next succeeding subsection.

PART VI
—cont.

(8) The company or society may at any time terminate a period of protection which is then current, or may refuse an application made at any time for extension of such a period, if it appears that the owner of the policy for which the period was fixed is no longer unable to pay the premiums thereon by reason of such circumstances as are mentioned in subsection (4) of this section, and they may at any time shorten a period of protection which is then current if it then appears that it will extend beyond the ending of the additional period referred to in subsection (2) of this section, and may terminate a period of protection which remains current after the ending of the said additional period.

(9) An appeal shall lie to the Commissioner from any refusal by a company or society to grant under this section relief from forfeiture, or an application for reinstatement, and from any termination or shortening by them of a period of protection and from any decision of theirs as to the length of time for which a period of protection is to be fixed or extended; and, where the Commissioner allows an appeal in circumstances in which a period of protection is required to be fixed or extended, the length of it shall be determined by him instead of by the company or society.

An appeal to the Commissioner under this subsection shall be dealt with as if it were a dispute referred to him under section sixty-eight of the Friendly Societies Act, 1896.

55.—(1) This section applies to policies of assurance upon human life, in respect of which there are separate premiums, effected with a friendly society (whether registered or not) which is not a collecting society.

Protection of
life policies
(friendly
societies other
than
collecting
societies).

(2) Where a policy to which this section applies has been forfeited, whether before or after the commencement of this Act, by reason of non-payment of a relevant premium or premiums (as defined in the last preceding section), if the owner of the policy or any other person on his behalf at any time before the expiration of six months from the date of the ending of the period of relevant service in question (or, if later, the expiration of three months from the commencement of this Act) duly makes an application to the society for reinstatement of the policy, and it appears on such an application that there was at the time when the forfeiture took place the like inability to pay as is mentioned in subsection (4) of the last preceding section, the society shall grant the application:

Provided that, if at the time when the forfeiture took place the society was entitled to forfeit the policy by reason of non-payment of any premium not being a relevant premium as well

PART VI
—cont.

as by reason of non-payment of the relevant premium or premiums, the society shall not be under obligation to reinstate the policy unless the premium or premiums other than relevant premiums are paid within twenty-eight days from the time when the granting of the application is notified.

(3) Subsection (9) of the last preceding section shall apply to a refusal of an application under this section as it applies to a refusal of an application under subsection (5) of that section.

Adjustment of
rights under
policies
protected.

56.—(1) Where relief from forfeiture of a policy is granted, or a policy is reinstated, under either of the two last preceding sections on an application made in connection with any period of service, the amount or aggregate amount of any relevant premium or premiums thereon remaining unpaid at the time for writing-off hereinafter defined, or on the arising of a claim under the policy before that time, shall be dealt with in accordance with subsection (3) or (4) of this section :

Provided that, in the case of a policy for which a period of protection has been fixed under section fifty-four of this Act, the premiums to be dealt with as aforesaid (in this section referred to as the relevant arrears) shall include all premiums remaining unpaid as aforesaid which fell due thereon during that period and shall exclude any premium falling due thereon after the ending of that period.

(2) In this section the expression “time for writing-off” means the expiration of twenty-eight days from—

- (a) in the case of a policy to which section fifty-four of this Act applies, if a period of protection has been fixed therefor under that section, the ending of that period, or, if no period of protection therefor has been so fixed, the date on which the decision for relief or reinstatement is notified ;
- (b) in the case of a policy to which section fifty-five of this Act applies, if it was reinstated before the ending of the additional period referred to in subsection (2) of section fifty-four of this Act, the date of the ending of that period, or, if it is reinstated after the ending of that period, the date on which the decision for reinstatement is notified.

(3) Where at the time for writing-off there are relevant arrears on a policy as to which relief from forfeiture has been granted, or which has been reinstated, under either of the two last preceding sections, and the policy is then in force and a claim has not arisen thereunder, the terms of the policy shall be varied in accordance with the following provisions of this subsection.

If the policy is a policy for the whole term of life, the relevant arrears shall be extinguished by a reduction of the sum assured under the policy, the amount of the reduction being the amount of those arrears multiplied by the factor shown in

the following table which is appropriate to the age next birthday of the person whose life is assured :—

PART VI
—cont.

<i>Age next Birthday</i>	<i>Factor</i>	<i>Age next Birthday</i>	<i>Factor</i>
1 to 5 ...	... 6	36 to 40 ...	... 2½
6 to 10 ...	... 5½	41 to 45 ...	... 2¼
11 to 15 ...	... 5	46 to 50 ...	... 2
16 to 20 ...	... 4½	51 to 55 ...	... 1¾
21 to 25 ...	... 4	56 to 65 ...	... 1½
26 to 30 ...	... 3½	66 to 75 ...	... 1¼
31 to 35 ...	... 3	76 and over	... 1

If the policy is an endowment policy, the date of maturity of the policy shall be postponed by a period equal to that in respect of which the premium or premiums comprised in the relevant arrears were payable, and the period during which premiums under the policy remain payable after that time shall be correspondingly extended.

(4) Where a claim arises under such a policy (or, in the case of a policy reinstated, is to be deemed by virtue of subsection (3) of the next succeeding section to have arisen thereunder) before the time for writing-off and there are or were relevant arrears thereon at the time when the claim arises or is to be deemed to have arisen, the amount payable in respect of the claim shall be reduced by the amount of those arrears together with compound interest thereon at the rate of three per cent. per annum with half-yearly rests.

For the purposes of this subsection any sums paid or tendered in respect of any premiums shall be treated as satisfying them in the order in which they fell due.

(5) Where the amount of a free policy or of a surrender value is required to be ascertained in relation to such a policy and at the date when the ascertainment is made there is or are remaining unpaid any premium or premiums on the policy which either—

- (a) if the time for writing-off has come, have been dealt with, or are to be dealt with, as relevant arrears under subsection (3) of this section, or
- (b) if that time has not come, will fall to be so dealt with if not paid before that time,

the provisions of the policy, of any guarantee given in relation thereto, and of the Industrial Assurance Acts, 1923 to 1948, relating to free policies and surrender values shall have effect subject to such modifications as appear to the Commissioner to be necessary having regard to the non-payment of the premium or premiums aforesaid and to the actual or prospective variation of the terms of the policy under subsection (3) of this section.

PART VI
—cont.

(6) In this section the expression “endowment policy” means a policy insuring money to be paid on the duration for a specified period of the life of the person assured, either with or without provision for the payment of money in the event of the death of that person before the expiration of that period.

Provisions
supplementary
to the three
preceding
sections.

57.—(1) An industrial assurance company, and a collecting society, shall as soon after the commencement of this Act as facilities therefor can be obtained publish by advertisement in one or more newspapers in general circulation in every county where the company or society carries on business a statement approved by the Commissioner as sufficiently notifying the rights to make applications conferred by section fifty-four of this Act:

Provided that such a company or society shall not be under obligation to publish as aforesaid in any county if arrangements are made between the Commissioner and such companies and societies generally for the general publication by newspaper advertisement of such a statement, and such a statement is in accordance with those arrangements published during such period from the commencement of this Act as the Commissioner may allow in manner approved by him as satisfying the purposes of this subsection as respects that county.

(2) A notice under section twenty-three of the Industrial Assurance Act, 1923, served after the expiration of six months from the commencement of this Act as to a policy on which one year's premiums or more have been paid shall be of no effect unless, in addition to the matters required by that section to be stated, it contains a statement in such form as may be prescribed by regulations under this section of the effect of subsection (4) of section fifty-four of this Act.

(3) Subject to the provisions of the last preceding section a policy reinstated under section fifty-four or fifty-five of this Act after a forfeiture shall have effect, and be deemed always to have had effect, as if the forfeiture had not taken place:

Provided that nothing in this subsection shall be construed as authorising a company or society again to forfeit such a policy by reason of any non-payment of a relevant premium that occurred before the forfeiture.

(4) Regulations may be made by the Commissioner with the consent of the Treasury, by statutory instrument—

(a) as to procedure in connection with the making of applications under this Part of this Act, with the fixing, extending, terminating and shortening of periods of protection, and with appeals, including provision as to information to be furnished and the manner of verification thereof;

(b) for fixing limits of time for appeals;

- (c) as to the form and manner in which decisions of companies or societies, and of the Commissioner on appeals, are to be expressed and notified ;
- (d) for requiring notice to be given of the termination or shortening of periods of protection and shortly before such periods are about to end, and for extending such periods in cases in which there is default in giving such notice ;
- (e) for preventing forfeiture of a policy at a time when a right to make an application or appeal which would be prejudiced thereby is subsisting, or when such an application or appeal has been made and is pending ;
- (f) for enabling relief (including relief by way of reinstatement of a policy after forfeiture) to be granted in cases in which there has been failure to make an application or appeal within due time and there were good reasons for the failure ;
- (g) for other purposes for which provision is required for giving full effect to the preceding provisions of this Part of this Act.

(5) An industrial assurance company or a registered friendly society which contravenes or fails to comply with provisions of regulations under this section shall be guilty of an offence under the Industrial Assurance Act, 1923 (in the case of such a company or of such a society being a collecting society), or under the Friendly Societies Act, 1896 (in the case of such a society not being a collecting society).

(6) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing regulations under this section in like manner as if it had been made by a Minister of the Crown.

(7) No regulations under this section shall be made unless a draft thereof has been approved by resolution of each House of Parliament :

Provided that regulations may be made under this section within three months from the date of the passing of this Act without a draft thereof having been approved as aforesaid, but regulations so made shall be laid before Parliament after being made and shall cease to have effect on the expiration of a period of twenty-eight days from the date on which they were made unless at some time before the expiration of that period they have been approved by a resolution of each House of Parliament, without prejudice however to anything previously done thereunder or to the making of new regulations.

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 both Houses are adjourned for more than four days.

PART VI

—cont.

Relief against non-payment of contributions to friendly societies (other than life policy premiums).

58.—(1) Where any person performing a period of relevant service was at the beginning of that period a member of a friendly society, having paid contributions to the society for a period up to that time of one year or longer, and thereafter ceases to pay contributions to the society, he shall not for that reason cease to be a member but no further contributions shall be paid by him until the ending of that period, and his rights to any benefits provided by the society shall be suspended until he subsequently resumes payment of contributions, and he shall thereupon, as respects any benefits accruing in the future, be in the same position as he would have been if he had not ceased to pay contributions :

Provided that, if any such person fails to resume payment of contributions before the expiration of three months from the ending of that period, he shall cease to be a member of the society and this subsection shall cease to apply to him.

(2) The preceding subsection shall not affect any policy to which section fifty-four or fifty-five of this Act applies.

(3) Nothing in this section shall be taken to prevent a friendly society providing by its rules for the continuance of the membership of persons performing relevant service upon terms more favourable than those provided by this section.

(4) This section shall be deemed to have had effect from the fifteenth day of July, nineteen hundred and fifty.

Interpretation and extent of Part VI.

59.—(1) This Part of this Act shall be construed—

(a) in its application to industrial assurance companies and collecting societies, as one with the Industrial Assurance Acts, 1923 to 1948 ; and

(b) in its application to friendly societies which are not collecting societies, as one with the Friendly Societies Acts, 1896 to 1948.

(2) In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

“ the Commissioner ” means the authority designated in relation to collecting societies as the Industrial Assurance Commissioner, and, in relation to friendly societies which are not collecting societies, as the Chief Registrar of Friendly Societies ;

“ owner ” means, in relation to a policy effected with a friendly society other than a collecting society, the person who is for the time being the person entitled to receive the sums payable under the policy on maturity, and means, in relation to a policy which has been forfeited, the person who would be so entitled if the policy were still in force ;

“ policy ” includes a contract of assurance in respect of which no specific document constituting the contract is issued ;

PART VI
—cont.

references to a registered friendly society include references to a branch of such a society ;

references to forfeiture of a policy shall be construed, in a case where the policy provides that on a default in the payment of premiums the policy shall be converted into a free policy for a reduced amount, as including references to such a conversion.

(3) His Majesty may by Order in Council direct that this Part of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man or any of the Channel Islands.

PART VII

MISCELLANEOUS AND GENERAL

60.—(1) A certificate stating that a person has performed or is performing or is to perform a period of relevant service or of relevant service of any particular description, or the duration or the date of the beginning or ending of such a period, or whether such a period which has been or is being or is to be performed by any person is or is not a short period of training, being a certificate which is signed by a person authorised in that behalf—

Evidence as to performance of relevant service.

(a) by the Admiralty, the Army Council or the Air Council (except in the case of such service being work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector), or

(b) in the case of such work or training, by the Minister of Labour and National Service,

shall in all legal proceedings be sufficient evidence of the facts stated therein for the purposes of this Act except to any extent to which it is shown to be incorrect.

(2) A certificate signed by a person authorised in that behalf by the Admiralty, the Army Council or the Air Council stating that a person is not performing, and has not within a specified previous time performed, a period of relevant service in a specified force or forces (being a force or forces in respect of which the Admiralty, the Army Council or the Air Council, as the case may be, keep records), and any like certificate signed by a person authorised in that behalf by the Minister of Labour and National Service in relation to such work or training as is mentioned in the preceding subsection, shall in all legal proceedings

PART VII
—cont.

be sufficient evidence of the facts stated therein for the purposes of this Act except to any extent to which it is shown to be incorrect.

(3) A certificate signed by a person authorised in that behalf by the Admiralty, the Army Council, the Air Council or the Minister of Labour and National Service, referring to an inquiry as to a person therein described and being to the effect that no person answering to that description is identifiable in the relevant records kept by the authority on whose behalf the certificate is signed, shall be sufficient evidence for the purposes of this Act that no such person is so identifiable.

(4) A certificate signed as aforesaid stating any matter as a matter appearing from records shall be treated for the purposes of subsection (1), and of subsection (2), of this section as stating it as a fact.

(5) A document purporting to be a certificate signed as aforesaid shall be deemed to be such unless the contrary is proved.

(6) The Admiralty, the Army Council, the Air Council and the Minister of Labour and National Service shall respectively be under obligation to secure that, on inquiry made to them for the purposes of this Act as to a person therein described, if the information appearing from records kept by them is such as to enable a certificate falling within subsection (1) or subsection (2) of this section to be given as to a person appearing to answer that description, or is such as to justify the giving of a certificate falling within subsection (3) of this section, such a certificate shall be given:

Provided that no certificate the giving of which would in the opinion of the authority to whom the inquiry is made be against the interests of national security shall be given.

**Presumption
of death of
persons serving
in the forces.**

61.—(1) The question whether any person has died while performing relevant service in His Majesty's forces shall, for the purposes of—

- (a) Part V of this Act;
- (b) the Local Government Superannuation Acts, 1937 and 1939, and the Local Government Superannuation (Scotland) Acts, 1937 and 1939, or any local Act scheme;
- (c) any regulations made under subsection (1) of section sixty-seven of the National Health Service Act, 1946, or subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947 (which relate to the superannuation of National Health Service officers);
- (d) the Firemen's Pension Scheme made under the Fire Services Act, 1947;
- (e) any regulations made under the Police Pensions Act, 1948;

be determined in accordance with the rules set out in the next following subsection.

(2) The said rules are—

- (i) no person shall be treated as having died while performing relevant service in His Majesty's forces unless and until the appropriate authority are satisfied that he has been officially reported as dead, or as missing ;
- (ii) where the appropriate authority are satisfied that a person has been officially reported as dead, or as missing and presumed dead, he shall be treated as having died while performing relevant service in His Majesty's forces unless and until the authority are satisfied that he has subsequently been officially reported as alive ;
- (iii) subject to the last foregoing paragraph, where the appropriate authority are satisfied that a person has been officially reported as missing, the authority may, if they think fit, treat him as having died while performing relevant service in His Majesty's forces unless and until they are satisfied that he has subsequently been officially reported as alive.

(3) Where the appropriate authority determine in accordance with the rules set out in subsection (2) of this section that a person is to be treated as having died, the date of his death shall be taken to be such date as the authority may fix on the evidence available to them.

(4) The Third Schedule to this Act shall have effect as respects the financial provisions consequent on the adoption of the rules set out in subsection (2) of this section.

(5) In this section and in the said Schedule the expression "the appropriate authority" means the authority specified in subsection (1) or, as the case may be, subsection (2) of section forty-seven of this Act as the authority having power to determine whether any, and if so what, payment is to be made under section forty-six of this Act, or, in a case where the service pay of the person in question is of such amount that no payment is permissible under the said section forty-six, the authority who would have that power if that person's service pay were of such smaller amount as would permit of a payment being made under that section ; and where, in the case of any person, there are several such authorities, the expression "the appropriate authority" means all those authorities acting jointly :

Provided that where the person in question was immediately before entering on his relevant service an officer of a Regional Hospital Board, Board of Governors of a teaching hospital, Executive Council or other body constituted under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, the appropriate authority shall be the Minister of Health or, as respects Scotland, the Secretary of State, and not the Board, Council or other body.

PART VII
—cont.

PART VII
—cont.

(6) In this section the expression “officially reported” means reported (whether before or after the passing of this Act) by or on behalf of the Admiralty, the Army Council or the Air Council.

Pension rights
of justices’
clerks,
collecting
officers and
their staff.

62.—(1) Subsections (2) and (3) of this section shall apply to a person who at the date of the coming into force of section nineteen of the Justices of the Peace Act, 1949 (which relates to justices of the peace, collecting officers and their staffs), is performing relevant service and who, on the termination of that service, or within six months thereafter, becomes superannuable in accordance with section twenty-two of the said Act, and subsection (4) of this section shall apply both to such a person as aforesaid and to a person who has completed a period of relevant service before the said date and who at the said date becomes superannuable as aforesaid by virtue of section twenty-three of the said Act.

(2) The reference in paragraph (b) of subsection (8) of the said section twenty-three to a person who at the said date is transferred to the employment of a magistrates’ courts committee by subsection (5) or (6) of the said section twenty-three shall include a reference to a person to whom this subsection applies and who, if he had continued to be occupied as he was occupied immediately before entering on relevant service, would at that date have been so transferred; and the said Act, and, in particular, subsection (10) of the said section twenty-three and the definition of “existing or former clerk or employee” in paragraph 18 of Part II of the Fifth Schedule to that Act, shall be construed accordingly.

(3) The reference in proviso (ii) to sub-paragraph (1) of paragraph 13 of the said Part II to an existing clerk or employee shall include a reference to a person to whom this subsection applies and who, immediately before entering on relevant service, was occupied in a transferable capacity.

(4) Where a person to whom this subsection applies was, immediately before entering on relevant service, occupied in a transferable capacity under such conditions that rules under section one of the Superannuation (Miscellaneous Provisions) Act, 1948, could not be made to apply as respects his relevant service, the Local Government Superannuation Act, 1937, and any local Act scheme shall apply in relation to him as if during the period of his relevant service he had continued to be occupied in the capacity in which he was occupied immediately before entering on relevant service and had been entitled to remuneration in that capacity.

(5) For the purposes of this section a person shall be treated as occupied in a transferable capacity at any time if he would

then have been transferred to the employment of, or deemed to be appointed by, a magistrates' courts committee by virtue of subsection (1), (5) or (6) of the said section twenty-three if the said section nineteen had then come into force.

PART VII
—cont.

63. Where a person, having ceased to serve as a constable in order to undertake service of a description specified in the First Schedule to this Act, resumes service as a constable during any period which, by virtue of any regulations made under section one of the Police Pensions Act, 1948, as extended by section forty-three of this Act, is to be treated in his case as a period of service as a member of a police force, it shall not be necessary for him, notwithstanding anything in any enactment, to make any declaration required to be made by him on accepting office as a constable.

Dispensation
with
declaration
on ending of
service of
constables.

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

Interpretation.

“ compulsory national service ” means service undertaken by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector ;

“ local authority ” and “ local Act scheme ” have the same meanings as in the Local Government Superannuation Act, 1937, or, as respects Scotland, the Local Government Superannuation (Scotland) Act, 1937 ;

“ relevant service ” means service after the fifteenth day of July, nineteen hundred and fifty, of a description specified in the First Schedule to this Act ;

“ Rent Restrictions Acts ” means the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925 ; and references to the Rent Acts of 1920, 1933, 1939 and 1949 are respectively to the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, to the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, to the Rent and Mortgage Interest Restrictions Act, 1939, and to the Landlord and Tenant (Rent Control) Act, 1949 ;

“ service ” means the discharge of naval, military or air force duties, and includes training for the discharge of such duties, and includes also work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector ;

PART VII
—cont.

“service man” means a man who performs a period of relevant service ;

“short period of training” means a period of relevant service of a description specified in paragraph 2 of the First Schedule to this Act to which a maximum period of fifteen days is attached, or of a description specified in paragraph 6 thereof, or of a description specified in paragraph 7 thereof performed under an obligation or voluntary arrangements under which its continuous duration is limited to less than three months.

(2) In this Act references to a service man include references to a woman who performs a period of relevant service, references to an officer of any reserve or force include references to a woman who is a member of that reserve or force as an officer and references to a man of any reserve or force include references to a woman who is a member of that reserve or force otherwise than as an officer, and any reference to a service man's wife includes a reference to the husband of a woman who performs a period of relevant service.

(3) If any Order in Council is made under section fourteen of the Reserve and Auxiliary Forces (Training) Act, 1951, directing that Part I of that Act shall apply in relation to all or any of the years nineteen hundred and fifty-two, nineteen hundred and fifty-three and nineteen hundred and fifty-four, any reference in this Act to section one of that Act shall include a reference to that section as extended by the Order.

(4) In this Act, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Provisions as
to Northern
Ireland.

65.—(1) The preceding provisions of this Act shall not extend to Northern Ireland.

(2) His Majesty may by Order in Council provide for extending this Act to Northern Ireland with such additions, exceptions and modifications as appear to His Majesty to be expedient.

(3) An Order in Council under this section—

(a) may be varied or revoked by a further Order in Council made thereunder ;

(b) may include such incidental, consequential and supplemental provisions as appear to His Majesty to be expedient.

(4) Provision made by an Order in Council under this section may be made so as to have effect from the time (whether before, at or after the commencement of this Act) from which any corresponding provision made by this Act has effect.

(5) So far as any provision contained in an Order in Council under this section deals with a matter with respect to which the Parliament of Northern Ireland has power to make laws it shall, for the purposes of section six of the Government of Ireland Act, 1920 (which relates to the power of that Parliament), be deemed to be a provision of an Act passed before the appointed day.

PART VII
—cont.

(6) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

66. This Act may be cited as the Reserve and Auxiliary Short title. Forces (Protection of Civil Interests) Act, 1951.

SCHEDULES

Sections 41 to 44
and sections, 52,
63, 64.

FIRST SCHEDULE

SERVICE RELEVANT FOR THE PURPOSES OF THIS ACT

1. (i) Service in pursuance of any notice or directions given under any enactment which provides for the calling out on permanent service, or the calling into actual service, or the embodiment, of any reserve or auxiliary force, or members thereof, or for the recall of service pensioners within the meaning of the Reinstatement in Civil Employment Act, 1950.
- (ii) Service, other than for the purposes of training only, in pursuance of any obligation or undertaking, whether legally enforceable or not, to serve when called upon as a commissioned officer, not being an obligation or undertaking to accept a permanent or short-service commission.
- (iii) Service in pursuance of any directions given under subsection (5) of section three, subsection (5) of section four, subsection (3) of section five, or subsection (3) of section six, of the Armed Forces (Conditions of Service) Act, 1939, or subsection (2) of section one of the Naval and Marine Forces (Temporary Release from Service) Act, 1940 (as amended by the Naval Forces (Extension of Service) Act, 1944).
- (iv) Service in pursuance of any enlistment for a period not exceeding eighteen months with a view to service in the Korean operations continuing at the passing of this Act or in other operations designated for the purposes of this subparagraph by His Majesty by Order in Council.
- (v) Service, other than for the purposes of training only, in response to any notice or request made or given by the competent naval, military or air force authority, to members of any reserve of

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the Women's Royal Naval Service, members of Queen Alexandra's Royal Naval Nursing Service Reserve or the Naval Voluntary Aid Detachment Reserve, persons who have served in the Auxiliary Territorial Service, members of the Princess Mary's Royal Air Force Nursing Service Reserve, or persons who have served in the Women's Auxiliary Air Force, whether or not there is any legal obligation to comply with the notice or request.

- (vi) In the case of a person who, during his whole-time service under Part I of the National Service Act, 1948, has accepted a commission in any of the armed forces of the Crown under arrangements made by the competent naval, military or air force authority for treating commissioned service as equivalent to whole-time service under Part I of that Act, his service as a commissioned officer under those arrangements.
- (vii) In the case of a person who, being liable under Part I of the National Service Act, 1948, to be called up for whole-time service, has accepted a commission in any of the armed forces of the Crown under any such arrangements as are mentioned in sub-paragraph (vi) of this paragraph and has served whole-time as a commissioned officer under those arrangements without having been called up under the said Part I, his service as a commissioned officer in the circumstances mentioned in this sub-paragraph.
- (viii) In the case of a person serving whole-time as a commissioned officer under any such arrangements as aforesaid who has undertaken, with a view to service in such operations as are mentioned in sub-paragraph (iv) of this paragraph, to serve whole-time as a commissioned officer for a further period not exceeding twelve months immediately after the time when his service under the said arrangements would have ended, any further period of such service in pursuance of that undertaking.

2. Service in consequence of being called up under section one of the Reserve and Auxiliary Forces (Training) Act, 1951.

3. Service of any of the descriptions specified in paragraphs 3, 4 and 5 of the table set out in subsection (1) of section one of the Reserve and Auxiliary Forces (Training) Act, 1951, entered on by a person of any of the descriptions specified in those paragraphs as a volunteer.

4. Service for a period of eighteen months for which an officer of any reserve force of the Royal Navy or of the Royal Marines, or an officer of reserve to, or on the retired or emergency list of, or holding a temporary commission in, the Royal Navy or the Royal Marines, volunteers.

5. The following compulsory national service, that is to say—

- (a) whole-time service undertaken by virtue of an enlistment notice served under Part I of the National Service Act, 1948; or

(b) work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector.

1st Sch.
—cont.

6. The following compulsory national service, that is to say, service undertaken by virtue of a training notice served under Part I of the National Service Act, 1948.

7. Service, for the purposes of training only, for a continuous period of seven days or longer performed, whether under an obligation or under voluntary arrangements, by,—

- (a) an officer or man of any reserve force of the Royal Navy or of the Royal Marines, or an officer of reserve to, or on the retired or emergency list of, or holding a temporary commission in, the Royal Navy or the Royal Marines;
- (b) an officer of any army reserve of officers, a man of any army reserve force, an officer or man of the Territorial Army, or an officer of the Territorial Army Reserve of Officers;
- (c) an officer of the Royal Air Force Volunteer Reserve or of any air force reserve of officers or on the retired list of the Royal Air Force, a man of any air force reserve force, or an officer or man of the Royal Auxiliary Air Force or the Royal Auxiliary Air Force Reserve;
- (d) a member of any reserve of the Women's Royal Naval Service or a member of the Naval Voluntary Aid Detachment Reserve,

not being service of a description specified in any of the preceding paragraphs of this Schedule.

SECOND SCHEDULE

Sections 46, 52.

CAPACITIES IN RESPECT OF WHICH PAYMENTS MAY BE MADE UNDER PART V, AND PAYING AUTHORITIES

PART I

GENERAL

Capacity

Paying Authority

- | | |
|--|--|
| 1. Clerk of the peace or deputy clerk of the peace of a borough in England or Wales. | The borough council. |
| 2. Coroner in England or Wales ... | The council by whom the coroner's salary is paid immediately before he begins to perform relevant service to which Part V of this Act applies. |
| 3. Employee of a local authority ... | The local authority. |

U 2

2ND SCH.
—cont.

Capacity

Paying Authority

- 4. Member of a police force ... In the case of a police force maintained by virtue of a scheme under the Police Act, 1946, or of an amalgamation scheme under the Police (Scotland) Act, 1946, the authority responsible under the scheme for the maintenance of that force, and, in the case of any other police force, the police authority (within the meaning of the Police Pensions Act, 1921), responsible for the maintenance of that force.
 - 5. Member of a fire brigade maintained in pursuance of the Fire Services Act, 1947 The fire authority, within the meaning of the Fire Services Act, 1947, by whom the fire brigade is maintained.
 - 6. Probation officer appointed for a probation area other than the metropolitan police court area, or for two or more such probation areas The probation committee for the area, or, as the case may be, the probation committees for the areas acting jointly.
 - 7. Clerk appointed to give full-time assistance to a probation officer and remunerated by the probation committee or several probation committees acting jointly The probation committee or committees.
 - 8. Registration officer within the meaning of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937 The local authority in whose employment he is or is deemed for the purposes of either of those Acts to be.
 - 9. Teacher appointed by a local education authority for service in a maintained school or institution in England or Wales
 - 10. Teacher, officer or servant appointed by the managers or governors of an aided or special agreement school in England or Wales
 - 11. Teacher, officer or servant of an institution in England or Wales assisted by a local education authority out of the proceeds of any rate
- } The local education authority

Capacity

Paying Authority

2ND SCH.
—cont.

- 12. Teacher employed by an education authority in Scotland
- 13. Teacher, officer or servant of the managers or governing body of a school or educational establishment to the maintenance of which an education authority contributes under s. 25 of the Education (Scotland) Act, 1946

The education authority.

- 14. Teacher, officer or servant of an educational institution as to which it is certified by the Minister of Education or, as respects Scotland, the Secretary of State, that it is expedient that the provisions of Part V of this Act should apply notwithstanding any trust affecting the institution

The managers or other governing body of the institution.

- 15. Officer of a Regional Hospital Board, Board of Governors of a teaching hospital, Executive Council or other body constituted under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947

The Board, Council or other body.

- 16. Dental practitioner providing general dental service under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, at a health centre who is remunerated by annual salary

The Executive Council for the area for which the services are provided.

- 17. Employee of a development corporation established under the New Towns Act, 1946

The development corporation.

- 18. Clerk to the stipendiary magistrate under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895

The Staffordshire Potteries Stipendiary Justice Commissioners.

- 19. Clerk to the stipendiary magistrate under the South Staffordshire Stipendiary Justice Act, 1899

The South Staffordshire Stipendiary Justice Commissioners.

2ND SCH.
—cont.

PART II

ALLOCATION OF FUNCTIONS AS TO PAYMENTS UNDER PART V BETWEEN
DIFFERENT AUTHORITIES IN CERTAIN CASES

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
1. Clerk of the peace of the County of London or his deputy.	The Secretary of State on the recommendation of the standing joint committee.	The London County Council.
2. Clerk of the peace of any other county in England or Wales or his deputy.	The court of quarter sessions for the county.	The county council.
3. Person employed by a standing joint committee or a court of quarter sessions to assist the clerk of the peace of a county in England or Wales.	The committee or court employing that person.	The county council.
4. Clerk to county justices in England or Wales— (a) entering on relevant service before the coming into force of s. 19 of the Justices of the Peace Act, 1949;	The standing joint committee of the county. (Subject to Note below.)	The county council are the paying authority and the county justices for whom the clerk acts are the authority entitled to appeal against a determination.
(b) appointed, or deemed for the purposes of the said Act to be appointed, by a magistrates' courts committee.	The magistrates' courts committee. (Subject to Note below.)	The county council.
5. Clerk to borough justices in England or Wales—	The justices of the borough. (Subject to Note below.)	The borough council.
(a) entering on relevant service before the coming into force of s. 19 of the Justices of the Peace Act, 1949; (b) appointed, or deemed for the purpose of the said Act to be appointed, by a magistrates' courts committee.	The magistrates' courts committee. (Subject to Note below.)	The borough council.

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
<p>6. (a) Employee of a justices' clerk being an employee who by virtue of s. 20(2) of the Local Government Superannuation Act, 1937, is deemed to be a contributory employee of a local authority, or to whom a local Act scheme applies;</p> <p>(b) Employee of a magistrates' courts committee on the staff of a justices' clerk.</p>	<p>The same as in the case of the justices' clerk.</p>	<p>The same, both as respects paying authority and authority entitled to appeal, as in the case of the justices' clerk and where there are several paying authorities the proportions in which they contribute to give effect to any determination shall be such as they may agree, or, in default of agreement, as may be determined by the Secretary of State.</p>

2ND SCH.
—cont.

Note.—In a case where a justices' clerk holds several clerkships and where several authorities would otherwise be concerned as determining authorities, the determining authority as respects each clerkship shall be all those authorities acting jointly, or, in default of agreement, the Secretary of State after consulting the authority entitled to appeal against determinations.

THIRD SCHEDULE

Section 61.

FINANCIAL PROVISIONS CONSEQUENTIAL ON TREATING A PERSON DYING ON SERVICE AS ALIVE AND THE CONVERSE

1.—(1) This paragraph shall have effect where by virtue of the rules set out in subsection (2) of section sixty-one of this Act the appropriate authority determine that a person is to be treated as having died.

(2) No sums paid under Part V of this Act shall be recoverable on the ground that they were paid on the footing that that person was alive at a time after the date fixed by the appropriate authority by virtue of the said section as the date of his death.

(3) Where any sums have been paid under subsection (2) of section forty-six of this Act for a period after the said date, any payments in respect of that period to which that person's widow or other dependant is entitled by way of pension under any Act, scheme or regulation mentioned in paragraph (b), (c), (d) or (e) of subsection (1) of section sixty-one of this Act shall only be made if and to the extent that the appropriate authority so direct.

2.—(1) This paragraph shall have effect where by virtue of the rules set out in subsection (2) of section sixty-one of this Act the appropriate authority determine that a person is to be treated as having died and subsequently determine that he is to be treated as alive.

3RD SCH.
—cont.

(2) Any payment made by virtue of the first determination under subsection (3) of section forty-six of this Act or under any Act, scheme or regulations mentioned in paragraph (b), (c), (d) or (e) of subsection (1) of section sixty-one of this Act shall be irrecoverable.

(3) Where any such payments as are mentioned in sub-paragraph (2) of this paragraph have been made, the aggregate of those payments shall be compared with the greatest amount which might have been paid under subsection (2) of section forty-six of this Act if the person to whom the two determinations relate had been treated as alive during the period between those determinations and—

(a) if the first amount equals or exceeds the second, no payment shall be made to or in respect of that person for that period under the said subsection (2), and

(b) if the second amount exceeds the first, payments shall not be made under the said subsection (2) to or in respect of that person for that period amounting to more than the excess.

(4) Where any such payment as is mentioned in sub-paragraph (2) of this paragraph is a gratuity paid to the wife or other dependant of the said person then, notwithstanding that it is irrecoverable, the gratuity may in whole or in part be treated as having been paid on account of any benefit that may subsequently become payable to that wife or other dependant in respect of the death of the said person.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
South Staffordshire Stipendiary Justice Act, 1899	62 & 63 Vict. c. xc.
Finance (1909–10) Act, 1910	10 Edw. 7. & 1 Geo. 5. c. 8.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	10 & 11 Geo. 5. c. 17.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Industrial Assurance Act, 1923	13 & 14 Geo. 5. c. 8.
Rent and Mortgage Interest Restrictions Act, 1923	13 & 14 Geo. 5. c. 32.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Landlord and Tenant Act, 1927	17 & 18 Geo. 5. c. 36.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Hire Purchase and Small Debt (Scotland) Act, 1932	22 & 23 Geo. 5. c. 38.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Local Government Superannuation Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.

Table of Statutes referred to in this Act—continued

Short Title	Session and Chapter
Hire-Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Armed Forces (Conditions of Service) Act, 1939	2 & 3 Geo. 6. c. 68.
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
National Service (Armed Forces) Act, 1939 ...	3 & 4 Geo. 6. c. 22.
Naval and Marine Forces (Temporary Release from Service) Act, 1940	4 & 5 Geo. 6. c. 4.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Naval Forces (Extension of Service) Act, 1944 ...	7 & 8 Geo. 6. c. 13.
Furnished Houses (Rent Control) Act, 1946 ...	9 & 10 Geo. 6. c. 34.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Police (Scotland) Act, 1946	9 & 10 Geo. 6. c. 71.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
War Damaged Sites Act, 1949	12, 13 & 14 Geo. 6. c. 84.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Reinstatement in Civil Employment Act, 1950 ...	14 & 15 Geo. 6. c. 10.
Reserve and Auxiliary Forces (Training) Act, 1951	14 & 15 Geo. 6. c. 23.

CHAPTER 66*Rivers (Prevention of Pollution) (Scotland) Act, 1951*

ARRANGEMENT OF SECTIONS

PART I

CENTRAL AUTHORITY

Section

1. Duty of Secretary of State in relation to prevention of pollution of rivers and other waters.

PART II

RIVER PURIFICATION BOARDS

2. Establishment of river purification boards.
3. Definition of river purification board areas and establishment of river purification boards.
4. Administrative schemes for river purification boards.
5. Variation of river purification board areas and of constitution of river purification boards.
6. Financial provisions.
7. Borrowing powers.
8. Accounts and audit of accounts of river purification boards.
9. Acquisition and disposal of land ; and provision of buildings.
10. Provisions as to officers and servants.
11. Provisions as to making of byelaws.
12. Power to appoint agents and to delegate functions.
13. Application to river purification boards of certain provisions of *Local Government (Scotland) Act, 1947.*
14. Pension rights of officers and servants of river purification boards.
15. Compensation of officers and servants.
16. Reports.

PART III

PREVENTION OF POLLUTION

River Purification Authorities

17. River purification authorities.
18. Provision and obtaining of information.
19. Power to take samples of effluents.
20. Powers of entry and inspection.
21. Penalty for obstruction.

Provisions for Prevention of Pollution

22. Prohibition on use of stream for disposal of polluting matter, etc.
23. Prevention and making good of defaults under s. 22.
24. Cleansing bed of stream, cutting vegetation, etc.
25. Byelaws.
26. Supplementary provisions with regard to byelaws.
27. Power to grant relaxation in certain cases from compliance with standard prescribed by byelaws.
28. Restrictions on new outlets and new discharges.

PART IV
GENERAL
Tidal Waters

Section

29. Application of Act to tidal waters.

Miscellaneous Provisions

30. Local inquiries.

31. Orders.

32. Expenses.

33. Supplementary powers of Secretary of State.

34. Repeal or amendment of local enactments.

35. Interpretation.

36. Short title, transitional provisions, repeal, commencement and extent.

SCHEDULES :

First Schedule—Procedure for making orders and provisions as to the validity of orders.

Second Schedule—Tidal Waters to which this Act applies.

Third Schedule—Transitional and Consequential Provisions.

Fourth Schedule—Enactments Repealed.

An Act to provide for establishing river purification boards in Scotland and for conferring on or transferring to such boards functions relating to the prevention of river pollution; to make new provision for maintaining or restoring the cleanliness of the rivers and other inland waters and the tidal waters of Scotland in place of the Rivers Pollution Prevention Act, 1876, and certain other enactments; and for purposes connected with the matters aforesaid. [1st August 1951.]

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**CENTRAL AUTHORITY**

1.—(1) It shall be the duty of the Secretary of State to promote the cleanliness of the rivers and other inland waters and the tidal waters of Scotland.

(2) The Secretary of State shall appoint a committee (to be called the Scottish River Purification Advisory Committee) for the purpose of advising him on any matter relating to the cleanliness of the rivers and other inland waters and the tidal waters of Scotland and to the prevention of pollution of such rivers and waters and of considering the enactments relating to the prevention of the pollution of such rivers and waters and of making to the Secretary of State such representations as the Committee think desirable concerning the matters aforesaid.

Duty of Secretary of State in relation to prevention of pollution of rivers and other waters.

PART I
—cont.

(3) The Scottish River Purification Advisory Committee shall consist of such number of persons as the Secretary of State may from time to time decide, being persons appointed, after consultation with such bodies representative of the interests concerned as the Secretary of State thinks fit, to represent local authorities, agriculture, fisheries and industry and any other interests which in the opinion of the Secretary of State should be represented on the Committee; and the Secretary of State may pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

(4) The Secretary of State shall lay before each House of Parliament a copy of any report made to him by the Scottish River Purification Advisory Committee upon any matter which in his opinion is likely to be of general public interest.

PART II

RIVER PURIFICATION BOARDS

Establishment
of river
purification
boards.

2.—(1) The Secretary of State may in accordance with the provisions of this Part of this Act by order define areas (to be known as “river purification board areas”) and establish boards (to be known as “river purification boards”) for the areas so defined.

(2) Orders under the foregoing subsection defining river purification board areas and establishing river purification boards may be made at different times for different areas.

(3) The Secretary of State shall by order determine in respect of each river purification board established under this section the date on which the board shall commence to exercise their functions.

Definition of
river purification
board
areas and
establishment
of river
purification
boards.

3.—(1) Each river purification board area shall consist of such area, together with such tidal waters (being waters to which this Act for the time being applies) as the Secretary of State may determine; and the order defining a river purification board area shall do so either by reference to a map or by reference to the line of any watershed or the boundary of any local government district existing immediately before the making of the order, or partly by one method and partly by another.

(2) An order establishing a river purification board shall provide for the appointment of a board consisting of such number of members as may be specified in the order; and such members shall be appointed as follows, that is to say—

(a) such proportion, not being less than three-fifths or more than two-thirds, of the members as may be specified in the order shall be appointed, in accordance with the administrative scheme made under the next following section, by the several councils of the counties and large burghs whose districts are comprised wholly or partly in the river purification board area; and

(b) the remainder of the members shall be appointed by the Secretary of State for such periods and subject to such conditions as he may think fit and shall consist of persons appointed to represent the interests of persons concerned with the carrying on of agriculture, fisheries or industry in the river purification board area or any other interests which in the opinion of the Secretary of State should be represented on the board ; and such persons shall be appointed after consultation with such persons as appear to the Secretary of State to be representative of the interests of those so concerned.

(3) An order establishing a river purification board may provide that the board shall be a body corporate with such name as may be specified in the order, and that the board shall have a common seal and may hold land and may sue and be sued in the name so specified.

(4) In the selection of members to be appointed by them the council of a county shall have regard to the relative rateable valuations of the small burghs and of the landward area of the county respectively comprised in the river purification board area ; and in making appointments under this section the councils of counties and large burghs shall not appoint any officer or servant of the council or of any other local authority :

Provided that the council of a county or a large burgh shall not be precluded from appointing a member of the council who is also the officer or servant of another local authority.

(5) An order defining a river purification board area or establishing a river purification board shall be made in accordance with the provisions of Part I of the First Schedule to this Act, and Part II of that Schedule shall apply with respect to the validity of any such order.

4.—(1) It shall be the duty of the councils of the counties and large burghs whose districts are comprised wholly or partly within a river purification board area jointly to prepare and submit to the Secretary of State, within such period as may be specified in the order establishing the board or within such further period as the Secretary of State may in special circumstances allow, a scheme (in this Act referred to as an “ administrative scheme ”) with respect to the constitution of the board and the administrative arrangements for the discharge of their functions, and the Secretary of State may approve with or without modification the scheme so submitted to him.

Administrative schemes for river purification boards.

(2) Without prejudice to the foregoing generality, an administrative scheme may make provision with regard to the following matters :—

(a) the numbers of members of the board to be appointed severally by the councils aforesaid ;

PART II
—cont.

- (b) the tenure of office of such members and the filling of casual vacancies among such members ;
- (c) the mode of defraying the expenses of the board and, in particular, the proportions of those expenses which are to be borne severally by the councils aforesaid ;
- (d) the furnishing, on such terms and conditions as may be specified in the scheme, by any of the councils aforesaid of any service connected with the administration or discharge of any of the board's functions ;
- (e) the transfer to the board of property, rights or liabilities, or of the services of any officer or servant, of any of the councils aforesaid ;
- (f) the settlement of differences between the councils aforesaid or between the board and such councils or any of them ; and
- (g) any other matters incidental to or consequential on any provision contained in the scheme.

(3) In determining the numbers of members to be appointed severally by the councils aforesaid regard shall be had to the relative rateable valuations of the districts, or the parts of the districts, of the councils aforesaid comprised in the river purification board area.

(4) If the councils aforesaid fail to submit within the time limited under subsection (1) of this section an administrative scheme for the area satisfactory to the Secretary of State, he may by order make an administrative scheme therefor, and the foregoing provisions of this section shall apply to any such scheme as they apply to schemes made under those provisions :

Provided that before making any such scheme the Secretary of State shall give to the councils aforesaid notice of the general nature of the proposed scheme ; and if within twenty-eight days after the giving of such notice any of those councils intimate objections thereto, the Secretary of State shall cause a local inquiry to be held.

(5) If it appears to the board that it is expedient that their administrative scheme should be varied, they may prepare and submit to the Secretary of State a scheme varying the first-mentioned scheme, and the Secretary of State may approve, with or without modification, the varying scheme.

(6) Where it appears to the Secretary of State that it is expedient that the administrative scheme of a board should be varied, the Secretary of State may require the board to submit to him within such time as he may specify a scheme varying the first-mentioned scheme in such respects as he may specify in the requirement, and if the board fail to comply with the requirement the Secretary of State may by order himself make the varying scheme.

(7) The board before submitting, and the Secretary of State before making, a scheme under subsection (5) or subsection (6) of this section varying any provision of an existing scheme with respect to the number of members to be appointed by any of the councils aforesaid or with respect to the proportion of the expenses to be borne by any of those councils shall consult with those councils.

(8) A river purification board shall have power, subject to any directions given by the Secretary of State, to fix and regulate their own procedure.

5.—(1) The Secretary of State may by order—

(a) alter an existing river purification board area, whether by way of extension or reduction; or

(b) define a new river purification board area which includes or consists of one or more existing river purification board areas or any part or parts thereof;

and subsection (1) of section three of this Act shall apply to any order made under this subsection and to the area as defined thereby.

Variation of
river purification
board
areas and of
constitution
of river
purification
boards.

(2) An order made under the foregoing subsection shall state whether it is to be regarded as altering an existing river purification board area or as defining a new river purification board area for which a new river purification board is required to be established; and in the latter case the Secretary of State shall by the order establish a new river purification board in accordance with the foregoing provisions of this Act, and in the former case the Secretary of State may, to such extent as appears to him necessary in consequence of the alteration of the river purification board area, by the order vary the constitution of the river purification board for the altered area, but not so as to depart from the requirements of section three of this Act.

(3) The Secretary of State shall by order determine in respect of any new river purification board established under this section the date on which the board shall commence to exercise their functions.

(4) An order made under this section may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient.

(5) Any order made under subsection (1) of this section shall be made in accordance with Part I of the First Schedule to this Act, and Part II of that Schedule shall apply with respect to the validity of any such order.

6.—(1) The expenses of a river purification board, so far as they are not defrayed out of revenues of the board under any enactment other than this section, shall be defrayed by the

Financial
provisions.

PART II
—cont.

councils of the counties and large burghs whose districts are comprised wholly or partly in the river purification board area in the proportions specified in the administrative scheme of the board.

In this subsection the expression “expenses” includes the interest on, and provision for the repayment of, borrowed moneys.

(2) A river purification board shall issue requisitions to the councils of counties and large burghs for the payment of the amounts apportioned to those councils in pursuance of the foregoing subsection, and the provisions of sections two hundred and sixteen and two hundred and nineteen of the Local Government (Scotland) Act, 1947 (which relate to the issue of requisitions by a joint committee or joint board and to the recovery of sums due under such requisitions) shall, subject to any necessary modifications, apply to requisitions by a river purification board under this section as they apply to requisitions by a joint committee or joint board.

Borrowing
powers.

7.—(1) A river purification board may borrow temporarily, by way of overdraft or otherwise, such sums as they may require—

- (a) for the purpose of defraying current expenses of an annual nature pending the receipt of revenue receivable by them in respect of the period of account to which those expenses are chargeable and taken into account in the estimates made by them for that period ;
- (b) for the purpose of defraying, pending the raising of money which they have been authorised to raise under the next following subsection, expenses intended to be defrayed out of that money :

Provided that all sums borrowed under paragraph (a) of this subsection shall be repaid before the expiration of the financial year in which such sums were borrowed.

(2) A river purification board may, with the consent of the Secretary of State, borrow money for all or any of the following purposes, that is to say—

- (a) the acquisition of land or the erection of buildings ;
- (b) the execution of any permanent work or the doing of any other thing the cost of which ought, in the opinion of the Secretary of State, to be spread over a term of years ;
- (c) the repayment of any money temporarily borrowed by them under paragraph (b) of the foregoing subsection.

(3) The provisions of sections two hundred and sixty to two hundred and ninety-six of the Local Government (Scotland)

Act, 1947 (which relate to borrowing by local authorities), shall apply to such borrowing, subject to such modifications as may be specified in the order establishing the board.

PART II
—cont.

8. The provisions of Part IX and Part X of the Local Government (Scotland) Act, 1947 (which relate respectively to the accounts and the audit of the accounts of local authorities) shall apply to the accounts of a river purification board and to the audit of such accounts subject to such modifications as may be specified in the order establishing the board.

Accounts and
audit of
accounts of
river purifica-
tion boards.

9.—(1) A river purification board may acquire by agreement any land which they require for any purpose connected with the exercise of their functions:

Acquisition
and disposal
of land; and
provision of
buildings.

Provided that land not immediately required for such a purpose as aforesaid shall not be acquired under this subsection except with the approval of, and subject to any conditions imposed by, the Secretary of State.

(2) The Secretary of State may authorise a river purification board to purchase compulsorily any land which they require for such a purpose as aforesaid, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act.

(3) A river purification board may, with the approval of the Secretary of State, sell or otherwise dispose of any land vested in them which is not required for any purpose connected with the exercise of their functions.

(4) A river purification board shall have power to provide such offices and other buildings as they may require for any purpose connected with the exercise of their functions.

Provisions as
to officers and
servants.

10.—(1) The provisions of sections ninety-five, ninety-six and ninety-seven of the Local Government (Scotland) Act, 1947 (which relate respectively to the appointment of officers by a joint committee or joint board, to the superannuation rights and to the regulation of the duties of such officers) shall apply in relation to a river purification board as they apply in relation to a joint committee or joint board.

(2) Without prejudice to the generality of the foregoing subsection, each river purification board shall, as soon as may be after they are established, appoint a person to be river inspector for their area.

(3) Except with the sanction of the Secretary of State, no person shall be appointed to be river inspector unless he has such qualifications as the Secretary of State may by order prescribe.

PART II
—cont.

(4) The same person may be appointed to be river inspector for two or more river purification board areas, but a river purification board shall not appoint to be river inspector for their area a person who is an officer or servant of the council of any county or burgh whose district is comprised wholly or partly in the area.

Provisions as
to making of
byelaws.

11.—(1) Subject to the provisions of this section, the provisions of sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947 (which relate to the making and enforcement of byelaws) shall apply to the making of byelaws by a river purification board by virtue of any power to make byelaws conferred on them by this Act and in relation to byelaws so made as they apply to the making of byelaws by a local authority and in relation to byelaws made by a local authority.

(2) So much of subsection (6) of the said section three hundred and one as provides for the sending of copies of byelaws in certain cases to registrars and town clerks shall not apply in relation to byelaws made by a river purification board, but the clerk of a river purification board shall send a copy of any byelaws made by the board—

- (a) where the byelaws will apply to any part of the district of a county council, to the clerk of that council and to the registrar of every registration district under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, within that part ; and
- (b) where the byelaws will apply to any part of a burgh, to the town clerk of the burgh ;

and, subject as aforesaid, the said subsection (6) shall apply to the county clerk as it applies to the registrar or the town clerk. as the case may be.

Power to
appoint
agents and to
delegate
functions.

12.—(1) Subject to the provisions of their administrative scheme, a river purification board may, on such terms and conditions as they may agree with the councils concerned, appoint the council of any county or burgh whose district is comprised wholly or partly in the river purification board area to act as the agents of the river purification board to carry out any function vested in the board and exercisable within the county or burgh, as the case may be ; and, subject to the terms of the appointment, the council so acting as agent may act through a committee or sub-committee thereof.

(2) A river purification board may, on the application of a local water authority who have made byelaws under section sixty-one of the Water (Scotland) Act, 1946, defining any part of the board area as an area within which they deem it necessary to

exercise control, delegate to the authority on such terms and conditions as they may agree with the authority the exercise of such of the functions exercisable by the board in relation to any stream or part of a stream within the area so defined as may be so agreed.

(3) If any such local water authority as aforesaid is aggrieved by the refusal of a river purification board to delegate to them any functions under the last foregoing subsection or if any question arises as to the functions to be delegated or the terms and conditions on which functions are to be delegated, they may refer the matter to the Secretary of State for determination, and it shall be the duty of the board to give effect to any such determination.

(4) Nothing in the foregoing provisions of this section shall authorise a river purification board to appoint a county or town council to act as their agents in the exercise of, or to delegate to a local water authority the exercise of, any of the following functions, that is to say—

- (a) the making of byelaws ;
- (b) the granting of authorisations under section twenty-seven of this Act ; or
- (c) the granting of consents under section twenty-eight thereof.

13. The following provisions of the Local Government (Scotland) Act, 1947, that is to say—

- (a) section three hundred and four (which empowers a county council to promote or oppose private legislation) ;
- (b) section three hundred and forty-nine (which relates to the service of notices by or on behalf of a local authority) ;
- (c) section three hundred and fifty-four (which relates to the making by a local authority of reports and returns) ;
- (d) section three hundred and fifty-six (which makes provision for default of a local authority) ; and
- (e) section three hundred and sixty-three (which provides for the application by the order constituting a joint board to the board of any provisions of the said Act of 1947),

Application to river purification boards of certain provisions of Local Government (Scotland) Act, 1947.

shall apply in relation to a river purification board and to an order under this Act establishing or varying the constitution of a river purification board as if such board and such order were respectively a local authority, a county council or a joint board, as the case may require, and an order constituting a joint board.

PART II
—*cont.*

Pension rights
of officers and
servants of
river purifica-
tion boards.

14.—(1) The Local Government Superannuation (Scotland) Act, 1937, shall have effect as if river purification boards were specified in Part I of the First Schedule to that Act (which specifies the local authorities whose whole-time officers are to be compulsorily superannuable).

(2) Any statutory resolution passed under subsection (2) of section three of the said Act by an authority whose district or part of whose district is comprised in a river purification board area or from whom functions are transferred to a river purification board by or under this Act, and in force immediately before the day on which that district or part thereof was first so comprised or on which functions were so transferred, as the case may be, in respect of a servant or a part-time officer who becomes on that day a servant or part-time officer of the board, shall continue in force and have effect as if it had been passed by the board.

(3) In relation to officers and servants of a river purification board the appropriate superannuation fund, for the purposes of the said Act shall be the superannuation fund maintained by such local authority as may agree with the river purification board that the superannuation fund maintained by them shall be treated as the appropriate superannuation fund aforesaid, or, in default of such agreement, the superannuation fund maintained by such local authority as the Secretary of State may direct.

Compensation
of officers and
servants.

15.—(1) The Secretary of State shall by regulations require every river purification board to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers and servants of any local authority, joint board, joint committee or other authority (including another river purification board) being officers or servants who suffer loss of employment or loss or diminution of emoluments in consequence of the passing of this Act or of any order made under section three or section five thereof.

(2) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date earlier than the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the river purification board in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(3) Regulations made under this section may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made and for the determination of all questions arising under the regulations.

(4) Regulations made under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART II
—cont.

16.—(1) Every river purification board shall, before such date Reports. in every year as the Secretary of State may fix, send to the Secretary of State a report in respect of the preceding year, and shall at the same time send a copy of the report to the council of every county or large burgh whose district is comprised wholly or partly in the river purification board area.

(2) Every report under this section shall be in such form and shall contain particulars with respect to such matters as the Secretary of State may direct.

(3) A river purification board shall cause a copy of every report made by them under this section to be open to public inspection at all reasonable hours without payment and shall on application furnish a copy thereof to any person on payment of such sum not exceeding one shilling for every copy as the board may determine.

PART III

PREVENTION OF POLLUTION

River Purification Authorities

17.—(1) It shall be the duty of the authorities specified in the next following subsection (in this Act referred to as “river purification authorities”) to promote the cleanliness of the rivers and other inland waters and the tidal waters in their areas, to conserve so far as practicable the water resources of their areas and to exercise for those purposes the functions conferred on them by this Act.

River
purification
authorities.

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

- (a) in relation to any area in which a river purification board are entitled under this Act to exercise functions, that board ; and
- (b) in relation to any other area, the council of the county or large burgh within whose district the area is situate.

18.—(1) For the purpose of enabling them to perform the functions conferred on them a river purification authority may make surveys of their area and gauge and keep records of the flow or volume and other characteristics of any stream in their area, and may take steps for the measurement and recording of the rainfall in their area or any part thereof and for the installation and maintenance for these purposes of gauges or other apparatus and works connected therewith, and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

Provision and
obtaining of
information.

PART III
—cont.

(2) The Secretary of State may give directions requiring any river purification authority to exercise all or any of the powers conferred on them by the foregoing subsection and to furnish to him such information obtained in pursuance of the directions at such times and in such form as may be specified in the directions, and it shall be the duty of the authority to comply with any directions so given.

(3) Every river purification authority shall give reasonable facilities for the inspection of records kept by them of the rainfall or the flow or volume of any stream in their area and for the taking of copies or extracts from such records, and such facilities shall be available free of charge to all local authorities whose districts are wholly or partly included in the area of the river purification authority and shall be available to other persons on payment of such fees as may be approved by the Secretary of State.

(4) A river purification authority may give directions requiring any person who in their opinion is abstracting water from any stream in the area of the authority in quantities which are substantial in relation to the flow or volume of the stream or is discharging effluents into any such stream to give such information as to the abstraction or discharge at such times and in such form as may be specified in the directions:

Provided that any person to whom such directions are given may, if he considers the directions are unreasonable or unduly onerous, make representations to the Secretary of State with respect thereto, and the Secretary of State may thereupon, if he thinks fit, require the river purification authority to revoke or modify the said directions, and the river purification authority shall comply with the requirements of the Secretary of State.

(5) Any person who fails to comply with any directions given under the last foregoing subsection within such time as may be specified in the directions shall in respect of each such failure be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for each day on which the failure continues after conviction therefor.

Power to take
samples of
effluents.

19.—(1) A river purification authority shall have a right to obtain and take away samples of water from any stream or of any effluent which is passing from any land or vessel into any stream in the area of the authority.

(2) The result of any analysis of a sample taken under this section shall not be admissible as evidence in any legal proceedings in respect of any effluent passing from any land or vessel unless the following requirements have been complied with, that is to say, the person taking the sample shall forthwith notify to the occupier of the land or vessel his 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 container which shall be sealed up and marked, and shall—

PART III
—cont.

- (a) deliver one part to the occupier of the land or vessel ;
- (b) retain one part for future comparison ;
- (c) if he thinks fit to have an analysis made, submit one part to an analyst :

Provided that, if it is not reasonably practicable forthwith to comply with the aforesaid requirement as to notification, the said requirement and the other requirements aforesaid shall be complied with as soon as reasonably practicable

(3) Notwithstanding anything in this Act, any tidal waters adjoining the shore of the area of a river purification authority shall be deemed to be included in the expression “ stream ” for the purposes of the authority’s powers under this section.

20.—(1) Subject to the provisions of this section, any person authorised by a river purification authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any land—

Powers of
entry and
inspection.

- (a) for the purpose of exercising any functions of the authority ;
- (b) for the purpose of determining whether, and if so in what manner, any such functions are to be exercised or whether any provision of this Act or any notice, order, direction, byelaw or authorisation served, given, made or granted under this Act is being or has been complied with.

(2) The right conferred by the foregoing subsection shall, without prejudice to the generality thereof, be exercisable for the purpose of inspecting any local Acts, statutory orders, records or other documents in the possession of any body relating to functions of that body which are or have been exercisable in the area of the authority, being documents which the authority may reasonably require to inspect for the purpose of exercising any of their functions under this Act, and the person carrying out any such inspection shall have a right to take copies of or extracts from any such documents.

(3) Admission to any land used for residential purposes shall not be demanded as of right under this section unless twenty-four hours’ notice of the intended entry has been given to the occupier.

(4) If it is shown to the satisfaction of the sheriff on sworn information in writing—

- (a) that admission to any land to which any person is entitled to enter under this section has been refused to that person, or that refusal is apprehended, or that the

PART III
—cont.

land is unoccupied, or that the case is one of urgency, or that an application for admission will defeat the object of the entry; and

- (b) that there is reasonable ground for entry on the land for the purpose for which entry is required,

the sheriff may by warrant under his hand authorise that person to enter the land:

Provided that such a warrant shall not be issued unless the sheriff is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the land is unoccupied, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry; and any warrant so issued shall be expressed to remain in force for such period only as the sheriff, having regard to all the circumstances of the case, shall fix.

(5) Any person entitled to enter any land by virtue of any right of entry under this section may take with him such other persons as may be necessary, and on leaving any unoccupied land which he has entered by virtue of such a right shall leave it as effectually secure against unauthorised entry as he found it.

(6) If—

- (a) any person, who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or work place, discloses otherwise than in the performance of his duty to any person any information obtained by him in the factory or work place with regard to any manufacturing process or trade secret; or
- (b) any member or officer of a river purification authority, to whom by reason of his official position any information obtained as aforesaid is disclosed, discloses otherwise than in the performance of his duty that information to any person,

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(7) The provisions of this section shall apply in relation to vessels as they apply in relation to land.

Penalty for
obstruction.

21. Any person who wilfully obstructs any person exercising a right conferred by this Act to enter any land or any vessel or to carry out any inspection or survey or to make copies of or extracts from any document or to obtain and take away samples shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

*Provisions for Prevention of Pollution*PART III
—cont.

22.—(1) Subject to the provisions of this Act, a person commits an offence punishable under this section—

Prohibition on use of stream for disposal of polluting matter, etc.

- (a) if he causes or knowingly permits to enter a stream any poisonous, noxious or polluting matter ; or
- (b) if he causes or knowingly permits to enter a stream any matter so as to tend either directly or in combination with similar acts (whether his own or another's) to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences ; or
- (c) if he deposits on any land the solid refuse of any mine or quarry so that it falls or is carried into a stream ;

and for the purposes of paragraph (a) of this subsection a local authority shall be deemed to cause or knowingly to permit to enter a stream any poisonous, noxious or polluting matter which passes into the stream from any sewer or sewage disposal works vested in them in any case where either the local authority were bound to receive the matter into the sewer or sewage disposal works or they consented (whether expressly or impliedly) to do so unconditionally or they consented to do so subject to conditions and those conditions were observed.

(2) Subsection (1) of this section shall not by virtue of paragraph (a) thereof penalise the discharge of anything into a sewer or sewage disposal works vested in a local authority so that it passes into a stream in any such case as aforesaid.

(3) Where no byelaw made under paragraph (a) of subsection (1) of section twenty-five of this Act is in force as respects any stream or part of a stream prescribing a standard for the purpose of determining when matter is in any particular respect to be treated as poisonous, noxious or polluting, it shall be a defence for a person charged with an offence under paragraph (a) of subsection (1) of this section in respect of the discharge into that stream or part of matter which is poisonous, noxious or polluting in that respect to prove that—

- (a) it is not reasonably practicable for him to dispose of the matter otherwise than by discharging it (directly or indirectly) into that or some other stream ; and
- (b) he is taking all reasonably practicable steps to prevent the matter being unnecessarily poisonous, noxious or polluting.

(4) Subsection (1) of this section shall not by virtue of paragraph (b) or (c) thereof penalise the depositing with the consent of the river purification authority (which consent shall not be unreasonably withheld) of the solid refuse of a mine or quarry

PART III
—cont.

on any land so that it falls or is carried into a stream if no other site for the deposit is reasonably practicable and all reasonably practicable steps are taken to prevent the refuse entering the stream.

(5) Any question whether the consent of a river purification authority for the purposes of the last foregoing subsection has or has not been unreasonably withheld shall be determined by the Secretary of State.

(6) A person shall not be guilty of an offence punishable under this section by reason only of having done or caused to be done any of the following acts—

- (a) constructing, improving or maintaining in or across or in or on the bank or bed of any stream, any building, bridge, weir, dam, sluice, fish-pass, dock, pier, harbour, drain or sewer or other permanent works which he has a right to construct, improve or maintain ;
- (b) depositing any suitable materials on the bank or in the bed of any stream, for the purpose of reclaiming land or of supporting, repairing or protecting the bank or bed of such stream ;
- (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream, or depositing any suitable materials on the bank of any stream, for the purpose of filling up any areas affected by subsidence if, in either case, no substantial obstruction of the channel or pollution of the water of the stream is caused thereby ;
- (d) causing or permitting, with the consent of the river purification authority, the deposit accumulated in any pond or reservoir to enter any stream.

(7) Any person guilty of an offence punishable under this section shall be liable—

- (a) on conviction on indictment to a fine not exceeding two hundred pounds ; or
- (b) on summary conviction to a fine not exceeding fifty pounds :

Provided that, where a person is convicted of any such offence and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence (whether under this Act or otherwise) he shall be liable, if he is convicted on indictment, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him, or five hundred pounds (whichever is the greater) or to both,

or, if he is convicted summarily, to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds for every such day or one hundred pounds (whichever is the greater) or to both.

(8) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

(9) Where a person is convicted of an offence by virtue of the last foregoing subsection as having at the time of its commission been a director, manager, secretary or other similar officer of a body corporate within the meaning of that subsection (or been purporting to act in any such capacity) and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by the body corporate after it had been convicted of the earlier offence (whether under this Act or otherwise) he shall be liable to the same penalties as the body corporate under the proviso to subsection (7) of this section, including the imprisonment to which it would be liable if a natural person :

Provided that—

- (a) he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier offence he was not acting or purporting to act in any such capacity ; and
- (b) in determining the maximum amount of any fine to which he is so liable any repetition or continuation of the earlier offence by the body corporate shall be disregarded if he shows either—
 - (i) that at the time when the repetition or continuation occurred he was not acting or purporting to act in any such capacity ; or
 - (ii) that the repetition or continuation occurred without his consent or connivance and that he exercised all such diligence to prevent its occurrence as

PART III
—cont.

he ought to have exercised having regard to the nature of his functions in any such capacity in which he was acting or purporting to act and to all the circumstances.

(10) Notwithstanding any rule of law or practice to the contrary it shall be competent in any proceedings for an offence under this section to adduce evidence after conviction for the purpose of proving or showing anything the proving or showing of which tends, under subsection (7) or subsection (9) of this section, to increase or mitigate the penalty which may be imposed on the accused :

Provided that the prosecutor shall not be entitled to adduce evidence for the purpose of showing that an offence was a repetition or continuation of an earlier offence or that the earlier offence has been repeated or continued on one or more days unless he has caused to be served on the accused, along with the indictment or complaint, as the case may be, notice of his intention so to do and has specified in such notice the day or days on which it is intended to show that the offence was so repeated or continued.

Prevention
and making
good of
defaults
under s. 22.

23.—(1) Where a river purification authority apprehend that a contravention of subsection (1) of the last foregoing section as respects any stream in their area (whether a new contravention or a repetition or continuation of one already occurred or occurring) is likely to occur—

- (a) by reason of any use or proposed use of the stream or of any land for the disposal of any matter ; or
- (b) by reason of any use or proposed use of any land for the storage of any matter ; or
- (c) by reason of any use or proposed use of a vessel in a defective state of repair for the carriage of cargoes from which poisonous, noxious or polluting matter may enter the stream,

then, subject to this Act, the authority may apply to the sheriff and the sheriff (if satisfied of the matters complained of by the authority) may make an order prohibiting the use or proposed use complained of or permitting it only on terms designed to remove the grounds of complaint or such other order as the sheriff thinks fit.

(2) For the purposes of the proviso to subsection (7) and of subsection (9) of the last foregoing section, an order made against a person under subsection (1) of this section shall be treated as a conviction of an offence punishable under that section and any contravention by him of subsection (1) of that section shown to

have been, or to have been wholly or partly due to, a contravention of or failure to comply with the order shall be treated as a repetition or continuation of that offence by him.

(3) The sheriff to whom an application is made for an order under subsection (1) of this section with respect to the disposal or storage of any matter, or who has made such an order, may make an order—

- (a) directing the removal from the stream or from any land of any matter which before the giving of the direction has been dealt with in the way complained of in the application, or prohibited by the first-mentioned order, as the case may be ; and
- (b) authorising the river purification authority, if the direction is not complied with, to undertake the removal and to dispose of the matter removed in any manner authorised by the court.

(4) A river purification authority shall at the request of any person appearing to them to be interested in any land and at his expense furnish him or such other person as may be specified in the request with such particulars as may be so specified of any orders made under subsection (1) of this section with respect to any stream in their area, being orders relating to any use or proposed use of land or otherwise material to its use.

(5) On a person's conviction of an offence punishable under the last foregoing section which consists of or arises out of the use by him of any stream or of any land for the disposal or storage of any matter, the court by which he is convicted may, on the application of the river purification authority of which not less than ten days' notice has been given to the person charged, make any such order as could be made under subsection (3) of this section by the sheriff on an application for an order prohibiting that use.

(6) Any expenses reasonably incurred by a river purification authority in removing any matter under the authority of an order under subsection (3) or subsection (5) of this section or in disposing of any matter so removed may be defrayed out of any money obtained by the authority from the disposal of it, and in so far as they are not so defrayed shall be recoverable as a debt due to them from the person in default under the order.

24.—(1) Subject to this Act, a person commits an offence punishable under this section—

- (a) if without the consent of the river purification authority (which shall not be unreasonably withheld) he causes or knowingly permits to enter any stream the natural deposit accumulated in any pond or reservoir or

Cleansing bed
of stream,
cutting
vegetation,
etc.

PART III
—cont.

cleanses any part of the channel or bed of a stream from deposit accumulated by reason of any dam, weir or sluice holding back the water of the stream, and does so (in either case) by causing the deposit to be carried away in suspension in the water of the stream ; or

- (b) if by his wilful default and without the consent of the river purification authority (which shall not be unreasonably withheld) any substantial amount of vegetation cut or uprooted in the stream or so near to the stream that it falls into the stream is allowed to remain in the stream.

(2) Paragraph (a) of the foregoing subsection shall not apply to anything done in the exercise of statutory powers conferred by or under any enactment relating to land drainage, flood prevention or navigation.

(3) Any question whether the consent of the river purification authority for the purposes of subsection (1) of this section has or has not been unreasonably withheld shall be determined by the Secretary of State.

(4) Any person guilty of an offence punishable under this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Byelaws.

25.—(1) Subject to the provisions of the next following section, a river purification authority may by byelaws make such provision as respects any stream or part of a stream in their area as appears to them expedient—

- (a) for prescribing standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting for the purposes of this Act ;
- (b) for prohibiting or regulating the washing or cleansing in the stream of any cloth, wool, leather or skins, or of any other thing the washing or cleansing of which is likely to pollute the stream, or the putting into the stream of litter or other objectionable matter, whether poisonous, noxious or polluting or not ;
- (c) for prohibiting or regulating the keeping or use on the stream of vessels provided with sanitary appliances from which polluting matter passes or can pass into the stream ;
- (d) for regulating the siting and construction of outlets for the discharge of effluent from any place used for the dipping of sheep.

(2) For the avoidance of doubt it is hereby declared that byelaws made by virtue of paragraph (a) of the foregoing subsection may prescribe standards for the purpose of determining when matter is to be treated as poisonous, noxious or polluting—

(a) by reason of its temperature ;

(b) by reason of its effect in discolouring a stream,

and may provide for an effluent to be or not to be so treated according to the relation between the volume and rate of flow of the water of the stream and the volume and rate of discharge of the effluent.

(3) In so far as standards are prescribed for any stream or part of a stream by byelaws so made they shall be conclusive for the purposes of this Act on the question what is or is not poisonous, noxious or polluting in relation to that stream or part.

(4) Any person contravening byelaws made by virtue of paragraph (b), (c) or (d) of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds, and where a contravention of byelaws made by virtue of the said paragraph (c) or (d) is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the contravention is so continued.

26.—(1) Before making byelaws under paragraph (a) of subsection (1) of the last foregoing section, a river purification authority shall make such survey as may be necessary of the area in which the stream or the part thereof to which it is intended that the proposed byelaws shall apply is situate.

Supplementary
provisions
with regard
to byelaws.

(2) A river purification authority in exercising the powers conferred by the last foregoing section to make byelaws for any stream or part of a stream shall have regard to the character and flow of the stream and to the extent to which the stream is, or may in the future be, used for industrial purposes, fisheries, water supply, agriculture or navigation.

(3) No byelaw made under the last foregoing section as respects any stream or part of a stream from which a supply of water for domestic purposes is taken by a local water authority under a local enactment containing provisions designed to secure the wholesomeness of that supply shall permit the doing of anything which renders or tends to render the water in the stream or part less suitable for the purposes of that supply than it was immediately before the commencement of this Act.

PART III
—cont.

PART III
—cont.

(4) The confirming authority in relation to byelaws made under the last foregoing section shall be the Secretary of State.

(5) The provisions of section three hundred and one of the Local Government (Scotland) Act, 1947 (which relates to the procedure for making byelaws) shall in their application to the making by a river purification authority of byelaws under paragraph (a) of subsection (1) of the last foregoing section have effect subject to the following modifications—

- (a) the period within which objections to such byelaws may be notified to the Secretary of State shall be three months, and accordingly in subsections (4), (5), (6) and (8) for references to one month there shall be substituted references to three months;
- (b) if any objections to such byelaws are received by the Secretary of State he shall, before confirming the byelaws, cause a local inquiry to be held, and accordingly in subsection (9) for the words “ may, if he considers it necessary or desirable ” there shall be substituted the word “ shall ”:

Provided that nothing in this subsection shall require the Secretary of State to cause a local inquiry to be held in relation to an objection made by a person who, in the opinion of the Secretary of State, has no material interest in the stream or part of the stream to which the byelaws relate.

(6) Where any person serves on a river purification authority a written request to be registered for the purpose of receiving notices under this subsection and states his name and address the authority shall enter his name and address in a register to be kept by them for the purpose, and so long as his name appears in the register the authority shall send to him a copy of any notice which they are required by any enactment, including this Act, to publish in connection with the making of any byelaws under paragraph (a) of subsection (1) of the last foregoing section or the confirmation of such byelaws.

A river purification authority may refuse to enter in the register the name of any person who appears to them to have no reasonable interest to receive such notices, and shall remove from the register the name of any person who requests them in writing not so to do or who has ceased to be the occupier of premises within their area.

(7) The Secretary of State may by notice require a river purification authority to make byelaws under the last foregoing section in relation to such matters as he may specify and, if the authority do not within three months after such requirement

make in relation to the matters specified byelaws satisfactory to him, the Secretary of State may himself make byelaws with respect to those matters.

(8) If after they have been in operation for a period of not less than three years the Secretary of State considers unsatisfactory any byelaws made by a river purification authority under the last foregoing section, he may after consultation with the river purification authority by notice require the authority to revoke those byelaws and to make such new byelaws under the said section as he considers necessary and, if the authority do not within three months after such requirement comply therewith, the Secretary of State may himself revoke the byelaws and make such new byelaws under the said section as he considers necessary.

(9) The provisions of this section with respect to the giving of notice, the lodging of objections and the holding of inquiries shall apply subject to any necessary modifications in relation to the making of byelaws by the Secretary of State under subsection (7) or subsection (8) of this section as they apply in relation to the making of byelaws by a river purification authority under the last foregoing section; and any byelaws so made by the Secretary of State shall have effect as if they had been made by the authority concerned and confirmed by the Secretary of State.

27.—(1) Where it appears to a river purification authority that—

Power to grant relaxation in certain cases from compliance with standard prescribed by byelaws

- (a) any matter which a person is causing or permitting to enter any stream is, by the standard prescribed by byelaws made under paragraph (a) of subsection (1) of section twenty-five of this Act and applicable to the part of the stream entered by such matter, to be treated as poisonous, noxious or polluting; and
- (b) it is not reasonably practicable for that person to dispose of the matter otherwise than by discharging it (directly or indirectly) into that or some other stream; and
- (c) that person is taking, or is prepared to take, within such period as the authority in the circumstances of the case consider reasonable, all reasonably practicable steps to prevent the matter being unnecessarily poisonous, noxious or polluting,

the river purification authority may grant to that person on an application by him an authorisation prescribing in respect of the matter a lower standard for the purpose of determining when the matter is to be treated as poisonous, noxious or polluting and authorising him, subject to compliance with the lower standard so prescribed, to continue for such limited period as may be specified in the authorisation to cause or permit the matter to enter the stream.

PART III
—cont.

(2) Before granting such an authorisation the river purification authority shall publish in one or more newspapers circulating in the area of the authority a notice stating that the authority propose to grant an authorisation and specifying a place in the area where a copy of the proposed authorisation may be seen and inspected free of charge at all reasonable hours.

(3) The applicant for such an authorisation or any person having an interest so to do may, within twenty-eight days after the refusal is intimated to him or within the like period after the publication of the notice referred to in the last-foregoing subsection, as the case may be, appeal to the Secretary of State against the refusal or the grant of the authorisation or against any provision contained in the authorisation; and on any such appeal the Secretary of State, after affording, if he thinks it necessary so to do, to the appellant and to any other person (including the river purification authority) concerned an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, may give such directions to the river purification authority as he deems proper, and the authority shall refuse or grant the authorisation in conformity with the directions.

(4) Every river purification authority shall maintain a register containing such particulars as the Secretary of State may by order prescribe of authorisations granted by them under this section, and such register shall be open to public inspection free of charge at all reasonable hours.

(5) The Secretary of State may from time to time review the authorisations granted under this section by river purification authorities and may, if he thinks fit so to do, direct any authority to vary or revoke any authorisation granted by them; and if the authority fail, within such period as the Secretary of State may allow, to give effect to any such direction the Secretary of State may himself vary or revoke the authorisation concerned.

(6) A person shall not be liable to be convicted of an offence consisting of a contravention of paragraph (a) of subsection (1) of section twenty-two of this Act or to have an order made against him under section twenty-three thereof by reason only of his having caused or permitted matter to enter any stream in conformity with the provisions of any authorisation granted to him under this section and for the time being in force.

Restrictions
on new outlets
and new
discharges.

28.—(1) Subject to this section, no person shall without the consent of the river purification authority (which consent shall not be unreasonably withheld) bring into use any new or altered outlet for the discharge of trade or sewage effluent to a stream, or begin to make any new discharge of trade or sewage effluent to a stream.

(2) On an application for consent under the foregoing subsection the river purification authority may grant their consent subject to such conditions as they may reasonably impose, being—

- (a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or the construction of the outlet or as to the use of that outlet or any other outlet for trade or sewage effluent from the same land or premises ; and
- (b) in the case of a new discharge, conditions as to the nature or composition, temperature, volume or rate of discharge of effluent from the land or premises from which the new discharge is to be made.

(3) A river purification authority shall not grant their consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions reasonably imposed by the authority to enable them to exercise their right to take samples of the effluent.

(4) Where without the consent of the river purification authority there is brought into use a new or altered outlet for the discharge of trade or sewage effluent to a stream, or there begins to be made a new discharge of trade or sewage effluent to a stream, the river purification authority may give the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as they might have imposed had an application been made for their consent for bringing the outlet into use or beginning to make the discharge.

(5) A river purification authority shall from time to time review any condition imposed under this section (other than a condition to be satisfied before an outlet is brought into use or a new discharge begins to be made) or any consent granted or deemed to have been granted unconditionally under this section or under paragraph 2 of the Third Schedule to this Act, and may give the person using the outlet or making the discharge, as the case may be, a notice making any reasonable variation of or revoking any such condition, or imposing any such condition (other than a condition to be satisfied as aforesaid) as they might have imposed under this section ; and the Secretary of State may, if he thinks fit so to do, direct the authority to vary or revoke any such condition, or to impose any condition which might have been imposed as aforesaid ; and, if the authority fail within such period as the Secretary of State may allow to give effect to any such direction, the Secretary of State may himself give such a notice as aforesaid.

PART III
—cont.

(6) Any condition imposed under this section shall continue in force (subject to any variation under the last foregoing subsection) until revoked under that subsection and shall be binding on any person using the outlet or discharging effluent from the land or premises to which the condition relates.

(7) Every river purification authority shall maintain a register containing such particulars as the Secretary of State may by order prescribe of conditions which have been imposed under this section in relation to outlets in their area, or in relation to effluent from land or premises in their area, and are for the time being in force (except conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made) and so much of the register as relates to any outlet or to any land or premises—

(a) shall be open to inspection at all reasonable hours by any person appearing to the authority to be interested in the outlet or in the land or premises, as the case may be, or by any person authorised by him ; and

(b) in favour of a person charged under this section with causing or knowingly permitting to enter a stream an effluent not complying with any such conditions shall be conclusive as to the conditions with which the effluent is required to comply.

(8) For the purposes of this section—

(a) the expression “ new or altered outlet ” means any outlet which is wholly or partly constructed on or after the date on which this section comes into force or which (whether so constructed or not) is substantially altered after that date ;

(b) the expression “ new discharge ” means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent, substantially a repetition or continuation of a previous discharge made within the preceding twelve months (whether from the same or a different outlet) so however that a discharge which is in other respects a repetition or continuation of a previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

(9) Subsection (1) of this section shall not apply to the bringing into use of any new or altered outlet which forms part of the sewage disposal or sewerage works of a local authority if its construction or alteration, as the case may be, or the raising of a loan to defray the cost thereof, has been approved or authorised by the Secretary of State.

(10) Any question whether the consent of a river purification authority has or has not been unreasonably withheld or as to the reasonableness of any condition or of any variation of any condition shall be determined for the purposes of this section by the Secretary of State.

(11) If, on an application to the Secretary of State for him to determine a question under the last foregoing subsection, he determines that the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, was unreasonable, then—

- (a) where the application was in respect of the withholding of consent, he may direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable ;
- (b) where the application was in respect of the unreasonableness of any condition imposed, he may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to him to be reasonable ;
- (c) where the application was in respect of the reasonableness of any variation of a condition, he may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to him to be reasonable ;

but, as respects the period before the giving of the direction, this section shall apply as if the withholding of consent, or the condition imposed, or the variation of a condition, as the case may be, had not been unreasonable.

(12) If a river purification authority fail, within three months of the making to them of an application for their consent under this section, to give the person proposing to bring into use the new or altered outlet or to begin to make the new discharge, as the case may be, notice that they give or refuse their consent, the consent shall be deemed to be granted unconditionally at the expiration of those three months.

(13) Where a person in contravention of this section brings into use a new or altered outlet or begins to make a new discharge without obtaining the consent of the river purification authority or without observing any conditions imposed by the authority under this section (being conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made) he shall be liable on conviction on indictment to a fine not exceeding two hundred pounds or on summary conviction to a fine not exceeding fifty pounds.

PART III
—cont.

(14) No person shall cause or knowingly permit to enter a stream by an outlet or from land or premises in relation to which conditions have been imposed under this section and are for the time being in force a trade or sewage effluent not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section twenty-two of this Act.

(15) Section twenty-three of this Act shall apply in relation to the last foregoing subsection as it applies in relation to subsection (1) of section twenty-two of this Act.

PART IV

GENERAL

Tidal Waters

Application
of Act to
tidal waters.

29.—(1) The provisions of this Act shall, as from such day as the Secretary of State may by order appoint for the purpose, apply to the tidal waters specified in the Second Schedule to this Act, subject, however, to such modifications of those provisions as may be specified in the order and to any restrictions on the powers exercisable thereunder by a river purification authority which may be so specified.

(2) Subject to this section, the Secretary of State may by order direct that the provisions of this Act shall apply to any tidal waters (other than the tidal waters referred to in the foregoing subsection) specified in the order, subject, however, to such modifications of those provisions as may be so specified and to any restrictions on the powers exercisable thereunder by a river purification authority which may be so specified.

(3) The Secretary of State shall not make an order under subsection (2) of this section except on the application of a river purification authority or of some other person appearing to him to be interested.

(4) The provisions of paragraphs 1 to 5 of the First Schedule to this Act shall apply with respect to the making of an order under this section, subject to the modification that any references to councils of counties or large burghs shall include references to river purification boards.

(5) Notwithstanding anything in subsection (1) of this section or in an order under subsection (2) of this section, paragraph (c) of subsection (1) of section twenty-three of this Act shall not apply to the use or proposed use of a vessel in any tidal waters in which a harbour authority within the meaning of the Merchant Shipping Act, 1894, exercises jurisdiction.

Miscellaneous Provisions

PART IV
—cont.

30.—(1) Where the Secretary of State is required under any provision of this Act to cause a local inquiry to be held or where in any case it appears to him to be advisable so to do in connection with any matter arising under this Act or otherwise in connection with any functions of river purification boards or river purification authorities, he shall or may, as the case may be, cause a local inquiry to be held. Local inquiries.

(2) Subject to the next following subsection, the provisions of subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the holding of local inquiries) shall apply to any inquiry held under this Act.

(3) Any inquiry in relation to an order under this Act which becomes in certain circumstances subject to special parliamentary procedure shall, if the Secretary of State so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction is so given—

- (a) it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945;
- (b) if publication of notice in accordance with paragraph 1 of the First Schedule to this Act has been made, the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with; and
- (c) the provisions of subsection (2) of this section shall not apply to such inquiry.

31.—(1) Any power conferred on the Secretary of State by this Act to make an order shall be exercisable by statutory instrument, and any statutory instrument made in exercise of the powers conferred by subsection (1) or subsection (2) of section twenty-nine of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament. Orders.

(2) Any power conferred on the Secretary of State by this Act to make orders shall include a power, exercisable in the like manner and subject to the like conditions, to vary or revoke any such order.

32.—(1) Any expenses incurred by the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament. Expenses.

(2) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part II of the Local Government Act, 1948, shall be defrayed out of moneys so provided.

PART IV
—*cont.*
**Supplementary
powers of
Secretary of
State.**

33. For the purpose of enabling the Secretary of State to perform any of his functions under this Act, he or any person authorised by him shall have the like right to enter any land or vessel or to carry out any inspection or survey or to make copies of or extracts from any document or to obtain and take away samples as is conferred by this Act on a river purification authority or any person authorised by such an authority.

**Repeal or
amendment
of local
enactments.**

34.—(1) The provisions of this Act shall have effect in substitution for the provisions of any local enactment with respect to the prevention of river pollution, and any such enactment shall, in so far as it is inconsistent with the provisions of this Act, cease to have effect.

(2) If it appears to the Secretary of State that any provision of a local enactment such as is mentioned in the foregoing subsection in force immediately before the coming into operation of Part III of this Act is inconsistent with any of the provisions of this Act, or is no longer required, or requires to be amended having regard to the provisions of this Act, he may by order repeal or amend that provision as he may consider appropriate.

(3) The provisions of the First Schedule to this Act shall apply to orders made under this section.

(4) Nothing in this Act shall be construed as authorising, or as empowering the making of any order or byelaw or the granting of any authorisation so as to authorise, the discharge into any stream to which a local enactment applies of any matter the discharge of which into that stream is prohibited by that enactment, or the doing of any thing the doing of which is so prohibited, for the purpose of securing the cleanliness of that stream.

Interpretation.

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

“contravention” includes failure to comply with, and
“contravene” shall be construed accordingly;

“fishery district board” means the district board for a fishery district for the purposes of the Salmon Fisheries (Scotland) Act, 1862, and includes the Commissioners appointed under the Tweed Fisheries Act, 1857;

“functions” includes powers and duties;

“land” includes land covered by water;

“large burgh” and “small burgh” have the like meanings as in the Local Government (Scotland) Act, 1947;

“local authority” means a county or town council, and includes a development corporation within the meaning of the New Towns Act, 1946, where the corporation is by virtue of an order made under subsection (2)

of section nine of the said Act of 1946 entitled to exercise any powers under the Public Health (Scotland) Act, 1897, in relation to the construction of sewage disposal or sewerage works ;

“ local enactment ” means any local Act of Parliament, any statutory order or any provision in any such Act of Parliament or statutory order ;

“ local water authority ” has the meaning assigned to it by section five of the Water (Scotland) Act, 1946 ;

“ navigation authority ” means any persons or body of persons, whether incorporated or not, having powers under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock ;

“ river purification authority ” has the meaning assigned to it by section seventeen of this Act ;

“ river purification board ” and “ river purification board area ” have the meanings assigned to them by section two of this Act ;

“ sewage effluent ” includes any effluent from the sewage disposal or sewerage works of a local authority ;

“ statutory order ” means an order, byelaw, scheme or award made under an Act of Parliament, including an order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

“ stream ” includes any river, watercourse or inland water (whether natural or artificial) and any tidal waters to which this Act applies, except that it does not include either—

(a) any body of water which does not discharge into a stream ; or

(b) any sewer vested in a local authority, but any reference to a stream includes a reference to the channel or bed of a stream which is for the time being dry ;

“ tidal waters ” means any part of the sea or the tidal part of any river, watercourse or inland water (whether natural or artificial) and includes the waters of any enclosed dock which adjoins tidal waters ;

“ trade effluent ” includes any liquid (either with or without particles of matter in suspension therein) which is discharged from any premises other than surface water and domestic sewage.

(2) For the purposes of this Act a small burgh shall be deemed to be included in the county in the area of which it is situate.

PART IV
—cont.

(3) Subject to any byelaws made by virtue of paragraph (a) of subsection (1) of section twenty-five of this Act, matter shall not be deemed for the purposes of this Act to be poisonous, noxious or polluting by reason of any effect it may have in discolouring a stream, if the discoloration is harmless and inoffensive.

(4) For the purposes of this Act, matter shall not be deemed to enter a stream on passing from one stream to another, but the two shall be regarded as together forming a single stream.

(5) References in this Act to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment including this Act.

(6) Nothing contained in this Act shall affect the law relating to nuisance.

(7) Nothing contained in this Act shall affect section fifty of the Water (Scotland) Act, 1946 (which relates to temporary discharges of water by local water authorities in connection with the execution of works on any part of their undertaking) or any corresponding provisions of a local enactment, but where under the said section fifty or the said provisions notice of the intended discharge is required to be given to any person, notice shall also be given to the river purification authority within whose area the stream affected by the discharge is situate.

(8) Nothing contained in this Act shall affect sections sixty-one to sixty-three of the Water (Scotland) Act, 1946 (which authorise the making of byelaws for the purpose of protecting against pollution water which belongs to or may be taken by a local water authority) or any byelaws made thereunder.

Short title,
transitional
provisions,
repeal,
commencement
and extent.

36.—(1) This Act may be cited as the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

(2) The Third Schedule to this Act shall have effect in relation to the matters therein referred to, being matters arising before or shortly after the coming into operation of this Act, and for adapting to this Act the provisions of the enactments referred to in that Schedule.

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

(4) Part III, section thirty-four and subsection (3) of this section of this Act shall come into operation on such day as the Secretary of State may by order appoint, and the Secretary of State may appoint different days for different provisions and for different localities.

(5) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Sections 3, 5, 29
and 34.

PROCEDURE FOR MAKING ORDERS AND PROVISIONS AS TO THE VALIDITY OF ORDERS

PART I

Procedure for making orders

1. Before making an order to which this Schedule applies the Secretary of State shall, after consultation with any river purification board concerned and with the council of every county or large burgh whose district is comprised wholly or partly in the area affected by the order, prepare a draft order, and shall publish once in the *Edinburgh Gazette* and once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the draft order a notice—

- (a) stating the general effect of the draft order ;
- (b) specifying a place in or near the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours ; and
- (c) specifying the time (not being less than twenty-eight days) within which and the manner in which objections to the draft order may be made.

2. Not later than the date on which the notice aforesaid is first published, the Secretary of State shall serve a copy of the said notice and of the draft order on any river purification board concerned and on the council of every county or large burgh whose district is comprised wholly or partly in the area affected by the order, on the fishery district board of every fishery district so comprised and on any navigation authority or harbour authority exercising functions in relation to any stream in that area.

3. The Secretary of State shall, at the request of any person interested, furnish him with a copy of the draft order on payment of such charge not exceeding two shillings as the Secretary of State thinks reasonable.

4. The Secretary of State may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons other than those to whom the draft order relates may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be affected by the modification proposed.

5. If before the expiration of the time specified under paragraph 1 of this Schedule or before the expiration of any period specified in notices given under the last-foregoing paragraph an objection is duly received by the Secretary of State from any body on whom notice is required to be served under paragraph 2 of this Schedule

1st SCH.
—cont.

or from any person appearing to him to be affected by the order, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Secretary of State before making the order shall cause a local inquiry to be held.

6. On the making of an order to which this Schedule applies, the Secretary of State shall, if an objection has been duly made by any person under the foregoing provisions of this Schedule and has not been withdrawn, give notice of the making of the order and of the effect thereof to every person who has made such an objection which has not been withdrawn, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice; and if within that period any such person gives notice to the Secretary of State that he objects to the order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

7. In this Part of this Schedule, the expression "area affected by the order" means—

- (a) in the case of an order defining or altering any river purification board area, the river purification board area as proposed to be defined or altered by the order;
- (b) in the case of an order establishing or varying the constitution of a river purification board for a river purification board area, that river purification board area;
- (c) in the case of an order made under section twenty-nine of this Act, the area of the river purification authority to which the waters proposed to be affected by the order are adjacent; and
- (d) in the case of an order made under section thirty-four of this Act, the area to which the local enactment proposed to be affected by the order applies.

PART II

Provisions with respect to the validity of orders not confirmed by Parliament

8. After the making of an order, the Secretary of State shall publish in the Edinburgh Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been made and naming a place where a copy thereof may be seen at all reasonable hours:

Provided that in the case of an order to which paragraph 6 of this Schedule applies the said notice shall not be published until the expiration of the period of twenty-eight days referred to in that paragraph, and the notice shall state whether or not the order is subject to special parliamentary procedure.

9.—(1) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may within six weeks after the date of the first publication of the said notice make an application for the purpose to the Court of Session, and on any such application the Court, if satisfied that the order is not within the powers of this Act or that the interests

of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the order either generally or in so far as it affects the applicant; but except as aforesaid the order shall not at any time be questioned in any proceedings whatsoever:

1ST SCH.
—cont.

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of paragraph 6 of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

(2) 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 paragraph.

SECOND SCHEDULE

Section 29.

TIDAL WATERS TO WHICH THIS ACT APPLIES

1. The tidal waters of the Firth of Clyde (including the waters of Holy Loch, Loch Goil, Loch Long and Gareloch) to the north and east of an imaginary line drawn across the Firth of Clyde in a westerly direction from Cloch Point in the County of Renfrew to Castle Hill, Dunoon, in the County of Argyll and of any stream flowing into those waters.

2. The tidal waters of the Firth of Forth west of an imaginary line drawn across the Firth of Forth in a southerly direction from Kinraig Point in the County of Fife to Gullane Point in the County of East Lothian and of any stream flowing into those waters.

THIRD SCHEDULE

Section 36.

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

1.—(1) Any proceedings begun before the coming into operation of Part III of this Act for the enforcement of the provisions of the Rivers Pollution Prevention Act, 1876, or of the corresponding provisions of any local enactment, may be carried on, and any order made in any such proceedings (whether before or after the coming into operation of the said Part III) shall continue in force, and any further proceedings may be taken by virtue of or in relation to any order so made as if this Act had not passed.

(2) Subsection (2) of section twenty-three of this Act shall apply to any order made in any such proceedings as are mentioned in the foregoing sub-paragraph as it applies to an order made under subsection (1) of that section.

2. Any person who, within three months after the date on which section twenty-eight of this Act comes into operation in any area, brings into use in that area any new or altered outlet for the discharge of trade or sewage effluent to a stream or begins to make in that

3RD SCH.
—cont.

area any new discharge of trade or sewage effluent to a stream shall be deemed for the purposes of the said section twenty-eight to do so with the consent of the river purification authority.

3. Paragraphs 2 and 19 of the First Schedule to the Water (Scotland) Act, 1946 (which Schedule relates to the procedure to be followed in connection with the making and approval of certain orders and agreements under that Act) shall, in relation to an order under section twenty-one of that Act for the taking of water from any stream so as to affect the flow thereof and in relation to any order under section eighty-eight of that Act repealing or amending a local enactment relating to the supply of water by a local water authority so as to affect the flow of any stream, have effect as if among the persons to whom notice of the proposal to make the order is required to be given there were included the river purification authority within whose area the stream affected is situate.

Section 36.

FOURTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
20 & 21 Vict. c. clxviii.	The Tweed Fisheries Act, 1857.	Sections sixty-five and sixty-six, except in relation to tidal waters to which this Act does not apply.
25 & 26 Vict. c. 97.	The Salmon Fisheries (Scotland) Act, 1862.	Section thirteen, except in relation to tidal waters to which this Act does not apply.
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	The whole Act except sections one and seven and so much of section twenty-one as relates to section seven.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Section fifty-five.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section two hundred and twenty-two, the words from "it shall not be lawful" to "any source and", and the words from "and every person who" to the end of the section. In section two hundred and thirty-three, the words "river or inland lock or public reservoir or dock".
56 & 57 Vict. c. 31.	The Rivers Pollution Prevention Act, 1893.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and sixteen the words "river stream ditch" and the words "or other channel".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Tweed Fisheries Act, 1857	20 & 21 Vict. c. clxviii.
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.
Rivers Pollution Prevention Act, 1876	39 & 40 Vict. c. 75.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 52.
Local Government Superannuation (Scotland) Act, 1937... ..	1 Edw. 8. & 1 Geo. 6. c. 69.
Statutory Orders (Special Procedure) Act, 1945 ...	9 & 10 Geo. 6. c. 18.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947... ..	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.



15 GEO. 6

CHAPTER 1

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 fifty-two.

[7th December 1951.]

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 fifty-two, the sum of eighty-eight million four hundred and twenty-one thousand four hundred and ninety pounds.

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 eighty-eight million four hundred and twenty-one thousand four hundred and ninety pounds.

(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 fifty-two, 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 three 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.

Issue of
£88,421,490 out of
the Consolidated
Fund for the
service of the
year ending
31st March, 1952.

Power for
the Treasury
to borrow.

40 & 41 Vict.
c. 2.

(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 (No. 3) Short title Act, 1951.

CHAPTER 2

An Act to settle and secure an annuity upon the Right Honourable Douglas Clifton Brown in consideration of his eminent services. [7th December 1951.]

Most Gracious Sovereign,

WHEREAS the Commons of the United Kingdom of Great Britain and Northern Ireland did, by an humble Address to Your Majesty, pray Your Majesty that You would be graciously pleased to confer some signal mark of Your Royal Favour upon the Right Honourable Douglas Clifton Brown, lately Speaker of the House of Commons, for his eminent services during the important period in which he had with such distinguished ability and dignity presided in the Chair of the House, and did assure Your Majesty that whatever expense Your Majesty should think fit to be incurred upon that account the said House would make good the same:

And whereas Your Majesty, in answer to the said Address, was graciously pleased to declare that Your Majesty was desirous, in compliance with the wishes of your faithful Commons, to confer upon the said Right Honourable Douglas Clifton Brown some signal mark of Your Royal Favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the adoption of such measures as might be necessary for the accomplishment of that purpose:

Now we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled, have resolved that the annual sum of four thousand pounds be granted to Your Majesty out of the Consolidated Fund of the United Kingdom, the said annuity to be settled in the most beneficial manner upon the Right Honourable Douglas Clifton Brown, lately Speaker of the House of Commons, to commence and take effect upon the thirty-first day of October, nineteen hundred and fifty-one, and to continue during his life, and 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:—

Annuity of
£4,000 to be
paid to the
Right
Honourable
Douglas
Clifton Brown.

1. One annuity of four thousand pounds shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the Right Honourable Douglas Clifton Brown, during his natural life, beginning on the thirty-first day of October, nineteen hundred and fifty-one:

Provided that one half of the annuity shall abate and be suspended during any period that the said Right Honourable Douglas Clifton Brown hereafter holds any place, office or employment under His Majesty of equal or greater amount in salary, profits or emolument than the amount of the annuity.

Short title.

2. This Act may be cited as Mr. Speaker Clifton Brown's Retirement Act, 1951.

CHAPTER 3

An Act to continue certain expiring laws.
[7th December 1951.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and fifty-one; and
- (b) as respects those mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and fifty-two:

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:—

Continuance
of Acts in
Schedule.

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of December, nineteen hundred and fifty-two.

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

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

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1951. 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

PART I

1	2	3	4
Session and Chapter	Short Title	How far continued	Amending Acts
(1) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one ...	—
(2) 24 & 25 Geo. 5. c. 30.	The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.	Sections one and two.	—
(3) 24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	Section one ...	1 Edw. 8. & 1 Geo. 6. c. 5.
(4) 1 & 2 Geo. 6. c. 12.	The Population (Statistics) Act, 1938.	The whole Act ...	1 & 2 Geo. 6. c. 55.
(5) 2 & 3 Geo. 6. c. 50.	The Prevention of Violence (Temporary Provisions) Act, 1939.	The whole Act ...	—
(6) 8 & 9 Geo. 6. c. 18.	The Local Authorities Loans Act, 1945.	Section one ...	—

PART I—*cont.*

1	2	3	4
Session and Chapter	Short Title	How far continued	Amending Acts
(7) 10 & 11 Geo. 6. c. 36.	The Education (Exemptions) (Scotland) Act, 1947.	The whole Act ...	—
(8) 12, 13 & 14 Geo. 6. c. 25.	The Tenancy of Shops (Scotland) Act, 1949.	The whole Act ...	—

PART II

1	2	3	4
Session and Chapter	Short Title	How far continued	Amending Acts
(9) 6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act, 1943.	The whole Act ...	10 & 11 Geo. 6. c. 43. 12, 13 & 14 Geo. 6. c. 40.
(10) 8 & 9 Geo. 6. c. 15.	The Licensing Planning (Temporary Provisions) Act, 1945.	The whole Act ...	9 & 10 Geo. 6. c. 53. 10 & 11 Geo. 6. c. 51. 12, 13 & 14 Geo. 6. c. 59.
(11) 9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act, 1946.	The whole Act ...	12, 13 & 14 Geo. 6. c. 40.

CHAPTER 4

Pneumoconiosis and Byssinosis Benefit Act, 1951

ARRANGEMENT OF SECTIONS

Section

1. Pneumoconiosis and byssinosis benefit schemes.
 2. Restrictions on scope of schemes.
 3. Nature and amount of benefit.
 4. Ancillary provisions, etc.
 5. Existing benefit schemes.
 6. Interpretation.
 7. Short title.
-

An Act to provide for the payment of benefit out of the Industrial Injuries Fund to or in respect of certain persons who are totally disabled or die or have died after the thirty-first day of December, nineteen hundred and forty-nine from pneumoconiosis or byssinosis, not being or having been insured in respect of those diseases respectively under the National Insurance (Industrial Injuries) Act, 1946, or entitled to workmen's compensation in respect thereof.

[7th December 1951.]

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

1.—(1) The Minister of National Insurance may, by a scheme made with the consent of the Treasury, provide for the payment of allowances or other benefit out of the Industrial Injuries Fund—

Pneumoconiosis and byssinosis benefit schemes.

- (a) to persons who, having been employed in Great Britain before the fifth day of July, nineteen hundred and forty-eight in any occupation, being a prescribed occupation in relation to a disease to which this Act applies, are at the commencement of the scheme, or thereafter become, totally disabled by that disease;
- (b) to the dependants of persons who, having been so employed, die or have died at any time after the thirty-first day of December, nineteen hundred and forty-nine as a result of that disease.

(2) The diseases to which this Act applies are pneumoconiosis and byssinosis.

(3) Subject to the following provisions of this Act, the right to benefit in pursuance of a scheme under this section shall be subject to such conditions as may be provided by the scheme, and the rate or amount of any such benefit shall be such as may be so provided.

(4) Any scheme under this section may be revoked or varied by a subsequent scheme thereunder.

(5) The power to make a scheme under this section shall be exercisable by statutory instrument, but the Minister shall not make any such scheme unless a draft of it has been laid before Parliament and approved by resolution of each House.

Restrictions
on scope of
schemes.

2.—(1) A scheme under section one of this Act shall not provide for the payment of benefit to or in respect of a person disabled or dying as a result of a disease to which this Act applies—

- (a) if he has on or after the fifth day of July, nineteen hundred and forty-eight been employed in insurable employment in any occupation, being a prescribed occupation in relation to that disease;
- (b) if he or any person being a member of his family within the meaning of the Workmen's Compensation Act, 1925, has received or is entitled to compensation in respect of the disablement or death by virtue of any scheme made or certified under the Workmen's Compensation Acts, or by virtue of any scheme or law in force in any country or territory outside Great Britain providing for compensation in respect of that disease;
- (c) if he would have received or would be entitled to such compensation by virtue of any scheme made or certified as aforesaid but for the fact that he was or is entitled to receive compensation in respect of disablement from any other disease or in respect of an injury by accident;
- (d) if he or his personal representative or any of his relatives has recovered any sum by way of damages in respect of the disablement or death, whether at common law or under the Fatal Accidents Acts, 1846 to 1908, or the Law Reform (Miscellaneous Provisions) Act, 1934;
- (e) if throughout the employment mentioned in paragraph (a) of subsection (1) of section one of this Act he was employed otherwise than as a workman within the meaning of the Workmen's Compensation Act, 1925.

(2) A scheme under section one of this Act shall not provide for the payment of benefit to or in respect of a person disabled or dying as a result of the disease of byssinosis unless he has been employed for a period or periods amounting in the aggregate to not less than twenty years in an occupation being a prescribed occupation in relation to that disease, and shall not provide for the payment of benefit to a person so disabled unless it is determined in accordance with the scheme that the disablement is likely to be permanent.

(3) The foregoing provisions of this section shall be without prejudice to any other restrictions which may be imposed by a scheme under section one of this Act in respect of the persons to or in respect of whom benefit is payable under the scheme.

3.—(1) The benefit payable to any person in pursuance of a scheme under section one of this Act in respect of disablement shall be by way of a weekly allowance.

Nature and
amount of
benefit.

(2) Subject to the following provisions of this Act and to any provisions of the scheme for the adjustment of benefit thereunder by reference to pensions, allowances or other benefits payable out of public funds, the weekly rate of an allowance in respect of disablement shall be forty shillings, increased, in such circumstances and subject to such conditions as may be prescribed by the scheme,—

- (a) in any case, by an amount equal to the unemployability supplement which would be payable under section thirteen of the National Insurance (Industrial Injuries) Act, 1946, if the person entitled to the allowance were entitled to a disablement pension;
- (b) where the said person requires constant attendance as the result of the disablement, by an amount equal to any increase which would be payable under section fifteen of the said Act if he were entitled to a disablement pension in respect of an assessment of one hundred per cent.;
- (c) where the said person has a family which includes a child or children within the meaning of section seventeen of the said Act, by an amount equal to any increase which would be payable under the said section seventeen in respect of that child or those children if he were entitled to injury benefit;
- (d) where the said person is residing with or is wholly or mainly maintaining his wife (or is under the scheme to be treated as doing so), by an amount equal to any increase which would be payable under section eighteen of the said Act in respect of her if he were entitled to injury benefit.

(3) The benefit payable in pursuance of such a scheme in respect of the death of any person shall be payable to or for the benefit of such persons as may be prescribed by the scheme (being members of the deceased's family within the meaning of the Workmen's Compensation Act, 1925, who at the time of the death were or are treated for the purposes of the scheme as having been wholly or in part dependent on the deceased's earnings); and subject to the following provisions of this Act such benefit shall be a capital sum or sums of an amount or aggregate amount not exceeding three hundred pounds.

4.—(1) Sections three to five of the Workmen's Compensation Ancillary (Supplementation) Act, 1951 (which regulate the incidental provisions, etc. matters for which provision may be made by a scheme under that Act, and provide for the punishment of certain offences under that Act and for the making of reciprocal arrangements with Northern Ireland) shall apply for the purposes of this Act—

- (a) as if references to that Act and to a scheme included references to this Act and to a scheme under section one of this Act;

- (b) as if references to allowances (other than the reference in subsection (4) of section three) included references to any benefit payable under a scheme under section one of this Act:

but nothing in this subsection shall authorise the recovery of sums by deduction from benefit payable under a scheme under section one of this Act in respect of the death of any person, or the abatement of such benefit.

(2) Without prejudice to the powers conferred by the said section three as applied by this section, a scheme under section one of this Act may in particular make provision—

- (a) for the determination of questions of such classes as may be prescribed by the scheme by a Medical Board;
- (b) for the determination by the Industrial Injuries Commissioner, on a reference in accordance with the provisions of the scheme, of questions of any such classes as may be so prescribed.

(3) A scheme under section one of this Act may direct that so much of section twenty-six of the Workmen's Compensation Act, 1925, and the Second Schedule to that Act as provides for the administration by the county court of workmen's compensation payable in the case of death, and so much of subsection (2) of section twenty-one of that Act as provides for the amount of compensation payable to each dependant to be settled by the county court, shall apply, subject to such modifications as may be prescribed by the scheme, in relation to benefit payable under the scheme in respect of the death of any person; and for the purposes of any such scheme the provisions so applied, and sections twenty-two and twenty-seven of the said Act of 1925, shall have effect accordingly notwithstanding any repeal effected by the National Insurance (Industrial Injuries) Act, 1946.

(4) In the application of this section to Scotland, references to sections twenty-one, twenty-two, twenty-six and twenty-seven of the Workmen's Compensation Act, 1925 shall include references to section forty-nine of that Act in so far as it relates to those sections, and for references to the county court there shall be substituted references to the sheriff court.

Existing
benefit
schemes.

5.—(1) The benefit schemes in force at the commencement of this Act under section two of the Workmen's Compensation and Benefit (Byssinosis) Act, 1940 and section two of the Workmen's Compensation Act, 1943 may with the consent of the Treasury be revoked by subsequent schemes made in accordance with the provisions of those Acts respectively, and those provisions shall apply in relation to any such subsequent scheme notwithstanding any repeal effected by the National Insurance (Industrial Injuries) Act, 1946.

(2) A scheme for the revocation of any such benefit scheme as aforesaid may make provision for winding up the benefit fund constituted under the original scheme and for transferring the whole or any part of any balance standing to the credit of that fund to the Industrial Injuries Fund.

(3) A scheme under section one of this Act may make provision for securing that where benefit is payable or has been paid to or in respect of any person under any such benefit scheme as aforesaid, the amount of any benefit payable to or in respect of him in pursuance of the scheme under section one of this Act is reduced by the amount of the first mentioned benefit.

6.—(1) In this Act the following expressions have the meanings hereby assigned to them, that is to say— Interpretation.

“pneumoconiosis” has the meaning assigned to it by subsection (3) of section fifty-seven of the National Insurance (Industrial Injuries) Act, 1946, and in the case of a person who suffers or has suffered from pneumoconiosis accompanied by tuberculosis the effects of the tuberculosis may be treated for the purposes of any scheme under section one of this Act as if they were effects of the pneumoconiosis;

“prescribed occupation” means, in relation to a disease to which this Act applies, any occupation in the case of which, by virtue of regulations under section fifty-five of the National Insurance (Industrial Injuries) Act, 1946, that disease is prescribed in relation to insured persons employed in insurable employment;

“the Workmen’s Compensation Acts” means the Workmen’s Compensation Acts, 1925 to 1945 and any enactment repealed by the Workmen’s Compensation Act, 1925;

and unless the context otherwise requires other expressions defined in the said Act of 1946 have the same meanings as in that Act.

(2) The reference in subsection (1) of this section to regulations under the said section fifty-five shall be construed—

- (a) in relation to the employment of a person in any such occupation as is mentioned in paragraph (a) of subsection (1) of section one of this Act or subsection (2) of section two of this Act, as a reference to the regulations in force at the commencement of the scheme or at such time thereafter as may be prescribed by the scheme;
- (b) in relation to the employment of a person in any such occupation as is mentioned in paragraph (a) of subsection (1) of section two of this Act, as a reference to

the regulations which were in force, or are treated by virtue of subsection (3) of the said section fifty-five as having been in force in relation to him, at the commencement of the scheme or at any time thereafter during the said employment.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.

Short title.

7. This Act may be cited as the Pneumoconiosis and Byssinosis Benefit Act, 1951.

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Workmen's Compensation Act, 1925	15 & 16 Geo. 5. c. 84.
Law Reform (Miscellaneous Provisions) Act, 1934	24 & 25 Geo. 5. c. 41.
Workmen's Compensation and Benefit (Byssinosis) Act, 1940	3 & 4 Geo. 6. c. 56.
Workmen's Compensation Act, 1943	6 & 7 Geo. 6. c. 6.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
Workmen's Compensation (Supplementation) Act, 1951	14 & 15 Geo. 6. c. 22.

CHAPTER 5

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund.

[7th December 1951.]

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:—

Grants for public works.

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of five hundred million pounds.

(2) The sums so issued shall be issued during the period beginning with the passing of this Act and ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.
c. 16.

2. The period aforesaid shall be an issue period within the meaning of section two of the Public Works Loans (No. 2) Act, 1946 (which enables the Public Works Loan Commissioners to undertake to grant loans which include loans falling to be advanced after the expiration of the current issue period), and the aggregate of—

Limit of commitments by Public Works Loan Commissioners. 9 & 10 Geo. 6. c. 75.

- (a) the commitments of the said Commissioners outstanding at any time during the said issue period in respect of undertakings entered into by them (whether during or before the beginning of that period) to grant local loans, and
- (b) the advances in respect of local loans made by the said Commissioners during that period up to that time,

shall not exceed the sum of nine hundred and fifty million pounds.

3. This Act may be cited as the Public Works Loans Act, Short title. 1951.

CHAPTER 6

An Act to provide for carrying into effect the Treaty of Peace with Japan and Protocol thereto.
[7th December 1951.]

WHEREAS a Treaty of Peace with Japan and a Protocol thereto, copies of which have been laid before each House of Parliament, were signed on behalf of His Majesty at San Francisco on the eighth day of September, nineteen hundred and fifty-one, and the said Treaty and Protocol will come into operation upon the deposit of instruments of ratification in accordance with the provisions of the said Treaty:

And whereas it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty and Protocol:

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 :—

Power of His Majesty to give effect to Peace Treaty and Protocol.

1.—(1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to Him to be necessary for carrying out the said Treaty and Protocol, and for giving effect to any of the provisions thereof.

(2) Any Order in Council made under this section may provide that persons contravening or failing to comply with provisions of the Order shall be guilty of offences against this section, and (except in so far as any such Order may provide for less penalties) any person guilty of an offence against 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 imprisonment and such fine, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such imprisonment and such fine.

(3) Any statutory instrument containing an Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any Order in Council made under this section may be varied or revoked by a subsequent Order made thereunder.

(5) The expenses of any Minister incurred in carrying out the said Treaty and Protocol shall be defrayed out of moneys provided by Parliament.

Short title.

2. This Act may be cited as the Japanese Treaty of Peace Act, 1951.

CHAPTER 7

An Act to make provision for the constitution of, and other matters relating to, joint committees of river boards and river purification boards on either side of the border in connection with the functions of those boards relating to the prevention of river pollution.
 [7th December 1951.]

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

1.—(1) The responsible boards for any river situated partly in England and partly in Scotland may together constitute a joint committee which shall be charged with the duty of considering any matters in which the boards are jointly interested relating to the prevention of pollution of the river and of making to the boards recommendations on any such matter. Constitution etc. of joint committees.

(2) The constitution of a joint committee under this Act shall be such as the boards constituting it may agree, and the procedure of the committee and of any sub-committee thereof shall, subject to any directions given by those boards, be such as the committee may agree.

(3) A committee under this Act may appoint sub-committees, and any such sub-committee may include members who are not members of the committee, but at least two-thirds of the members of any such sub-committee shall be members of the committee.

(4) The expenses of a committee under this Act and of any sub-committee thereof shall be defrayed by the boards constituting the committee in such proportion as the boards may agree or as may, in default of agreement, be determined by the Secretary of State and the Minister of Housing and Local Government.

(5) So long as Part VI of the Local Government Act, 1948 11 & 12 Geo. 6.
c. 26. (which provides for the payment of allowances to members of local authorities and other bodies), applies to river boards and river purification boards, it shall apply also to committees under this Act.

(6) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I or Part II of the Local Government Act, 1948, shall be defrayed out of moneys so provided.

(7) For the purposes of this Act—

- (a) the expression “the responsible boards” means, in relation to any river, any river board in England or river purification board in Scotland in whose area any part of the river is situated; and
- (b) a river and its tributaries shall be regarded as a single river.

Short title.

2. This Act may be cited as the Border Rivers (Prevention of Pollution) Act, 1951.



CHAPTER 8

An Act to establish the Home Guard and for purposes connected therewith. [7th December 1951.]

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

Establishment and status of Home Guard.

1.—(1) There shall be established a force to be called the Home Guard consisting of such persons as may voluntarily undertake to serve therein without pay and be accepted for such service.

(2) Members of the Home Guard shall be members of the armed forces of the Crown; and every member of the Home Guard shall when on duty, and during any period during which the platoon or other part of the Home Guard to which he belongs is mustered, be subject to military law—

- (a) if serving on a commission in the Home Guard, as an officer; and
- (b) otherwise (and notwithstanding that he holds any rank or commission in any other of His Majesty’s forces), as a soldier:

Provided that this subsection shall not render a member of the Home Guard liable to proceedings for an offence under section forty-one of the Army Act (which provides for the punishment under military law of civil offences).

(3) The following provisions shall have effect as to the enrolment, re-engagement and resignation of members of the Home Guard—

- (a) a person volunteering and accepted for service in the Home Guard shall be enrolled for a period of two years;
- (b) a member of the Home Guard may if he so desires and is accepted for re-engagement re-engage from time to time for a period of one year;
- (c) a member of the Home Guard may if he so desires cease to be a member thereof upon giving not less than one month's notice in writing to his commanding officer.

(4) Subject to the provisions of the last foregoing subsection, the conditions for the acceptance of persons as members of the Home Guard and the conditions of service of members thereof (including conditions as to allowances and as to pensions and other grants in respect of death or disablement) shall be such as may be prescribed by orders or regulations; and orders or regulations shall make provision for the organisation of the Home Guard and their administration, government and duties, but shall not require members of the Home Guard—

- (a) to give whole-time service, or
- (b) to live away from their homes, or

(c) to carry out duties in connection with an industrial dispute, except during any period during which the platoon or other part of the Home Guard to which they belong is mustered, or during any part of such a period, and shall not require members of the Home Guard to serve outside the United Kingdom.

(5) A person shall not, by reason of his membership of the Home Guard, be rendered incapable of being elected, or of sitting and voting as, a member of the House of Commons.

(6) The Army Act shall, for the purpose of its application to the Home Guard, have effect subject to the amendments set out in the Schedule to this Act.

(7) The expenditure of any Government department incurred in consequence of the coming into operation of this Act shall be defrayed out of moneys provided by Parliament.

2. An order for the mustering of the Home Guard or any part thereof shall not be given except at a time when a proclamation ordering the army reserve to be called out on permanent service is in force or men of the Territorial Army are called out for actual military service in defence of the United Kingdom against actual or apprehended attack. Time for
mustering
Home Guard.

Application to Isle of Man. 3. His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man, subject however to such adaptations as may be specified in the Order.

Short title, interpretation and commencement.

4.—(1) This Act may be cited as the Home Guard Act, 1951.

(2) For the purposes of section one of this Act and of the amendments of the Army Act effected by the Schedule thereto,—

- (a) references to being on duty shall be construed as references to being present for the purpose of performing any duty required in accordance with regulations;
- (b) the period during which a platoon or other part of the Home Guard is mustered shall be deemed to begin as soon as the order has been given for the mustering thereof;
- (c) the expression “mustered” means mustered for the purpose of resisting an actual or apprehended attack by a foreign power or of taking part in measures for dealing with the effects of such an attack.

(3) In section one of this Act the references to orders are references to orders of His Majesty signified under the hand of a Secretary of State and in this Act references to regulations are references to regulations made by the Army Council; and any such orders or regulations shall be laid before both Houses of Parliament as soon as may be after they are made.

11 & 12 Geo. 6. c. 21. (4) Subsection (1) of section three of the Army and Air Force (Women’s Service) Act, 1948 (which provides for the application to women of the Army and Air Force Acts and other enactments relating to men) shall apply to this Act as it applies to any such enactment as is mentioned in that subsection.

(5) Any power conferred by this Act to make an order shall include power to vary or revoke an order.

SCHEDULE

Section 1.

AMENDMENTS OF ARMY ACT

1. In section forty-two (which provides for the mode of complaint by an officer) after the words “officer”, where it first occurs, there shall be inserted the words “other than a person serving on a commission in the Home Guard”.

2. At the end of section forty-six (which empowers a commanding officer to dispose summarily of charges) there shall be added the following subsection:—

“(10) Notwithstanding anything in the foregoing provisions of this section, the power thereby conferred on a commanding officer

to deal with a case summarily shall not be exercisable by or by delegation from a commanding officer serving on a commission in the Home Guard except during a period during which the platoon or other part of the Home Guard to which the person to be dealt with belongs is mustered (as defined in the Home Guard Act, 1951).”

3.—(1) In section one hundred and seventy-five (which specifies the persons subject to military law as officers) after paragraph (7) there shall be inserted the following paragraph:—

“(7A) Any person serving on a commission in the Home Guard when on duty (as defined in the Home Guard Act, 1951) or during any period (as so defined) during which the platoon or other part of the Home Guard to which he belongs is mustered (as so defined).”

(2) In section one hundred and seventy-six (which specifies the persons subject to military law as soldiers) after paragraph (8A) there shall be inserted the following paragraph:—

“(8B) All members of the Home Guard, other than any such member who is serving on a commission in that force, but notwithstanding the holding of any rank or commission in any other of His Majesty’s forces,—

- (a) when on duty (as defined in the Home Guard Act, 1951)
or
- (b) during any period (as so defined) during which the platoon or other part of the Home Guard to which they belong is mustered (as so defined).”



CHAPTER 9

An Act to amend certain provisions of the Ministers of the Crown Act, 1937, relating to Parliamentary Under-Secretaries. [7th December 1951.]

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:—

Numbers of
Parliamentary
Under-
Secretaries.
1 Edw. 8 &
1 Geo. 6. c. 38.

1.—(1) For subsection (2) of section two of the Ministers of the Crown Act, 1937 (which specifies the numbers of Parliamentary Under-Secretaries within the meaning of that Act to whom salaries may be paid thereunder) there shall be substituted the following subsection:—

“(2) The number of Parliamentary Under-Secretaries to whom salaries may be paid under this Act in the case of any Department of State shall not exceed—

- (a) in the case of the Treasury and the Scottish Office, three each;
- (b) in the case of the Admiralty, the Board of Trade, the Foreign Office, the Home Office, the Ministry of Agriculture and Fisheries and the War Office, two each;
- (c) in the case of any other Department mentioned in the Second Schedule to this Act, and in the case of the Post Office, one each.”

(2) For paragraph (c) of the proviso to subsection (1) of section nine of the said Act (which regulates the number of Parliamentary Secretaries within the meaning of that Act who may sit and vote in the House of Commons) there shall be substituted the following paragraph:

“(c) the number of persons entitled to sit and vote in that House while they are Parliamentary Under-Secretaries shall not exceed twenty-two.”

(3) In the Second Schedule to the said Act (which specifies certain Departments of State whose Parliamentary Secretaries may receive salaries thereunder) the words “Burma Office” and “India Office” shall cease to have effect.

(4) The enactments and regulations described in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title.

2. This Act may be cited as the Ministers of the Crown (Parliamentary Under-Secretaries) Act, 1951.

SCHEDULE

Section 1.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8 and 1 Geo. 6. c. 38.	The Ministers of the Crown Act, 1937.	In the Second Schedule, the words " Burma Office " and " India Office ".
2 & 3 Geo. 6. c. 38.	The Ministry of Supply Act, 1939.	In section one, paragraph (d) of subsection (3).
8 & 9 Geo. 6. c. 19.	The Ministry of Fuel and Power Act, 1945.	So much of the Second Schedule as amends sections two and nine of the Ministers of the Crown Act, 1937.
9 & 10 Geo. 6. c. 31.	The Ministers of the Crown (Transfer of Functions) Act, 1946.	In section seven, in paragraph (b) of subsection (1) the words " and in paragraph (b) of subsection (2) of section two ".
11 & 12 Geo. 6. c. 5.	The Ministers of the Crown (Treasury Secretaries) Act, 1947.	In section one, paragraph (b).
	<i>Regulations</i>	
	The Defence (Parliamentary Under-Secretaries) Regulations, 1940.	The whole of the Regulations.

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